

PACIFIC GROVE UNIFIED SCHOOL DISTRICT BOARD POLICY MANUAL

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POLICY AND/OR REGULATION

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MISSION & GOALS

Mission and Goals Policy #0000

CONCEPTS AND ROLES

Vision

In order to provide a clear focus for District programs, activities and operations, the Governing Board adopted a long-range vision that sets direction for the District's focus on student learning and describes what the Board wants its schools to achieve. This vision is incorporated in the District's Mission Statement, Board Goals, Superintendent Goals, PGUSD Strategic Plan, and comprehensive plans.

The Superintendent or designee shall establish the process for developing and regularly reviewing the District's vision and direction which includes:

- 1. Clearly defined procedures, timelines and responsibilities
- 2. Identification of the strengths and needs of the District
- 3. Input from parents/guardians, students, staff and community members through procedures which may include surveys, focus groups, advisory committees and/or public meetings and forums
- 4. Board adoption of District vision statements at a public meeting

As part of this process, the Superintendent or designee shall provide the Governing Board with relevant district documents and data, including current District Mission and Vision statements, and information about student demographics, student achievement, student enrollment patterns, current programs and recent program cuts, staffing and professional development needs, budget trends, facilities, technology and emerging educational issues.

Mission and Goals Policy #0100

DISTRICT STRATEGIC PLAN

As part of its responsibility to establish a guiding vision for the District, the Board of Education shall develop and regularly review a set of fundamental principles which describes the district's beliefs, values or tenets. The Board and District staff shall incorporate this philosophy in all District programs and activities. The guiding vision is presented in the Mission Statement, and the fundamental principles are presented in the Board's Goals, the District's Strategic Plan and the Superintendent's Goals. These documents are reviewed and updated annually.

Mission Statement

Pacific Grove Unified School District, in partnership with the community, will challenge every student by providing a quality instructional program in a positive, safe and stimulating environment. The District will ensure opportunities for students to acquire and apply the knowledge and skills that develop the insight and character necessary for a productive and rewarding life.

Board Goals and Strategies

Goal One: Student Learning and Achievement - Overall Educational Program: Every student is performing at or above grade level, engaged in his or her learning, and contributing positively to the community

Strategy #1: Develop and implement a comprehensive and standards-based educational program with respect to curriculum, instruction, course offerings, class size, support programs and facilities

Goal Two: Credibility, Confidence and Communication Accountability and Integrity: Student, family and community partnerships, relationships and dialog contribute to the success of every student.

Strategy #2: Staff Recruitment, Retention and Professional Development

Strategy #3: Communications

Goal Three: Credibility, Confidence, Communication Fiscal Solvency, Program, Services and Budget Alignment

Strategy #4: Establish a safe, clean and secure school environment

Strategy #5: The District budgetary process will reflect the Strategic Plan goals

Superintendent Goals

Goal #1: The Superintendent will lead the District through the use of Professional Learning Communities and Renewed Student Assessment protocols to align instructional programs/practices with the New California Common Core Standards.

Revised November 1, 2012

Mission and Goals Policy #0100

DISTRICT STRATEGIC PLAN

- Goal #2: To utilize continuous improvement strategies and professional learning communities at all levels of the district to foster high academic achievement as the district's highest priority.
- Goal #3a: To promote a positive and supportive view of PG Schools within our district, our local community, and region, which maintains trust, confidence and credibility.
- Goal #3b: To provide high quality, relevant and aligned professional development activities for district staff.
- Goal #4: To maintain financial accountability and budget integrity.
- Goal #5a: To maintain productive relationships with all employee groups.
- Goal #5b: To ratify, with Board approval, contracts and agreements that are fair and fiscally sound reflecting current and predicted federal, state and local budget scenarios

Mission & Goals Policy #0200

GOALS FOR THE SCHOOL DISTRICT

The Governing Board shall adopt long-term goals for achieving the District's overall vision for its schools as well as clear performance standards and benchmarks which can be used to determine if the District is meeting these goals. Goals shall be limited in number so as to be reasonably achievable within established timelines.

The Superintendent or designee may establish short-term, interim objectives and comprehensive plans to ensure adequate, regular progress toward the District's long-term goals.

- A. The State of the Pacific Grove Unified School District Is Sound and Moving Forward. PGUSD shall endeavor to continue addressing significant current and future challenges:
 - ✓ Student Learning and Achievement and Instructional Program Alignment
 - ✓ Staff Recruitment, Retention and Professional Development
 - ✓ School Culture and Connections
 - ✓ Facilities and Bond Expenditures
 - ✓ Managing the Impacts of a Volatile State Budget

B. PGUSD District Goals

- 1. Focus on Student Learning and Achievement
- 2. Safety, Credibility, Confidence and Communication
- 3. Fiscal Solvency, Accountability and Integrity
- 4. Program, Services and Budget Alignment

C. Goals Defined

- 1. Student Learning and Achievement
 - Monitor & Utilize Multiple Federal, State, Local Measures of Assessment
 - o Federal/State:
 - Current data from AYP, API, STAR and CAHSEE
 - Beginning 2014 New State Assessment protocols as aligned with the State Common Core Standards
 - o Local
 - Beginning 2012 The development and implementation of common formative assessments K -12 as aligned with Common Core Standards
 - DIBELs (Dynamic Indicators of Basic Early Literacy Skills)
 - Other Elementary Reading and Writing Literacy Assessments
 - Review and evaluation of English Learner progress towards reclassification
 - Monitor and Respond to Student Behaviors and Capacity
 - o School counseling meetings including regularly reviewed four year academic plans
 - o Prevention and Intervention with community counseling agencies

Mission & Goals Policy #0200

GOALS FOR THE SCHOOL DISTRICT

- Regular K -12 staff and cabinet meetings dedicated to specific student needs and interventions
- o Continue and build upon high school career counseling
- Continue Implementation of Data Driven, Standards Based Instruction and Curriculum
- 2. Safety, Credibility, Confidence and Communication
 - Student Centered Initiatives
 - Focus on Student and Staff Safety
 - High Degree of Communication
 - Programs Responsive to Long Term Strategic Plan
- 3. Fiscal Solvency, Accountability and Integrity
 - Maintain Regular State Updates & Interim Reporting
 - Maintain a Regular Budget Advisory Committee
 - Maintain Fiduciary Responsibilities
 - Align Budget With Specific Program Priorities
- 4. Program, Services and Budget Alignment
 - Maintain Regular Survey of Programmatic, Service and Facility Needs
 - Establish and Communicate Instructional and Service Program Priorities
 - Align District Budget With Established Priorities and Strategic Plan
 - Realize Full Implementation of Measure D Modernization
 - Continued Support of Programs Supported by Parcel Tax

Board Policy #0410

NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

Mandated Policy

The Governing Board is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination based on gender, gender identity or expression, or genetic information, sex, sexual orientation, race, color, religion, ancestry, national origin, ethnic group identification, marital or parental status, physical or mental disability, the perception of one or more of such characteristics, or association with a person or group with one or more of these actual or perceived characteristics. The Board shall promote programs which ensure that discriminatory practices are eliminated in all District activities.

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act.

Annually, the Superintendent or designee shall review district programs and activities to ensure removal of any barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities, including the use of facilities. The Superintendent or designee shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his or her findings and recommendations to the Board after each review.

The Superintendent or designee shall ensure that the district provides auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, notetakers, written materials, taped text, and Braille or large print materials.

Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program or meeting.

The Superintendent or designee shall notify students, parents/guardians, employees, employee organizations and applicants for admission and employment, and sources of referral for applicants about the District's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalogue, application form or other recruitment materials distributed to these groups.

The Superintendent or designee shall also provide information about related complaint procedures.

In compliance with law the District's nondiscrimination policy shall be published in the individual's primary language to the extent practicable.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

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NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

Mandated Policy

51007 Legislative intent: state policyGOVERNMENT CODE 11000 Definitions 11135 Nondiscrimination in programs or activities funded by state 11138 Rules and regulations 12900-12996 Fair Employment and Housing Act 54953.2 Brown Act compliance with Americans with Disabilities ActPENAL CODE 422.55 Definition of hate crime 422.6 Interference with constitutional right or privilege CODE OF REGULATIONS, TITLE 5 4600-4687 Uniform complaint procedures 4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance UNITED STATES CODE, TITLE 20 1400-1482 Individuals with Disabilities in Education Act 1681-1688 Discrimination based on sex or blindness, Title IX 2301-2415 Carl D. Perkins Vocational and Applied Technology Act 6311 State plans 6312 Local education agency plans UNITED STATES CODE, TITLE 29 794 Section 504 of the Rehabilitation Act of 1973 UNITED STATES CODE, TITLE 42 2000d-2000d-7 Title VI, Civil Rights Act of 1964 2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended 2000h-2000h-6 Title IX 12101-12213 Americans with Disabilities Act CODE OF FEDERAL REGULATIONS, TITLE 28 35.101-35.190 Americans with Disabilities Act 36.303 Auxiliary aids and services CODE OF FEDERAL REGULATIONS, TITLE 34 100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI 104.1-104.39 Section 504 of the Rehabilitation Act of 1973 106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

Management Resources:

106.9 Dissemination of policy

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-

Nonconforming Students, Policy Brief, February 2014

Interim Guidance Regarding Transgender Students, Privacy, and Facilities, September 27, 2013

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

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

Notice of Non-Discrimination, January 1999

Protecting Students from Harassment and Hate Crime, January, 1999

Nondiscrimination in Employment Practices in Education, August, 1991

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NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

Mandated Policy

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS 2010 ADA Standards for Accessible Design, September 2010

WEB SITES

CSBA: http://www.csba.org

California Department of Education: http://www.cde.ca.gov California Safe Schools Coalition: http://www.casafeschools.org

Pacific ADA Center: http://www.adapacific.org

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

U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act: http://www.ada.gov

Mission and Goals Policy #0420

SCHOOL PLANS/SITE COUNCILS

When required by law or determined to be a useful tool to accomplish district and school goals, school site councils or other school advisory groups shall develop comprehensive school plans designed to enhance student achievement at individual school sites.

Single Plan for Student Achievement

The Superintendent or designee shall assure that a single plan for student achievement has been prepared for each school participating in any of the state and/or federal categorical programs listed in Education Code 41506, 41571, or 64000. (Education Code 41507, 41572, 64001)

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

Legal Reference:

EDUCATION CODE

52-53 Designation of schools

8240-8244 General child care and development programs

8750-8754 Conservation education

18100-18203 School libraries

32228-32228.5 School safety and violence prevention

33133 Information guide for school site councils

35147 Open meeting laws exceptions

41500-41573 Categorical education block grants

44500-44508 Peer Assistance and Review Program

44520-44534 New Careers Program

48400-48403 Compulsory continuation education

48430-48438 Continuation education

48660-48667 Community day schools

51745-51749.3 Independent study

51760-51769.5 Work experience education

51870-51874 Educational technology

52053-52055.55 Immediate Intervention/Underperforming Schools Program

52055.700-52055.770 Quality Education Investment Act

52176 Advisory committees

52200-52212 Gifted and Talented Education Program

52300-52346 Regional occupational centers

52500-52617 Adult education, including:

52610-52616.24 Adult education finances

52800-52887 School-Based Program Coordination Act

52890 Qualifications and duties of outreach consultants

54000-54028 Educationally Disadvantaged Youth Programs

Mission and Goals Policy #0420

SCHOOL PLANS/SITE COUNCILS

54100-54145 Miller-Unruh Basic Reading Act

54425 Advisory committees (compensatory education)

54650-54659 Education Improvement Incentive Program

54740-54749.5 California School Age Families Education Program

56000-56867 Special education

64000 Categorical programs included in consolidated application

64001 Single school plan for student achievement, consolidated application programs

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

52012 Establishment of school site council

52014-52015 School plans

HEALTH AND SAFETY CODE

104420 Tobacco use prevention

MILITARY AND VETERANS CODE

500-520.1 California Cadet Corps

AB 1802 UNCODIFIED 2006 STATUTE

43 School site block grants

CODE OF REGULATIONS, TITLE 5

3930-3937 Compliance plans

UNITED STATES CODE, TITLE 206312-6319 Title I programs; plans

6421-6472 Programs for neglected, delinquent, and at-risk children and youth

6601-6651 Teacher and Principal Training and Recruitment program

6801-7014 Limited English proficient and immigrant students

7101-7165 Safe and Drug-Free Schools and Communities

7341-7355c Rural Education Initiative

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

A Guide and Template for the Single Plan for Student Achievement: A Handbook for School Site Councils, April 2006

WEB SITES

California Department of Education. Single Plan for Student Achievement:http://www.cde.ca.gov/nclb/sr/le/singleplan.asp

Center for Comprehensive School Reform and Improvement: http://www.centerforcsri.org

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

Mission and Goals Regulation #0420

SCHOOL PLANS/SITE COUNCILS

School Site Councils

When required for participation in any categorical program, each district school shall establish a school site council or advisory committee. (Education Code 41507, 41572, 52852, 64001)

The school site council shall be composed of the following: (Education Code 41507, 41572, 52852)

- 1. The principal
- 2. Teachers selected by the school's teachers
- 3. Other school personnel chosen by the school's other personnel
- 4. Parents/guardians of students attending the school chosen by other such parents/ guardians, or community members chosen as representatives by such parents/ guardians
- 5. In secondary schools, students attending the school, chosen by other such students.

Half of the school site council membership shall consist of school staff, the majority of whom shall be classroom teachers. For elementary school site councils, the remaining half shall be parents/guardians or parent/guardian representatives. For secondary school site councils, the remaining half shall be equal numbers of parents/guardians (or parent/guardian representatives) and students. (Education Code 52012, 52852, 54724)

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

School site councils may function on behalf of other committees in accordance with law. (Education Code 52176, 52870, 54425; 5 CCR 3932)

Single Plan for Student Achievement

In order for a school to participate in state and federal categorical programs listed in Education Code 41506, 41571 or 64000, the school site council shall approve, annually review, and update a single plan for student achievement. This plan for student achievement shall be aligned with school goals for improving student achievement and shall be based on an analysis of verifiable state data, including the Academic Performance Index (API) and the California English Language Development Test (CELDT), and any other data voluntarily developed by the District to measure student achievement. (Education Code 64001)

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

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

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SCHOOL PLANS/SITE COUNCILS

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

Whenever feasible, the school site council may include within the above plan any plans required by other categorical programs.

Plans developed for the state's Immediate Intervention/Under performing Schools Program pursuant to Education Code 52054 or the federal Title 1 school-wide programs pursuant to 20 USC 6314 et seq. shall satisfy the requirement for a single plan for student achievement. (Education Code 64001)

Whenever a school participates in the state's categorical block grant programs for student retention and/or school and library improvement, that school's single plan for student achievement shall include, but need not be limited to: (Education Code 41507, 41572)

- 1. Curricula, instructional strategies, and materials responsive to the individual educational needs and learning styles of each student that enables all students to do all of the following:
 - a. Make continuous progress and learn at a rate appropriate to their abilities
 - b. Master basic skills in language development and reading, writing, and mathematics
 - c. Develop knowledge and skills in other aspects of the curricula, such as arts and humanities; physical, natural, and social sciences; multicultural education; physical, emotional, and mental health: consumer economics: and career education
 - d. Pursue educational interests and develop esteem for self and others; personal and social responsibility, critical thinking, and independent judgment
- 2. Consideration of the use of community resources to achieve instructional improvement objectives
- 3. Consideration of the use of education technology
- 4. A staff development program for teachers, other school personnel, paraprofessionals, and volunteers
- 5. Provisions for utilization of the student success team process to identify and assess the needs of students who are dropouts or potential dropouts, and to develop programs to meet those needs
- 6. Procedures for coordinating services from funding sources at the school level to help students participate successfully in the core academic curricula and specialized curricula related to jobs and career opportunities
- 7. Instructional and auxiliary services to meet the special needs of students who are limited-Englishspeaking, including instruction in a language they understand; educationally disadvantaged students; gifted and talented students; and students with disabilities

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SCHOOL PLANS/SITE COUNCILS

8. Improvement of the classroom and school environments, including improvement of relationships between and among students, school personnel, parents/guardians, and the community, and reduction of the incidence of violence and vandalism among students

- 9. Improvement of student attendance, including parent/guardian awareness of the importance of regular school attendance
- 10. The proposed expenditure of block grant funds and the degree to which expenditures meet the plan's criteria
- 11. Other activities and objectives established by the school site council
- 12. A process for ongoing evaluation and modification of the plan

The evaluation shall be based on the degree to which the school is meeting the plan's objectives, student achievement, and improved school environment. An improved school environment shall be measured by indicators such as the incidence of absenteeism, suspension and expulsion, dropouts, school violence, vandalism and theft; student attitudes towards the school, self, and others; absenteeism among staff, staff resignations, and requests for transfers; and satisfaction of students, parents/guardians, teachers, administrators, and staff.

In addition, any school receiving state funding for school and library improvement shall incorporate plans pertaining to school libraries into the single plan for student achievement. (Education Code 41572)

The school site council shall annually review and update this plan, including the proposed expenditure of funds allocated to the school for these programs. If the school does not have a school site council, a school-wide advisory group or school support group conforming to the requirements of Education Code 52012 shall fulfill these responsibilities. (EC 64001)

The Governing Board shall review and approve the plan at a regularly scheduled meeting. The Board also shall review and approve any subsequent revisions that include material changes affecting the academic programs for students participating in these programs. The Board shall certify that, to the extent allowable under federal law, the plan is consistent with District local improvement plans required as a condition of receiving federal funding. (Education Code 64001)

Mission & Goals Policy #0420.1

SCHOOL BASED PROGRAM COORDINATION

Mandated Policy

Adopted: May 27, 1999

In order to best serve students with special needs, as well as students participating in designated educational programs, the Governing Board encourages school-based program coordination as a means for achieving flexibility in the use of the categorical funds received by each school. The Board believes that resources acquired to assist students in one program often can benefit other students without in any way depriving the originally targeted group.

A school-site council shall be established at each school to consider whether or not it wishes the school to participate in school-based program coordination. All interested persons shall have an opportunity to meet in public to establish the site council. (Education Code 52852.5)

Evaluation of each participating school's educational program shall include an assessment of the school's effectiveness in meeting the needs of each student population targeted by categorical funds.

Legal Reference:

EDUCATION CODE

8750-8754 Conservation Education

44520-44534 New Careers Program

44670.1-44671.5 Staff Development and Resource Centers

51870-51877 Morgan-Farr-Quackenbush Educational Technology Act

52000-52049 School Improvement Program

52200-52212 Gifted and Talented Education Program

52340-52346 California Regional Career Guidance Centers

52800-52904 School-Based Program Coordination Act

54000-54041 Educationally Disadvantaged Youth Programs

54100-54145 Miller-Unruh Basic Reading Act

54650-54659 Education Improvement Incentive Program

54720-54734 School-Based Pupil Motivation and Maintenance Program

56000-56885 Special education

MILITARY AND VETERANS CODE

500-520.1 California Cadet Corps

CDE PROGRAM ADVISORIES

06271.09 School-Based Program Coordination Act

0620.09 Use of Categorical Funds for Motivation Incentives

0430.09 Using School Improvement Program Resources and SB 1882 Funding to Promote School Change

1107.89 Implementation of new procedures for noncompliance

WEB SITES: CDE: http://www.cde.ca.gov

Mission & Goals Regulation #0420.1

SCHOOL-BASED PROGRAM COORDINATION

The Superintendent or designee shall give all principals information about the School-Based Program Coordination Act. This information shall be provided to staff, parents/guardians and secondary students. (EC 52852.5)

Categorical funds coordinated under this program may include funding for: (Education Code 52851)

- 1. Conservation Education (Education Code 8750-8754)
- 2. New Careers Program (Education Code 44520-44534)
- 3. Staff Development and Resource Centers (Education Code 44670.1-44671.5)
- 4. Educational Technology (Education Code 51870-51879)
- 5. School Improvement Program (Education Code 52000-52049)
- 6. Gifted and Talented Education Program (Education Code 52200-52212)
- 7. California Regional Career Guidance Centers (Education Code 52340-52346)
- 8. Educationally Disadvantaged Youth Programs (Education Code 54000-54041), including Economic Impact Aid and Back to Basics Summer School Reading Program
- 9. Miller-Unruh Basic Reading Act (Education Code 54100-54145)
- 10. Special Education (Education Code 56000-56885)
- 11. California Cadet Corps (Military and Veterans Code 500-520.1)

Funds coordinated by this program shall be used to supplement, not supplant, existing state and local appropriations. (Education Code 52852.5)

The school shall not be required to meet the statutory provisions or related California Code of Regulations for any coordinated program except as specifically provided under the School-Based Program Coordination Act. (Education Code 52851)

Plan

The site council at participating schools shall develop a school plan which includes an explicit statement of what the school seeks to accomplish by the coordinated use of categorical funds. The school plan shall also address: (EC 52853)

- 1. Curricula, instructional strategies and materials responsive to the individual needs and learning styles of each student
- 2. Instructional and auxiliary services which meet the special needs of non-English-speaking or limited-English-speaking students; educationally dis-advantaged students; gifted and talented students; and students with exceptional needs
- 3. A staff development program for teachers, other school personnel, para-professionals and volunteers, including those participating in special programs, which may include:
 - a. The use of program guidelines developed by the State Superintendent of Public Instruction for specific learning disabilities, including dyslexia, and other related disorders

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Mission & Goals Regulation #0420.1

SCHOOL-BASED PROGRAM COORDINATION

- b. Strategies included in the guidelines and instructional materials that focus on successful approaches for working with students who have been pre-natally exposed to substances as well as other at-risk students
- 4. Ongoing evaluation of the school's educational program
- 5. The proposed expenditures of funds available to the school through this program, including but not limited to expenditures for salaries and staff benefits for persons providing services for those programs
- 6. Other activities and objectives established by the site council

The Governing Board shall review and approve or disapprove the school plan. If a plan is not approved, the Board shall give the site council its specific reasons. (Education Code 52855)

The site council shall annually review the school plan, revise it as necessary to reflect changing needs and priorities, and establish a new budget based on the allocation granted to the school by the Board out of the District's grant for this program. (Education Code 52853, 52857)

Subsequent changes in the plan developed by the site council shall be approved or disapproved by the Board, and specific reasons stated for any dis-approval. (Education Code 52855)

The plan shall be kept at the school site. (Education Code 52850)

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Mission and Goals Policy #0420.2

SCHOOL IMPROVEMENT PROGRAM

The goal of school improvement programs at participating schools shall be to improve instruction, auxiliary services, school environment and school organization so as to meet the needs of all the school's students. The school site council shall develop a school improvement plan to guide the improvement activities. Upon Governing Board approval of the plan, the site council shall assume responsibility for the ongoing review of its implementation and a periodic evaluation of the program's effectiveness. The council shall annually review the plan, establish the plan budget and update the plan to reflect changing improvement needs and priorities.

Legal Reference:

<u>EDUCATION CODE</u>

52000-52049 Improvement of elementary and secondary education
62000-62007 Evaluation and sunsetting of programs

<u>CALIFORNIA CODE OF REGULATIONS, TITLE 5</u>

4000-4091 School Improvement Programs

Mission and Goals Policy #0420.4

CHARTER SCHOOLS

The Governing Board believes that charter schools provide one opportunity to implement school-level reform and to support innovations that improve student learning. These schools shall operate under the provisions of their charters, federal laws, specified state laws and general oversight of the Board.

As needed, the Superintendent or designee may work with charter school petitioners to establish workable plans for technical assistance or contracted services that the District may provide to the proposed charter school.

In determining whether to grant or deny a charter, the Board shall carefully review the proposed charter and any supplementary information, consider public and staff input, and determine whether the charter petition adequately addresses all the provisions required by law. The Board shall not deny a charter school petition unless specific written factual findings are made pursuant to law and administrative regulation.

The Board shall ensure that any charter granted by the Board contains adequate processes and measures for holding the school accountable for fulfilling the terms of its charter. These shall include, but not be limited to, fiscal accountability systems as well as multiple measures for evaluating the educational program. To assist the Board in its general oversight responsibility, charters shall provide for regular reports to the Board related to the charter provisions.

Legal Reference:

EDUCATION CODE

41365 Charter school revolving loan fund

44237 Criminal record summary

47600-47616.5 Charter schools

51747.3 Apportionments for independent study

54032 Limited English or low-achieving pupils

GOVERNMENT CODE

54950-54962 The Ralph M. Brown Act

CODE OF REGULATIONS, TITLE 5

11960 Regular average daily attendance in charter schools

78 Ops.Cal.Atty.Gen. 253 (1995)

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

Desert Sands Unified School District and Washington Charter School v. Public Employment

Relations Board and California School Employees Association and its Desert Sands Chapter #106,

Case No. BC126357, Superior Court, County of Los Angeles

Evensen v. Vicki L. Barber et al (1996), No. PV 94-0465, Superior Court, County of El Dorado

CSBA PUBLICATIONS

Charter Schools: The Board's Role, December 1992

Mission and Goals Regulation #0420.4

CHARTER SCHOOLS

Contents of Charter School Petitions

Charter school petitions must contain the signatures of not less than ten percent of the teachers currently employed by the District or not less than 50 percent of the teachers currently employed at one District school. (Education Code 47605)

Petitions shall stipulate:

- 1. That the charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations; shall not charge tuition; and shall not discriminate against any student on the basis of ethnicity, national origin, gender or disability; and
- 2. That admission to a charter school shall not be determined according to the student's place of residence, or that of his/her parent/guardian, within this 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 the school's former attendance area. (Education Code 47605)

In addition, charter petitions shall include descriptions of the following charter provisions:

- 1. A description of the educational program of the 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.
- 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.
- 3. The method by which student progress in meeting those student outcomes is to be measured.
- 4. The governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.
- 5. The qualifications to be met by individuals to be employed by the school.
- 6. The procedures that the school will follow to ensure the health and safety of students and staff. These procedures shall include the requirement that each school employee furnish the school with a criminal record summary as described in Education Code 44237.
- 7. The means by which the school will achieve a racial and ethnic balance among its students that is reflective of the general population residing within the territorial jurisdiction of the District.
- 8. Admission requirements if applicable.
- 9. The manner in which an annual audit of the financial and programmatic operations of the school is to be conducted.

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Mission and Goals Regulation #0420.4

CHARTER SCHOOLS

- 10. The procedures by which students can be suspended or expelled.
- 11. The manner by which staff members of the charter schools 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 not to attend charter schools.
- 13. A description of the rights of any District employee upon leaving District employment to work in a charter school, and of any rights of return to the District after employment at a charter school. (Education Code 47605)

Charter Approval/Denial

Within 30 days of receiving a petition to establish a charter school, the Board shall hold a public hearing to determine the level of employee and parental support for the charter school as it has been proposed.

The Board may require additional information regarding the legal and financial implications of the proposed charter and may establish workable plans with the charter school petitioners for District assistance in implementing the proposed charter school.

Within 60 days of receiving a petition, or within 90 days with the consent of the petitioners and the Board, the Board shall either grant or deny the request to establish a charter school.

Charter Conditions

The Board may grant a charter for up to five years, subject to renewal for additional five-year periods. Material revisions to a charter may be made only with Board approval. (Education Code 47607)

No District employee may be required to work at a charter school. (EC 47605)

No child may be required to attend a charter school. (Education Code 47605)

Revocations

The Board may revoke a charter whenever it finds that the charter school:

- 1. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter petition. 7
- 2. Failed to meet or pursue any of the student outcomes identified in the charter petition.
- 3. Failed to meet generally accepted accounting standards of fiscal management.
- 4. Violated any provision of law. (Education Code 47607)

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Mission & Goals Policy #0430

COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION

Mandated Action

The Board of Education desires to provide a free and appropriate public education to all individuals with disabilities, aged 3 - 21 years, who reside in the district, including children who have been suspended or expelled or placed by the district in a nonpublic school or agency services.

Students shall be referred for special education instruction and services only after the resources of the regular education program have been considered, and where appropriate, utilized. (Education Code 56303)

In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, the district participates as a member of the Special Education Local Plan Area (SELPA).

The Superintendent or designee shall extend the district's full cooperation to the SELPA. The policies and procedures of the SELPA shall be applied as policies and regulations of this district, with the exception of those that apply to complaints, unless the local plan specifically authorizes the district to operate under its own policies and regulations.

The special education local plan area shall administer a local plan and administer the allocation of funds. (Education Code 56195)

Legal Reference:

EDUCATION CODE

56000-56001 Education for individuals with exceptional needs

56020-56035 Definitions

56040-56046 General provisions

56048-56050 Surrogate parents

56055 Foster parents

56060-56063 Substitute teachers

56170-56177 Children enrolled in private schools

56190-56194 Community advisory committees

56195-56195.10 Local plans

56205-56208 Local plan requirements

56213 Special education local plan areas with small or sparse populations

56240-56245 Staff development

56300-56385 Identification and referral, assessment, instructional planning, implementation, and review

56440-56449 Programs for individuals between the ages of three and five years

56500-56508 Procedural safeguards, including due process rights

56520-56524 Behavioral interventions

56600-56606 Evaluation, audits and information

56836-56836.05 Administration of local plan

GOVERNMENT CODE

95000-95029 California Early Intervention Services Act

CODE OF REGULATIONS, TITLE 5

3000-3089 Regulations governing special education

Mission & Goals Policy #0430

COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION

Mandated Action

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.10-99.22 Inspection, review and procedures for amending education records

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

300.500-300.514 Due process procedures for parents and children

303.1-303.654 Early intervention program for infants and toddlers with disabilities

Management Resources:

WEB SITES

CDE, Special Education Division: http://www.cde.ca.gov/spbranch/sed

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

Programs: http://www.ed.gov/offices/OSERS/OSEP

Mission & Goals New Regulations #0430

COMPREHENSIVE LOCAL PLAN FOR SPECIAL EDUCATION

Definitions

"Free and appropriate education (FAPE)" means special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the California Department of Education; include appropriate services for children aged 3 through 21 years; and are provided in conformity with the student's individualized education program pursuant to 34 CFR 300.340-300.350. The right to FAPE extends to students who are suspended or expelled or placed by the district in nonpublic school or agency services. (34 CFR 300.13, 300.121)

"Full educational opportunities" means that students with disabilities have the right to full educational opportunities to meet their unique needs, including access to a variety of educational programs and services available to nondisabled students. A program specialist may be responsible for assuring that students have full educational opportunities regardless of their district of residence. (34 CFR 300.504, 300.505; Education Code 56368)

"Least restrictive environment" means that to an appropriate extent, students with disabilities, including children in public or private institutions, shall be educated with children who are not disabled, including in nonacademic and extracurricular services and activities. (34 CFR 300.306, 300.550, 300.554).

"Special education" means specially designed instruction, at no cost to the parent/guardians, to meet the unique needs of individuals with exceptional needs, whose educational needs cannot be met with modification of the regular instruction program, and related services, at no cost to the parent/guardian, that may be needed to assist these individuals to benefit from specially designed instruction. Special education provides a full continuum of program options, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education, to meet the educational and service needs of individuals with exceptional needs in the least restrictive environment. (Education Code 56031)

"Specially designed instruction" means adapting, as appropriate to the needs of an eligible child, the content, methodology or delivery of instruction. (34 CFR 300.26)

"Surrogate parent" means an individual assigned to act as a surrogate for the parents/guardians. The surrogate may represent an individual with exceptional needs in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the IEP, and in other matters relating to the provision of FAPE to the individual with disability. (34 CFR 300.515; Education Code 56050)

Elements of the Local Plan

Each entity providing special education shall adopt policies for the programs and services it operates, consistent with agreements adopted pursuant to Education Code <u>56195.1</u> and <u>56195.7</u>. (Education Code <u>56195.8</u>)

Mission & Goals Policy #0440

DISTRICT TECHNOLOGY PLAN

The Governing Board recognizes that technology can greatly enhance the instructional program as well as the efficiency of District and school site administration. The Board also realizes that careful planning is essential to ensure the successful, equitable and cost-effective implementation of technology-based materials, equipment, systems and networks.

The Superintendent or designee shall develop a plan to address the short-and long-term technology needs of the District and provide for compatibility of resources among school sites, District offices, and other District operations. As a basis for this plan, he/she shall examine and compare the costs and benefits of various resources and shall identify the blend of technologies and level of service necessary to support the instructional program.

The Superintendent or designee may appoint a technology committee to assist with the above investigations and determinations.

Legal Reference:

EDUCATION CODE

10550-10555 Telecommunications standards

11320-11320.6 Distance learning projects

51006 Computer education and resources

51007 Programs to strengthen technological skills

51865 California distance learning policy

51870-51884 Educational Technology Act of 1992

60011 Instructional materials definition

60017.1 Technology-based materials

UNITED STATES CODE, TITLE 20

6801-7005 Technology for Education Act of 1994

Management Resources: CDE PUBLICATIONS

The California Master Plan for Educational Technology, 1992

K-12 Network Technology Planning Guide: Building the Future, 1994

Page 1 of 1. Adopted: July 16, 1998

Mission & Goals Regulation #0440

DISTRICT TECHNOLOGY PLAN

When developing the District's technology plan, the Superintendent or designee shall consider:

- 1. The District's existing equipment and its capability for working with new technologies.
- 2. Existing facilities and the extent of retrofitting required for various electronic formats.
- 3. When appropriate, the hiring of a communications network expert to determine facility requirements and design a communications system that meets the specific needs of the school environment, addressing network security. The system should be able to interface with various types of communications networks and handle anticipated advances in technology to the extent possible.
- 4. When appropriate, the District's options for connecting to information net-works; staff training to evaluate the various network service providers; and a process that allows all carriers to compete for service.
- 5. Ways in which electronic formats can be used to enhance the curriculum, motivate and improve student research, generate advanced thinking skills, and promote learning, including English language acquisition.
- 6. The equipping of school library media centers to improve the instructional program and promote costeffective sharing of informational resources.
- 7. The integration of technological resources into school and District administration to facilitate routine operations, staff meetings/collaboration, and communication with parents/ guardians and community agencies.
- 8. The use of technology to serve professional development needs, helping staff to improve their practices and enabling them to exchange ideas with peers.
- 9. The feasibility of providing system access to students and staff who have their own computers at home.
- 10. Staff development for teachers and/or library media specialists in how to use the new technology and make it an integral part of the instructional process in all parts of the curriculum.
- 11. Staff development needs of staff who will provide ongoing technical support.
- 12. Potential sources of ongoing funding and assistance, including support from parents/guardians and the business community.
- 13. A process for evaluating and updating the District's technology plan and its implementation.

Page 1 of 1. Issued: July 16, 1998 CSBA: 6/95 Mission and Goals Policy #0450

COMPREHENSIVE SAFETY PLAN

The Governing Board recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for student conduct, responsible behavior and respect for others.

The Board also believes that, for health and safety reasons, a general inspection of school properties such as lockers and desks should be conducted on a regular, announced and unannounced basis. The Board directs the Superintendent to work with the school to implement procedures. Items contained in a locker shall be considered to be the property of the student to whom the locker was assigned.

The Superintendent or designee shall oversee the development of a comprehensive District-wide safety plan that is applicable to each school site. (Education Code 32281)

The comprehensive safety plan(s) shall be reviewed and updated by March 1 of each year. (Education Code 32286)

The Board shall review the comprehensive safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

Tactical Response Plan

Notwithstanding the process described above, any portion of a comprehensive safety plan that includes tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to be taken to safeguard students and staff, secure the affected school premises, and apprehend the criminal perpetrator(s), shall be developed by district administrators in accordance with Education Code 32281. In developing such strategies, district administrators shall consult with law enforcement officials and with a representative of an employee bargaining unit, if he/she chooses to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

Public Access to Safety Plan(s)

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282) However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents shall not be publicly disclosed.

Mission and Goals Policy #0450

COMPREHENSIVE SAFETY PLAN

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32260-32262 Interagency School Safety Demonstration Act of 1985

32270 School safety cadre

32280-32289 School safety plans

32290 Safety devices

35147 School site councils and advisory committees

35183 School dress code; uniforms

35291 Rules

35291.5 School-adopted discipline rules

35294.10-35294.15 School Safety and Violence Prevention Act

41510-41514 School Safety Consolidated Competitive Grant Program

48900-48927 Suspension and expulsion

48950 Speech and other communication

49079 Notification to teacher; student act constituting grounds for suspension or expulsion

67381 Violent crime

PENAL CODE

422.55 Definition of hate crime

626.8 Disruptions

11164-11174.3 Child Abuse and Neglect Reporting Act

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

CODE OF REGULATIONS, TITLE 5

11987-11987.7 School Community Violence Prevention Program requirements

11992-11993 Definition, persistently dangerous schools

UNITED STATES CODE, TITLE 20

7101-7165 Safe and Drug Free Schools and Communities

7912 Transfers from persistently dangerous schools

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, Third Edition, Oct 2011 Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief,

October 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2010

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007

Early Warning, Timely Response: A Guide to Safe Schools, August 1998

U.S. SECRET SERVICE AND U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, 2002

WEB SITES

Mission and Goals Policy #0450

COMPREHENSIVE SAFETY PLAN

CSBA: http://www.csba.org

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

California Emergency Management Agency: http://www.calema.ca.gov

California Healthy Kids Survey: http://chks.wested.org

Centers for Disease Control and Prevention: http://www.cdc.gov/ViolencePrevention

Federal Bureau of Investigation: http://www.fbi.gov

National Alliance for Safe Schools: http://www.safeschools.org

National Center for Crisis Management: http://www.schoolcrisisresponse.com

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

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

U.S. Secret Service, National Threat Assessment Center: http://www.secretservice.gov/ntac_ssi.shtml

Mission and Goals Regulation #0450

COMPREHENSIVE SAFETY PLAN

Development and Review of School Site Safety Plan

The school principal shall write and develop a comprehensive safety plan relevant to the needs and resources of that particular school. The principal shall consult with local law enforcement in the writing and development of the plan, as well as other safety committees, when practical.

In addition, the principal may consult with other local agencies as appropriate, including health care and emergency services.

The principal may delegate the responsibility for writing and developing a school safety plan to a school safety planning committee. This committee shall be composed of the following members:

- 1. The principal or designee
- 2. One teacher who is a representative of the recognized certificated employee organization
- 3. One parent/guardian whose child attends the school
- 4. One classified employee who is a representative of the recognized classified employee organization
- 5. Other members, if desired

Before adopting its comprehensive school safety plan, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the school safety plan.

The principal or safety planning committee shall evaluate, and amend as necessary, the safety plan at least once a year to ensure that the plan is properly implemented.

The District safety plan shall be reviewed and updated annually by March 1 of each year.

The Board shall approve the comprehensive District-wide and/or school safety plan(s) in order to ensure compliance with state law, Board policy and administrative regulation.

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education of any schools that have not complied with the requirements of Education Code 35294.1.

The principal or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public.

Elements of the Safety Plan

The District-wide and/or school site safety plan shall include, but not be limited to:

- 1. An assessment of the current status of school crime committed on campuses and at school-related functions
- 2. Appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including all of the following:

Page 1 of 3 Issued: July 16, 1998 Revised June 2004; April 18, 2013 Mission and Goals Regulation #0450

COMPREHENSIVE SAFETY PLAN

- a. Child abuse reporting procedures consistent with Penal Code 11164
- b. Routine and emergency disaster procedures including, but not limited to:
 - (1) Adaptations for students with disabilities in accordance with the Americans with Disabilities Act
 - (2) An earthquake emergency procedure system in accordance with Education Code 32282
 - (3) A procedure to allow public agencies, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare
- c. Policies pursuant to Education Code 48915(c) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts which would lead to suspension, expulsion or mandatory expulsion recommendations
- d. Procedures to notify teachers of dangerous students pursuant to Education Code 49079
- e. A policy consistent with the prohibition against discrimination, harassment, intimidation and bullying pursuant to Education Code 200-262.4
- f. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel," the provisions of that dress code and the definition of "gang-related apparel"
- g. Procedures for safe ingress and egress of students, parents/guardians and employees to and from school
- h. A safe and orderly environment conducive to learning at the school
- The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5
- j. Hate crime reporting procedures

Among the strategies for providing a safe environment, the school safety plan may also include:

- 1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management and conflict resolution
- 2. Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent bullying, hazing and cyberbullying, as well as behavioral expectations and consequences for violations
- 3. Curriculum that emphasizes prevention and alternatives to violence such as multicultural education, character/values education, media analysis skills, conflict resolution, community service learning, and education related to the prevention of dating violence

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COMPREHENSIVE SAFETY PLAN

4. Parent involvement strategies, including strategies to help ensure parental/guardian support and reinforcement of the school's rules and increase the number of adults on campus

- 5. Prevention and intervention strategies related to the sale or use of drugs and alcohol that shall reflect expectations for drug-free schools and support for recovering students
- 6. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction
- 7. Procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of the school
- 8. Procedures for receiving verification from law enforcement that a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime
- 9. Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for the closing of campuses to outsiders, installing surveillance systems, securing the campus perimeter, protecting buildings against vandalism and providing for law enforcement presence on campus
- 10. Crisis prevention and intervention strategies, which may include the following:
 - a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate
 - b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)
 - c Assignment of staff members responsible for each identified task and procedure
 - d Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for student and staff to practice the evacuation plan
 - e Coordination of communication to schools, Governing Board members, parents/guardians and the media
 - f Development of a method for the reporting of violent incidents
 - Development of follow-up procedures that may be required after the crisis has occurred, such as counseling
- 11. Staff development in violence prevention and intervention techniques, including preparation to implement the elements of the safety plan.

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ACCOUNTABILITY

The Board of Education has a responsibility to continually reexamine district programs and practices to determine their effectiveness in serving all students. Review and evaluation procedures shall provide a mechanism for ensuring accountability to parents/guardians and the community.

To enable the Board to fulfill these responsibilities, the Superintendent or designee shall identify and/or develop appropriate measures to ensure accountability. These measures shall be integrated and consistent with the state's accountability system and may include, but not be limited to, measures to evaluate student achievement, parent/guardian involvement and other district goals.

The Superintendent or designee shall regularly report to the Board regarding progress toward the district's vision/direction and goals and the implementation of comprehensive plans.

Ongoing district processes, such as the Board's evaluation of the Superintendent, policy reviews, curriculum adoption, budget adoption and staff development program, shall also be used to support district progress towards achieving the vision/direction.

Opportunities for feedback from students, parents/guardians, staff and community members shall be made available as part of the district's review and evaluation process.

Evaluation results may be used as a basis for implementing programmatic changes, determining the need for additional support or assistance, awarding incentives or rewards, and establishing other performance-based consequences.

Evaluation results shall be reported to parents/guardians and the community.

The Board shall, at a regularly scheduled meeting, discuss the results of each school's annual ranking on the statewide Academic Performance Index. (Education Code <u>52056</u>)

Legal Reference:

EDUCATION CODE

33127-33129 Standards and criteria for fiscal accountability

33400-33407 CDE evaluation of district programs

44660-44665 Evaluation of certificated employees

51041 Evaluation of the educational program

52050-52058 Public Schools Accountability Act

CODE OF REGULATIONS, TITLE 5

15440-15463 Standards and criteria for fiscal accountability

Management Resources:

CSBA PUBLICATIONS

Making Changes That Improve Student Achievement: A School Board's Guide to Reform and

Restructuring, 1997

Maximizing School Board Leadership, Vol. 1-8, 1996-97

WEB SITES

CSBA: http://www.csba.org
CDE: http://www.cde.ca.gov

Mission & Goals Policy #0510

SCHOOL ACCOUNTABILITY REPORT CARD

The Governing Board views school accountability report cards as an excellent way to inform the community about conditions, needs and progress at each school and to help provide data by which parents/guardians can make meaningful comparisons between schools. In addition, the process of developing the report cards gives the school staff opportunities to review achievements, identify areas for improvement, enlist local support and establish a vision for the future.

The Superintendent or designee shall maintain a process for developing annual report cards for each school site with input from all segments of the school community. After the report cards are issued, the Superintendent or designee shall provide opportunities for staff and the community to discuss their content and strategies for communicating the information contained in the cards to all stakeholders.

Legal Reference:

EDUCATION CODE

33126 School Accountability Report Card

35256 School Accountability Report Card

35256.1 Information required in the School Accountability Report Card

35258 Internet access to the School Accountability Report Card

41409 Calculation of statewide averages

41409.3 Salary information required in the School Accountability Report Card

46112 Minimum school day for grades 1, 2 and 3

46113 Minimum school day for grades 4 through 8

46117 Minimum kindergarten school day

46141 Minimum school day (high school)

CALIFORNIA CONSTITUTION

Article 16, Section 8.5(e) Allocations to State School Fund

Management Resources:

CDE PUBLICATIONS

California Model School Accountability Report Card

Page 1 of 1. Adopted: July 16, 1998 Mission & Goals Regulation #0510

SCHOOL ACCOUNTABILITY REPORT CARD

Contents

Each year the principal or designee at each school shall prepare an annual school accountability report card which shall include, but is not limited to, an assessment of the following school conditions: (Education Code 33126)

- 1. Student achievement in and progress toward meeting reading, writing, arithmetic and other academic goals, including:
 - a. Results by grade level from the assessment tool used by the District, using percentiles when available for the most recent three-year period
 - b. Upon adoption of a statewide assessment system, pursuant to Education Code 60600-60618 and 60800, the results of the statewide assessment by grade level
 - c. The average verbal and math Scholastic Assessment Test scores to the extent provided to the school and the percentage of seniors taking that exam for the most recent three-year period
- 2. Progress toward reducing dropout rates, including the one-year dropout rate listed in the California Basic Education Data System for the school over the most recent three-year period
- 3. Estimated expenditures per student and types of services funded
- 4. Progress toward reducing class sizes and teaching loads, including the distribution of class sizes at the school by grade level, the average class size and the percentage of students in grades K-3 participating in the Class Size Reduction Program, using California Basic Education Data System information from the most recent three-year period
- 5. The total number of the school's credentialed teachers, the number of teachers relying upon emergency credentials, the number of teachers working without credentials and any assignment of teachers outside their subject areas of competence for the most recent three-year period
- 6. Quality and currency of textbooks and other instructional materials
- 7. Availability of qualified personnel to provide counseling and other student support services
- 8. Availability of qualified substitute teachers
- 9. Safety, cleanliness and adequacy of school facilities
- 10. Adequacy of teacher evaluations and opportunities for professional improvement, including the annual number of school days dedicated to staff development for the most recent three-year period
- 11. Classroom discipline and climate for learning, including suspension and expulsion rates for the most recent three-vear period
- 12. Teacher and staff training and curriculum improvement programs

Page 1 of 2. Issued: July 16, 1998 CSBA: 2/98

Mission & Goals Regulation #0510

SCHOOL ACCOUNTABILITY REPORT CARD

- 13. Quality of school instruction and leadership
- 14. The degree to which students are prepared to enter the work force
- 15. The total number of instructional minutes offered in the school year, separately stated for each grade level, as compared to the total number of the instructional minutes per school year required by state law, separately stated for each grade level
- 16. The total number of minimum days in the school year, as specified in Education Code 46112, 46113, 46117 and 46141

School accountability report cards shall also include the following information: (EC 41409.3)

- 1. The beginning, median and highest salary paid to teachers in the District, as reflected in the District's salary scale
- 2. The average salary for school-site principals in the District
- 3. The salary of the Superintendent
- 4. The percentage of the District's budget allocated to teachers' salaries
- 5. The percentage of the District's budget allocated to administrative salaries
- 6. As provided by the state, for items #1-5 above, the statewide average in Districts of the same size and type

Every three years the Board shall compare District report cards with the State Board of Education model report card. (Education Code 35256)

Notifications

The Governing Board shall annually issue a school accountability report card for each school site, publicize such reports, and notify parents/guardians that a copy will be provided upon request. (Education Code 35256)

The Superintendent or designee shall ensure that the District makes the information contained in the school accountability report card accessible on the internet. He/she shall ensure that this information is updated annually. (Education Code 35258)

Page 2 of 2. Issued: July 16, 1998 CSBA: 2/98

Mission and Goals Policy #0520

BOARD CALENDAR REQUIREMENTS FOR ANNUAL REVIEW

The following calendar describes reports and actions required of the Governing Board and/or the Superintendent by district policy or Education Code.

TOPIC	POLICY/REGULATION	MONTH
Non Discrimination in Employment	BP 4030	Annual
Review of Certificated Assignment	BP 4123	Dec. 15
Complaints Concerning School Pers	BP 1313	Annual
Standardized Testing Report to Board	BP 6162	Annual
Prob/Perm Status	BP 4131	Annual
Adm Competence in Eval of Tchrs	BP 4325	Annual
Complaints Concerning School Pers	BP 1313	Annual
Superintendent's Evaluation	BP 2123	Annual
Non Discrimination (Notify public)	BP 0410	Annual
Consolidated Programs, Evaluation	BP 6191	Annual
Board Elections	BP 9220	Biennial
Bloodborne Pathogens Policy	AR 4152	Annual
Universal Precautions (Notice to Employees)	BP 4153	Annual
Annual Financial Report	BP 3460	Sept. 15
Financial Accountability Report	BP 3460	Sept. 30
Accountability Report Card	AR 0510	Sept. 30

Policy #0600 Mission & Goals

POLICY ORGANIZATION AND MAINTENANCE PLAN

Philosophy

It is the philosophy of the Board to develop policies when necessary, but to limit policy development to those required by education, government or other code, to those needed to resolve and/or prevent problems, and to those necessary to guide staff in a consistent way to achieving the District's goals and objectives. A concise policy handbook is more apt to be read, understood and maintained by staff.

The policy plan is based on CSBA policy resources and updates which are prepared with legal input. The adoption of CSBA materials following review to meet District needs is planned to facilitate the time required for preparation and for review by the Board and, in the long view, to facilitate ease in maintenance.

Board Policies

The Pacific Grove Unified School District Board of Trustees adopts board policies to govern the District's schools in pursuit of its educational goals, in accordance with state education and relevant government codes and based on the needs of the school District. The Board, through policy directs the Superintendent's management of the District.

Administrative Regulations

The Superintendent establishes necessary administrative regulations: (1) to implement Board policies; (2) to meet state and federal mandates; (3) to guide staff in operational areas where litigation is possible; and (4) to meet requirements in administering the District. Administrative Regulations are reviewed by the Board prior to implementation.

POLICY ORGANIZATION AND MAINTENANCE PLAN

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Methods to Keep Policy Books Concise (Optional Section)

Staff members assigned policy books will receive quarterly updates from the Superintendent's office and shall report annually to the Superintendent on the status of their assigned book. Upon leaving the District, staff members who have been assigned a Policy Handbook shall return it to the Superintendent's office. Principals will be assigned two policy books, one for personal use and one, available to staff in the staff room.

Revisions of Policy and Regulations

The need for policy revision is continuous and initiated by changes in the education code, changes in District practice and when District issues arise and need clarification. CSBA will publish quarterly updates on recommended policy and regulation.

Assignment and Maintenance of Policy Books

All District Policies are available for access via the District Internet Web Site and will be updated as policy is revised.

Mission & Goals

Regulation #0600

POLICY ORGANIZATION AND MAINTENANCE PLAN

Policy Handbooks are assigned to specific management and organizational staff who are responsible to know the content and to keep them up to date*.

Board Members 5
Superintendent and Adm. Staff 4
Secretary to Superintendent 2
Schools & Administrative Sites 12 (two books per site)
District's Legal Firm 1
Total 24

Procedure for the Development of New and Revised Policies

- 1. Policies and regulations will be prepared by Superintendent or designee. Following an administrative review the materials will be presented to the Board for first reading and, with suggestions and changes made, followed by Board adoption of the policy and issuance of regulations at a subsequent meeting.
- 2. CSBA's quarterly system will be used with materials presented to the Board one or more times during each quarter based on the following sequence:

First Quarter: Feb through April: Mission & Goals, Com. Relations Second Quarter: May through July: Administration & Business Third Quarter: August through October: Personnel and Students Fourth Quarter: November through January: Instr. and Board Bylaws

3. When approved by the Board, the Superintendent's secretary will post a copy on the District Web Site and prepare copies for distribution to policy book holders. Following the CSBA model, policies are printed on blue paper, regulations on yellow and exhibits on pink.

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^{*} Policy books issued to Board Members are to be kept up to date by the Superintendent or designee.

COMMUNITY RELATIONS

Community Relations

Policy #1100

COMMUNICATION WITH THE PUBLIC

The Governing Board appreciates the importance of community involvement and therefore shall strive to keep the community informed of developments within the school system in timely and understandable ways.

The Superintendent or designee shall use all available means of communication to keep the public aware of the goals, programs, achievements and needs of our schools. Members of the community shall have opportunities to become involved in the schools and to express their interests and concerns.

The District shall seek to communicate in ways that accommodate the needs of all members of the public, including the visually or hearing impaired, those who do not understand English, and those who do not read.

Mass Mailings Or Distributions

The Board recognizes that state law prohibits mass mailings or distributions at public expense that aggrandize elected officers. The name, signature or photo-graph of an elected District officer may be included in such materials only as permitted by the Code of Regulations, Title 2, 18901.

In order to promote open communication between Board members and the public, District newsletters and other mass mailings shall include a roster of all Board members' names in accordance with law.

Legal Reference:

EDUCATION CODE

35172 Promotional activities

GOVERNMENT CODE

82041.5 Mass Mailing

89001 Newsletter or mass mailing

CODE OF REGULATIONS, TITLE 2

18901 Mass Mailings sent at public expense

Community Relations

Policy #1112

MEDIA RELATIONS

The Governing Board recognizes that the media significantly influences the public's understanding of school issues and can greatly assist the District in communicating with the community about school needs.

The Board respects the public's right to information and recognizes that the media has a legitimate interest in the schools and a responsibility to provide the community with news.

The Superintendent or designee shall coordinate the release of information concerning the District and the actions of the Board.

Media representatives are welcome at all Board meetings and shall receive meeting announcements and agendas upon request. Like all visitors, media representatives are encouraged to identify themselves when they enter school grounds so as to avoid causing disruption or confusion. The principal or designee of each school shall provide the media with information relating to his/her school, including information about student awards, school accomplishments and events of special interest.

Employees should always make it clear that they are expressing their own personal viewpoints when so doing. They should not express viewpoints on behalf of the District unless they have been designated to do so.

Media representatives who wish to interview or photograph students at school must make prior arrangements with the principal so as to alleviate any possibility of disturbances on campus. This also allows the principal to arrange for interview times that will not interfere with the student's class attendance.

The District shall not release information that is private or confidential as identified by law and Board policy or administrative regulation.

During a disturbance or crisis situation, the first priority of school staff is to address the situation at hand. At such times, media inquiries shall be routed to the Superintendent or designee, who shall:

- 1. Prepare an official statement responding to the particular situation.
- 2. Update the official statement as events unfold.
- 3. Keep staff and students well informed.

Legal Reference:

EDUCATION CODE

32210 Willful disturbance of public school or meeting

32211 Threatened disruption or interference with classes

32212 Classroom interruptions

35144 Special meetings

35145 Public meetings

35145.5 Agenda; public participation

35146 Closed sessions

35160 Authority of governing boards

35172 Promotional activities

Community Relations

Policy #1112

MEDIA RELATIONS

PENAL CODE 627-627.10 Access to school premises 95 Ops.Cal.Atty.Gen. 509 (1996)

Community Relations

Policy #1113

PUBLICIZING SCHOOL MEETINGS

It is the goal of the Pacific Grove School District's Public Information Program to provide the community with a knowledgeable image of the school District and its various operations.

General Public Information Goals:

- 1. An overview of Pacific Grove's education program.
- 2. A balanced view; representation of all grade levels, from all subject matter fields and all schools.
- 3. Use of non-technical terminology.

Reporting of school meetings and of school activities shall be the responsibility of the Principal and shall be cleared through his office so that:

- 1. Duplication will be avoided.
- 2. A consistent policy with regard to school publicity will be maintained.
- 3. Information will accurately reflect District policy.

Exceptions:

- 1. Student reporting of athletic games.
- 2. Student columns for local newspapers.

Copies of all materials shall be furnished the Superintendent.

Specific Public Information Goals

The Pacific Grove Unified School District:

- 1. Operates in a fiscally responsible manner.
- 2. Is responsive to the community in its operation and direction.
- 3. Emphasizes the teaching of basic academic skills.
- 4. Employs and retains a high quality staff, many of whom make profess-sional and community contributions.
- 5. Student body is largely composed of thoughtful, serious and creative young people.
- 6. Employs modern teaching techniques.
- 7. Is concerned with the need for constant self-evaluation in all aspects of its operation.

Community Relations

Policy #1113

PUBLICIZING SCHOOL MEETINGS

8. Recognizes the variation in competence, capability, interest and emo-tional and social maturity of students and provides an educational program to allow for these differences.

Community Relations

Policy #1114

SCHOOL DISTRICT PUBLICATIONS

It shall be the policy of the Board to publish information concerning the educa-tional program, the progress of the Pacific Grove Unified Schools, and the conduct of the Board of Education. Wide distribution of such information shall be made.

The Superintendent or his designee shall issue news releases to news media seeking information about the schools. In addition, the President of the Board may issue news releases on behalf of the Board.

Reference: PGUSD Board Education Code: EC 35172.

Community Relations

Policy #1150

COMMENDATIONS AND AWARDS

The Governing Board believes that individuals and organizations deserve recog-nition when they provide contributions or longstanding service to the District. The Board service promotes believes that commending such increased com m u n it y understanding and participation.

Employees and Volunteer of the Month

The District will be recognizing on a monthly basis one certificated and one classified employee.

Criteria for the selection of certificated Employee of the Month includes:

- 1. Excellent teaching skills.
- 2. Contributions to the school and District outside of the classroom.
- 3. Progress and professional growth.
- 4. Awards or accomplishments.
- 5. The individual promotes a positive climate within the classroom, the school site and District.
- 6. Individual promotes positive relationships with students, teachers and parents.
- 7. Individual maintains a professional image.

Criteria for the selection of classified Employee of the Month includes:

- 1. Excellent skills related to the individual's employment assignment.
- 2. Contributions to the District outside of the regular work assignment.
- 3. Awards or accomplishments.
- 4. Progress in the area of professional growth.
- 5. Individual promotes a positive climate within the District.
- 6. Individual promotes positive relationships where applicable with students, teachers and parents.
- 7. Individual maintains a professional image.

Criteria for the selection of the Volunteer of the Month includes:

- 1. Excellent skills related to the volunteer's contribution.
- 2. Individual promotes a positive climate and relationships with students, teachers and parents.

Recognition:

Page 1 of 2. Adopted: July 7, 1994 CSBA: 12/91

Community Relations

Policy #1150

COMMENDATIONS AND AWARDS

- 1. Selected employees and/or volunteers will receive a special plaque honoring their status as Employee of the Month.
- 2. The Superintendent will invite the classified Employee of the Month to a
- 3. The P.G. Rotary Club will recognize the Teacher of the Month with an to lunch and a small stipend for classroom materials. In addition, Bookworks Pacific Grove has offered a gift certificate from their store.
- 4. The Volunteer of the Month will be invited to lunch by the Superintendent.

Persons Responsible: Superintendent and Management Team.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards commencing January 1, 1976

Community Relations

Policy #1160

POLITICAL PROCESSES

The Governing Board has a responsibility to actively advocate fiscal and public policy that supports the District's schools and the children in the community. To the extent possible, the Board shall be proactive in defining the District's advocacy agenda based on the needs of the District and the direction set forth in the District's vision and goals.

The Board may establish reasonable regulations related to Board members and employees engaging in political activity during working hours and on District premises. (Education Code 7055)

Legislation

Note: Pursuant to Government Code 50023 and 53060.5, the District may engage in legislative activities and lobbying, directly or through a representative, and the cost of this activity is a proper charge against the District. Lobbying activities are regulated by the Political Reform Act (Government Code 81000-91015) and regulations of the Fair Political Practices Commission (FPPC).

The Board's responsibility as an advocate for the District may include lobbying at the state and national levels.

Because local governments also make decisions which impact the District's schools, the Board and the Superintendent or designee shall work to establish ongoing relationships with city and county officials and agencies, and shall inform them of the potential effect of local issues on the schools.

The Board shall identify issues that will affect its schools and the children in its community, establish goals and priorities for legislative advocacy, solicit community input and adopt legislative positions. The Superintendent or designee shall establish a coordinated plan for carrying out the advocacy agenda, including specific activities, target groups or individuals, staff responsibilities and timelines.

In order to strengthen legislative advocacy efforts, the District may work with organizations and coalitions and may join associations whose representatives lobby on behalf of their members.

As necessary, the Superintendent or designee may draft legislative proposals that serve the District's interests.

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Community Relations

Policy #1160

POLITICAL PROCESSES

The Board may provide fair and impartial information about legislative issues affecting schools and children and shall inform the community about its legislative advocacy activities. However, the Board shall not urge the public to lobby the legislature on behalf of the District.

Ballot Measures/ Candidates

The Board may study the potential effect of ballot measures on the District's schools. Any Board discussion of the effect of such measures shall include an opportunity for Board members, staff and members of the public to speak on all sides of the issue. Following such study, the Board may adopt positions in support of or in opposition to ballot measures of importance to education.

The Board's positions shall be publicized only through normal District procedures for reporting Board actions and in a manner that does not attempt to influence voters.

No District funds, services, supplies or equipment shall be used to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board. (Education Code 7054)

District resources shall not be used to disseminate campaign literature or to purchase advertisements, bumper stickers, posters or similar promotional items that advocate an election result.

The Superintendent or designee may use District resources to provide students, parents/guardians and community members with fair and impartial information related to ballot measures, including information about the impact of ballot measures on the District. (Education Code 7054)

In preparing or distributing such information, the Superintendent or designee shall ensure that the totality of the circumstances, including language, style, tenor and timing, does not expressly advocate passage or defeat of a measure or candidate.

The Superintendent or designee may research, draft and prepare a bond measure or other initiative for the ballot, but shall not use District resources to secure signatures in order to qualify the measure for the ballot.

Community Relations

Policy #1160

POLITICAL PROCESSES

Upon request, Board members and District administrators may appear at any time before a citizens' group to explain why the Board called for an election on a bond measure and to answer questions. (Education Code 7054.1)

If the presentation occurs during working hours, the District representative shall not urge a citizens' group to vote for or against the bond measure.

For informational purposes, the Superintendent or designee may conduct a poll related to a ballot issue. Such a poll shall not advocate a particular position on the issue.

Legal Advocacy

The Board recognizes that some issues are more appropriately addressed judicially rather than legislatively. When a legal issue is likely to set a state or national precedent, the District may join with other Districts or parties in order to challenge the issue through litigation or other appropriate means.

Political Forums

Forums on political issues may be held in District facilities as long as the forum is made available to all sides of the issue on an equitable basis. (Education Code 7058)

Legal Reference:

EDUCATION CODE

7054 Use of District property

7054.1 Requested appearance

7055 Local rules

7056 Soliciting or receiving political funds

7058 Use of forum

35160 Authority of governing boards

35172 Promotional activities

GOVERNMENT CODE

50023 Attending legislature to support or oppose legislation

53060.5 Attendance at legislative body; expenses

54953.5 Right to record proceedings

54953.6 Broadcasts of proceedings

81000-91015 Political Reform Act

COURT DECISIONS

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Adopted: May 27, 1999

CSBA: 6/98

Community Relations

Policy #1160

POLITICAL PROCESSES

Stanson v. Mott, (1976) 17 Cal. 3d 206 Miller v. Miller, (1978) 87 Cal. App. 3d 762 League of Women Voters v. Countywide Criminal Justice Coordination Committee, (1988) 203 Cal. App. 3d 529, 250 Cal. Rptr. 161, rev.den.

Choice-in-Education League et al v. Los Angeles Unified School District, (1993) 17 Cal.App.4th 415

Yes on Measure Av. City of Lake Forest (1997) 60 Cal.App.4th 620

Scherer v. Buchanan, First Appellate District, Civil No. A076648

ATTORNEY GENERAL OPINIONS 73 Ops.Cal.Atty.Gen. 255 (1990)

Management Resources:

OFFICE OF LEGISLATIVE COUNSEL

Advice letter #7837, March 18, 1996 (use of public funds to publicize board positions)

FAIR POLITICAL PRACTICES COMMISSION FPPC No. 93/345 (1996)

CSBA PUBLICATIONS

Political Activities of School Districts: Legal Issues, 1998

Maximizing School Board Leadership: Community Leadership, 1996

Page 4 of 4. Adopted: May 27, 1999 CSBA: 6/98

Community Relations

Policy #1170

NAMING OF FACILITY

Governing Boards may name new and existing facilities of the school District. The criteria for naming facilities are determined by the local Governing Board. At times, requests are made by individuals or groups within the school District community to name a facility after an individual, a program, or a significant historical event. Established procedures will aid the Governing Board in making decisions about requests to name facilities.

It is the policy of the Pacific Grove Unified School District that school District facilities may be named in honor of individuals who have made outstanding contributions to the school District, the community, the state of California, and to the United States of America. In doing so, the Board will require the following procedures:

- 1. That requests to name a school District facility be made in writing by an individual or an organization within the Pacific Grove Unified School District boundaries.
- 2. That upon receipt of a request to name a facility, the Board may direct the Superintendent of Schools or his/her designee to form an Ad Hoc Committee with one representative each from the Board, the school District administration, the business community, and five representatives from the school site to be named.(parent, teacher, classified staff, administrator and student)
- 3. The Ad Hoc Committee will review all requests and make a recommendation to the Board through the Superintendent regarding the request to name a facility. The recommendation shall be made to the Board within 90 days of its receipt by the District administration.
- 4. Results of the Board's decision shall be communicated to the requestor within 15 days by the Superintendent or his/her designee.

Review of Termination Policy:

This policy shall remain in effect until such time as the Board shall, by majority, approve its rescission or modification, or until such time as it shall be required that it be rescinded or modified to comply with laws pertinent to this item.

Reference:

EC 35160.

Community Relations

Policy #1220

CITIZEN ADVISORY COMMITTEES

The Governing Board recognizes that citizen advisory committees enable the Board to better understand the beliefs, attitudes and opinions held by the com-munity.

The Board shall establish citizen advisory committees to consider school problems and issues as the need arises or when required by law. Such committees shall serve in a strictly advisory capacity; they may make recommendations regarding Board policy, but their actions shall not be binding on the Board. The Board may dissolve any advisory committees not required by law at any time.

Advisory committees should include representation from all affected parties. With Board approval, the Superintendent or designee may appoint committee members.

Within budget allocations, the Superintendent or designee may approve requests for committee travel and may reimburse committee members for expenses at the same rates and under the same conditions as those provided for District employees.

Legal Reference:

EDUCATION CODE

- 8070 Vocational education advisory committee
- 11503 Parent involvement program
- 35147 School site councils and advisory committees
- 35172 Promotional activities
- 44032 Travel expense payment
- 44033 Automobile allowances
- 52012 School site council
- 52065 American Indian advisory committee
- 52176 Advisory committees (LEP program)
- 52208 Parent participation (GATE)
- 52852 Site council, school-based program coordination
- 54425 Advisory committees; compensatory education
- 54444.1-54444.2 Services to migrant children; parent advisory councils
- 54724 Site council, motivation and maintenance program
- 56190-56194 Community advisory committee, special education
- 62002.5 Continuing parent advisory committees; schools receiving funds from economic impact aid or bilingual education act

GOVERNMENT CODE

- 820.9 Members of local public boards not vicariously liable
- 54950-54962 Meetings
- CODE OF FEDERAL REGULATIONS, TITLE 34
- 251.20 Advisory committee, Indian education

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CSBA: 10/94

Community Relations

Regulation #1220

CITIZEN ADVISORY COMMITTEES

Committee Charge

When committees are appointed, committee members shall receive a written statement including, but not limited to:

- 1. The committee members' names and the procedure to be used in the selection of the committee chairperson and other committee officers.
- 2. The specific charges of the committee, including its topic(s) for study or well-defined area(s) of activity.
- 3. The specific period of time that the committee is expected to serve.
- 4. Legal requirements regarding meeting conduct and public notifications.
- 5. Resources available to help the committee complete its tasks.
- 6. Timelines for progress reports and/or final report.
- 7. Relevant Governing Board policies and administrative regulations.

Advisory committee members are not vicariously liable for injuries caused by the act or omission of the District. (Government Code 820.9)

Committees Subject to Brown Act Requirements

The following citizen advisory committees shall comply with open meeting, notice and public participation requirements of law:

- 1. Advisory committees created by Board action
- 2. Advisory committees established pursuant to Education Code 56190-56194 related to special education
- 3. Advisory committees established pursuant to Education Code 52208 related to gifted and talented education
- 4. Advisory committees established pursuant to Education Code 8070 related to vocational education

Committees Not Subject to Brown Act Requirements

The following councils and advisory committees are exempted from the Brown Act and must conform with procedural meeting requirements established in Education Code 35147:

1. School site councils established pursuant to EC 52012, 52852 or 54724;

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Community Relations

Regulation #1220

CITIZEN ADVISORY COMMITTEES

- 2. Any advisory committee established pursuant to Education Code 52065 or the Code of Federal Regulations, Title 34, Part 251.20 related to American Indian education;
- 3. Any advisory committee established pursuant to Education Code 52176 related to programs for students of limited English proficiency;
- 4. Any advisory committee established pursuant to Education Code 54425 related to compensatory education;
- 5. Any advisory committee established pursuant to Education Code 54444.2 related to migrant education programs;
- 6. Parent advisory committees established pursuant to Education Code 62002.5 related to economic impact aid and bilingual education;
- 7. Committees established pursuant to Education Code 11503 related to parent involvement.

Meetings of the above councils or committees shall be open to the public, and any member of the public shall have the opportunity to address the council or committee during the meeting on any item within its jurisdiction. Notice of the meeting shall be posted at the school site or other appropriate accessible location at least 72 hours before the meeting, specifying the date, time and location of the meeting and containing an agenda that describes each item of business to be discussed or acted upon. (Education Code 35147)

The above councils or committees shall not take action on any item not listed on the agenda unless all members present unanimously find that there is a need to take immediate action and that this need came to the group's attention after the agenda was posted. In addition to addressing items on the agenda, members of the council, committee or public may ask questions or make brief statements that do not have a significant effect on District students or employees or that can be resolved solely by providing information. (Education Code 35147)

Councils or committees violating the above procedural requirements must, at the demand of any person, reconsider the item at the next meeting, first allowing for public input on the item. (Education Code 35147)

Any materials provided to a school site council shall be made available to any member of the public upon request. (Education Code 35147)

The Superintendent or designee may create citizen advisory committees to advise the administration; such committees do not report to the Board and are not subject to open meeting laws.

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Community Relations

Policy #1230

SCHOOL CONNECTED ORGANIZATIONS

The Board recognizes that parents/guardians and community members may wish to organize parent organizations and/or booster clubs for the purpose of supporting the district's educational and extracurricular programs. The Board appreciates the contributions made by such organizations toward the Board's vision for student learning and for providing all district students with high-quality educational opportunities.

Persons proposing to establish a new school-connected organization shall submit a request to the Board for authorization to operate within the district or at a district school.

A school-connected organization, including a booster club, parent-teacher association or organization, or other organization that does not include an associated student body or other student organization, shall be established and maintained as a separate entity from the school or district. Each school-connected organization (refer to policy 1321) shall be subject to its own bylaws and operational procedures or to the rules or bylaws of its affiliated state or national organization, as applicable.

In addition, activities by school-connected organizations shall be conducted in accordance with law, Board policies, administrative regulations, and any rules of the sponsoring school.

The Superintendent or designee shall establish appropriate rules for the relationship between school-connected organizations and the district.

A school-connected organization shall obtain the written approval of the Superintendent or designee prior to soliciting funds and must represent that the funds will be used wholly or in part for the benefit of the district school or the students at the school. (Education Code 51521)

A school-connected organization may consult with the principal to determine school needs and priorities.

Any participation in fundraising activities by students and their parents/guardians and/or any donation of funds or property shall be voluntary. (Education Code 49011)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

35160 Authority of governing boards

38130-38138 Civic Center Act, use of school property for public purposes

48931 Authorization for sale of food by student organization

48932 Authorization for fund-raising activities by student organization

49011 Student fees

49431-49431.7 Nutritional standards

<u>51520</u> Prohibited solicitation on school premises

51521 Fund-raising project

BUSINESS AND PROFESSIONS CODE

Page 1 of 2. Adopted: July 7, 1994
All Rights Reserved by PGUSD. Revised: October 3, 2019

Community Relations

Policy #1230

SCHOOL CONNECTED ORGANIZATIONS

17510-17510.95 Solicitations for charitable purposes

25608 Alcohol on school property; use in connection with instruction

GOVERNMENT CODE

12580-12599.7 Fundraisers for Charitable Purposes Act

PENAL CODE

319-329 Lottery, raffle

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

15500 Food sales in elementary schools

15501 Food sales in high schools and junior high schools

15575-15578 Requirements for foods and beverages outside the federal meals program

CODE OF REGULATIONS, TITLE 11

300-312.1 Fundraising for charitable purposes

UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

CODE OF FEDERAL REGULATIONS, TITLE 7

210.11 Competitive food services

220.12 Competitive food services

COURT DECISIONS

Serrano v. Priest, (1976) 18 Cal. 3d 728

Management Resources:

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

2015 ASB Accounting Manual, Fraud Prevention Guide and Desk Reference

WEB SITES

CSBA: http://www.csba.org

California Office of the Attorney General, charitable trust registry: http://caag.state.ca.us/charities

California State PTA: http://www.capta.org

Fiscal Crisis and Management Assistance Team (FCMAT); http://www.fcmat.org

(12/90 7/07) 5/16

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Community Relations

Regulation #1230

SCHOOL-CONNECTED ORGANIZATIONS

A school-connected organization's request for authorization to operate within the district or at a district school shall contain:

- 1. The name and purpose of the organization
- 2. The date of application
- 3. Bylaws, rules, and procedures under which the organization will operate, including procedures for maintaining the organization's finances, membership qualifications, if any, and an agreement that the group will not engage in unlawful discrimination
- 4. The names, addresses and phone numbers of all officers
- 5. An agreement to grant the district the right to audit the group's financial records, either by district personnel or a certified public accountant, whenever the District is concerned regarding the control, security, accounting, or use of the funds
- 6. The signature of the principal of the school which is to be benefitted indicating support
- 7. Planned use for any money remaining at the end of the year if the organization is not continued or authorized to continue in the future
- 8. Either evidence of liability insurance or an agreement to provide evidence of liability and/or directors and officers errors and omission insurance in the manner required by law or by the District

Requests for subsequent authorization shall be annually submitted to the Superintendent or designee, along with an annual financial statement showing all income and expenditures from fundraisers. If the Superintendent or designee proposes to deny the request for reauthorization, he/she shall present his/her recommendation to the Governing Board for approval.

When deemed necessary by the Board or the Superintendent or designee, the authorization for a school-connected organization to conduct activities in the district may be revoked at any time.

Each school-connected organization shall abide by the following rules:

- 1. The organization shall not act as an agent of the district or school
- 2. The organization shall not use the district's tax-exempt status and identification number. It shall be responsible for its own tax status, accounting, internal controls, financial reporting, retention of records, and other operations

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Community Relations

Regulation #1230

SCHOOL-CONNECTED ORGANIZATIONS

- 3. The organization shall use a separate name and logo. Any use of a name or logo affiliated with the district, a district school, or a school team shall require the prior consent of the Superintendent or designee
- 4. Funds raised or generated by the school-connected organization shall not be co-mingled with district funds, including associated student body funds
- 5. The organization shall not hire or directly pay any district employee. If a school-connected organization wishes to pay for additional and/or extracurricular services, the person to provide the services shall be hired through the district's personnel department, provided the Board approves the position. At their discretion, employees may volunteer to perform activities for school-connected organizations during nonworking hours
- 6. All fundraising activities of school-connected organizations must be approved in writing by the Superintendent or designee prior to the activity. Participation in any fundraising activity by students, parents, guardians or community members shall be voluntary

(cf. <u>4127/4227/4327</u> - Temporary Athletic Team Coaches) (12/90 7/07) 5/16

Community Relations

Policy #1240

VOLUNTEER ASSISTANCE

The Governing Board encourages parents/guardians and other members of the community to share their time, knowledge and abilities with our students. Community volunteers in our schools enrich the educational program and strengthen our schools' relationships with homes, businesses, public agencies and private institutions. The presence of volunteers in the classroom and on school grounds also enhances supervision of students and contributes to school safety.

The Superintendent or designee may authorize the use of volunteers and shall establish a plan for screening volunteers. The Superintendent or designee shall establish procedures to protect the safety of students and adults in accordance with laws related to tuberculosis testing, fingerprinting and criminal records checks.

Volunteers shall act in accordance with District policies, regulations and school rules. At his/her discretion, a site administrator may ask any volunteer who violates school rules to leave the campus. Staff members who supervise volunteers also may confer with the principal or designee regarding any such volunteers. The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

Volunteer maintenance work shall be limited to those projects that do not replace the normal maintenance duties of classified staff. The Board nevertheless encourages volunteers to work on short-term projects to the extent that they enhance the classroom or school, meet a specific need, comply with established building and safety codes, do not significantly increase maintenance workloads and comply with employee negotiated contracts.

Volunteer aides shall not be used to assist certificated staff in performing teaching or administrative responsibilities in place of regularly authorized classified employees who have been laid off. (Education Code 35021)

The Board encourages principals to develop a means for recognizing the contributions of each school's volunteers.

Qualifications

The Superintendent or designee shall establish processes for deciding whether volunteers possess the qualifications required by law and administrative regulation for the duties they will perform.

Community Relations

Policy #1240

VOLUNTEER ASSISTANCE

Before assuming a volunteer position to work with students in a student activity program sponsored by the district, a volunteer must obtain both a Department of Justice and Federal Bureau of Investigation criminal background check through the district. (Education Code 49024)

Volunteers who possess a current Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing, issued prior to July 9, 2010, shall have met district requirements for the criminal background check. (Education Code 49024)

Legal Reference:

EDUCATION CODE

35021 Volunteer aides

35021.1 Automated records check

44010 Sex offense; definition

44227.5 Classroom participation by college methodology faculty

44814 Duty-free lunch periods

44815 Noncertificated supervision

45125 Fingerprinting requirements

45340-45349 Instructional aide act, especially:

45344.5 Instructional aide; proficiency in basic skills

45347 Instructional aides as classified employees

45349 Volunteers

45360-45367 Teacher aides

49406 Examination for tuberculosis

GOVERNMENT CODE

3100-3109 Oath or affirmation of allegiance

3543.5 Prohibited interference with employees' rights

96100-96114 Academic Volunteer and Mentor Service Act of 1992

HEALTH AND SAFETY CODE

1596.871 Fingerprints of individuals in contact with child day care facility clients LABOR CODE

3364.5 Persons performing voluntary services for school Districts

PENAL CODE

290.4 Information re sex offenders

CODE OF REGULATIONS, TITLE 5

18168 Personnel duties with infants and toddlers

CODE OF REGULATIONS, TITLE 22

101170 Criminal record clearance

Page 2 of 2 Adopted: July 16, 1998

Revised 09-17-15

CSBA: 10/96

Community Relations

Policy #1240

VOLUNTEER ASSISTANCE

62 Ops. Cal. Atty. Gen. 325 (1979)

Whisman Elementary School District, 15 Public Employee Reporter for California, 22043

Community Relations

Regulation #1240

VOLUNTEER ASSISTANCE

Volunteer Duties

Volunteer non-teaching aides may supervise students during lunch, breakfast, or other nutrition periods or may serve as non-teaching aides under the immediate supervision and direction of certificated personnel to perform non-instructional work which assists certificated personnel in the performance of teaching and administrative responsibilities. (Education Code 35021, 44814, 44815)

Volunteers may assist certificated personnel in the performance of their duties, in the supervision of students, and in instructional tasks that, in the judgment of the certificated personnel to whom the volunteer is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. A volunteer instructional aide need not perform his/her duties in the physical presence of the teacher, but the teacher retains responsibility for the instruction and supervision of students in his/her charge. (Education Code 45343, 45344, 45349)

Facilities project volunteers may work on short-term facilities projects pursuant to Governing Board policy and as outlined below under "Volunteer Facilities Projects".

Basic Skills Proficiency and Qualifications

All volunteer instructional aides providing supervision or instruction of students pursuant to Education Code section 45349 shall give evidence of basic skills proficiency. (Education Code 45344.5, 45349)

All volunteers must be fingerprinted and obtain criminal background record clearance. (Education Code 45125)

Volunteers working with students in a district-sponsored student activity program must obtain an Activity Supervisor Clearance Certificate or a Department of Justice and Federal Bureau of Investigation criminal background check in accordance with board policy. The Superintendent or designee shall decide which district volunteer positions are subject to this requirement.

"Student activity programs" include, although are not limited to, scholastic programs, interscholastic programs, and extracurricular activities sponsored by the district or a school booster club, such as a cheer team, drill team, dance tam, and marching band.

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Community Relations

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VOLUNTEER ASSISTANCE

This Activity Supervisor Clearance Certificate requirement does not apply to volunteer supervisors for breakfast, lunch, or other nutritional periods or to non-teaching volunteer aides, as defined in Education Code section 35021, under the immediate supervision and direction of certificated personnel of the district. For this section, a non-teaching volunteer aide includes a parent volunteering in a classroom or on a field trip or a community member providing non-instructional services. (Education Code 49024)

Volunteer Prohibitions

Any person required to register as a sex offender under Penal Code section 290 or any person who has committed a violent or serious felony as defined in Penal Code section 667.5, subdivision (c), and 1192.7, subdivision (c), shall not be assigned as a volunteer who assists certificated personnel in the performance of their duties, supervises students during lunch, breakfast, or other nutritional periods, or serves as a nonteaching aide to perform non-instructional tasks. The Superintendent or designee may permit a person who has committed a violent or serious felony as defined by state law to volunteer if the volunteer satisfies the rehabilitation requirements pursuant to Education Code section 45122.1 An individual who is required to register as a sex offender because of a conviction for a crime where the victim was a minor under 16 years old shall not serve as a volunteer in a capacity in which the individual would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children. (Education Code 35021, 45122, 45349; Penal Code 290.95, 667.5, 1192.7)

All prospective volunteers may be required by the Superintendent or designee to disclose their status as a registered sex offender and/or provide the district with information to allow verification of this status on the Department of Justice's Megan's Law website. Before authorizing any person to serve as a non-teaching aide or a volunteer instructional aide, the Superintendent or designee shall request that a local law enforcement agency conduct an automated records check of a prospective volunteer aid to determine that the individual is not a registered sex offender. Volunteers shall be informed that the District is conducting this records search. Education Code 35021, 35021.1; Penal Code 290.95)

Tuberculosis Testing

Page 2

Revised 5-20-04 Revised 9-17-15

Issued: July 16, 1998

CSBA: 10/97

Community Relations

Regulation #1240

VOLUNTEER ASSISTANCE

Volunteers shall not be assigned to supervise or instruct students unless the volunteer has submitted evidence within the past 60 days to determine that he/she is free of active tuberculosis. Volunteers who test negative shall thereafter submit evidence that they are free from active tuberculosis at least once every four years pursuant to Education Code 49406. (Education Code 45106, 45347, 45349, 49406)

Volunteers that serve less than a school year whose functions do not require frequent or prolonged contact with students may be exempt from the tuberculosis testing requirements as determined by the Superintendent or designee. (Education Code 49406)

Volunteer Facilities Projects

All volunteer facilities projects shall have approximate start and completion dates and must be approved by the principal in advance.

Projects approved by the principal shall also be approved in advance by the Superintendent or designee if they involve the following types of work:

- 1. Alterations, additions or repairs to buildings and grounds
- 2. Construction involving wall or roof penetration, drilling or nailing
- 3. Structural modifications
- 4. Electrical, electronic, plumbing, or heating and cooling work
- 5. Painting
- 6. Installation of carpet
- 7. Installation of playground equipment and benches
- 8. Installation of sprinkler systems
- 9. Paving
- 10. Installation of marquees and signs
- 11. Tree planting, pruning or removal

The Superintendent or designee shall ensure that the above projects comply with health and safety codes, building codes, fire codes, environmental laws and agreements with employee bargaining units. The Superintendent or designee shall also ensure that volunteers have appropriate licenses and/or the expertise necessary for the project. The district will provide on-site assistance and supervision for such projects, depending upon their complexity and the expertise of the volunteers.

Page 3 Issued: July 16, 1998

Community Relations

Regulation #1240

VOLUNTEER ASSISTANCE

Projects shall be inspected upon completion to ensure that the work was done satisfactorily. Electrical, electronic, heating, ventilation, air conditioning, plumbing, welding and structural work must be done by a licensed contractor or performed under the supervision of a skilled district maintenance employee with knowledge of the trade involved.

Workers' Compensation

Unsalaried volunteers shall be considered employees of the District for workers' compensation insurance purposes. If injured while serving as volunteers in the District, they should file workers' compensation insurance forms provided by the District office. (Labor Code 3364.5)

Page 4 Issued: July 16, 1998

Revised 5-20-04 Revised 9-17-15

CSBA: 10/97

Policy #1250

VISITORS TO THE SCHOOLS

The Board of Education believes that it is important for parents/guardians and community members to take an active interest in the issues affecting district schools and students. Therefore, the Governing Board encourages interested parents/guardians and community members of the community to visit the schools and participate in the educational program.

To ensure the safety of students and staff and minimum interruption of the instructional program, the Superintendent or designee shall establish procedures that facilitate visits during regular school days. Visits during school hours should be arranged with the principal or designee. When a visit involves a conference with a teacher or the principal, an appointment should be scheduled during non-instructional time.

Any person who is not a student, employee or member of the Board of Education or staff member shall register immediately upon entering any school building or grounds when school is in session.

For purposes of school safety and security, the principal or designee may provide a visible means of identification for all individuals who are not students or staff members while on school premises.

No electronic listening or recording device may be used by any person in a classroom without the teacher's and principal's permission. (EC 51512)

The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

Presence of Sex Offender on Campus

Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of a district student, shall request written permission from the principal before entering the school campus or grounds. As necessary, the principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. The principal also shall report to the Superintendent or designee anytime he/she gives such written permission.

Legal Reference:

EDUCATION CODE

- 32210 Willful disturbance of public school or meeting
- 32211 Threatened disruption or interference with classes; misdemeanor
- 32212 Classroom interruptions
- 35160 Authority of governing boards
- 35292 Visits to schools (board members)
- 49091.10 Parental right to inspect instructional materials and observe school activities
- 51101 Parent Rights Act of 2002
- 51512 Prohibited use of electronic listening or recording device

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Community Relations

Policy #1250

VISITORS TO THE SCHOOLS

EVIDENCE CODE

1070 Refusal to disclose news source

LABOR CODE

230.8 Discharge or discrimination for taking time off to participate in child's educational activities PENAL CODE

290 Sex offenders

626-626.10 Schools

626.81 Misdemeanor for registered sex offender to come onto school grounds

627-627.10 Access to school premises, especially:

627.1 Definitions

627.2 Necessity of registration by outsider

627.7 Misdemeanors; punishment

COURT DECISIONS

Reeves v. Rocklin Unified School District, (2003) 109 Cal. App. 4th 652

ATTORNEY GENERAL OPINIONS

95 Ops.Cal.Atty.Gen. 509 (1996)

Page 2 of 2 Adopted: July 16, 1998 Revised: April 18, 2013

Regulation #1250

VISITORS TO THE SCHOOLS

The Superintendent or designee shall post at every entrance to each school and school grounds a notice setting forth visitor registration requirements, hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements. (Penal Code 627.6)

Registration Procedure

In order to register, outsiders shall, upon request, furnish the principal or designee with the following information: (Penal Code 627.3)

- 1. His/her name, address and occupation
- 2. His/her age, if less than 21
- 3. His/her purpose for entering school grounds
- 4. Proof of identity
- 5. Other information consistent with the provisions of law

Denial of Registration

The following provisions of law shall apply to outsiders. Outsiders do not include students, parents/guardians, District employees, elected public officials, or other persons listed in Penal Code 627.1.

- 1. The principal or designee may refuse to register any outsider if he/she reasonably concludes that the outsider's presence or acts would disrupt the school, students, or employees; would result in damage to property; or would result in the distribution or use of a controlled substance. The principal or designee or school security officer may revoke an outsider's registration if he/she has a reasonable basis for concluding that the outsider's presence on school grounds would interfere or is interfering with the peaceful conduct of school activities or would disrupt or is disrupting the school, students or staff. (Penal Code 627.4)
- 2. The principal or designee may request that an outsider who has failed to register, or whose registration privileges have been denied or revoked, prompt-ly leave school grounds. When an outsider is directed to leave, the principal or designee shall inform the outsider that if he/she reenters the school within seven days he/she will be guilty of a misdemeanor subject to a fine and/or imprisonment. (Penal Code 627.7)

Appeal Procedure

Any person who is denied registration or whose registration is revoked may appeal to the Superintendent or principal by submitting, within five days after the person's departure from school, a written request for a hearing. This request must state why he/she believes the denial or revocation was improper and must provide an address to which the hearing notice may be sent. Upon receipt of the request for a hearing, the Superintendent or principal shall promptly mail a notice of the hearing to the person requesting it. A hearing before the Superintendent or principal shall be held within seven days after receipt of the request. (Penal Code 627.5)

Community Relations

Policy #1250.1

ENTRY OR REMAINING IN OR UPON SCHOOL BUILDINGS OR GROUNDS WHEN SCHOOL BUILDINGS OR GROUNDS ARE CLOSED TO THE GENERAL PUBLIC

No person shall, without lawful business or legitimate reason, enter or remain in or upon any school buildings or grounds of the Pacific Grove Unified School District, when the school buildings or grounds are closed to the general public. School buildings and grounds are closed to the general public between the hours of 10:00 p.m. and 6:00 a.m. daily, including Saturdays and Sundays.

Every person who enters or remains in or upon any school buildings or grounds of the Pacific Grove Unified School District, when the school buildings or grounds are closed to the general public, after having been ordered or directed by a peace officer or authorized school employee to leave the school building or grounds and when the order or direction to leave is issued after determination that the person has no apparent lawful business or other legitimate reason for remaining on the property, shall be guilty of trespass.

Signs setting forth the sustance of this policy shall be conspicuously posed at the entrance to all school buildings and grounds of the District.

Reference:

Education Code 35160, 35160.1, 35161. PENAL CODE 602.

Community Relations

Policy #1312

COMPLAINTS CONCERNING THE SCHOOLS

The Governing Board believes that the quality of the educational program can improve when the District listens to complaints, considers differences of opinion, and resolves disagreements through an established, objective process.

The Board encourages complainants to resolve problems early and informally whenever possible. If a problem remains unresolved, the individual should submit a formal complaint as early as possible in accordance with appropriate District procedures. District procedures shall be readily accessible to the public.

Individual Board members do not have authority to resolve complaints. If approached directly with a complaint, however, Board members should listen to the complaint and show their concern by referring the complainant to the Superintendent or designee so that the problem may receive proper consideration.

Legal Reference:
GOVERNMENT CODE
950-951 Actions against public employees
54957-54957.8 Closed sessions
CODE OF REGULATIONS, TITLE 5
3080 Application of section 4600-4671
4600-4687 - Uniform complaint procedures

Page 1 of 1. Revised: December 7, 2017

Adopted: July 7, 1994

Community Relations

Policy #1312.1

COMPLAINTS CONCERNING DISTRICT EMPLOYEES Mandated Policy

The Governing Board accepts responsibility for providing a means by which the public can hold employees accountable for their actions. The Board desires that complaints be resolved expeditiously without disrupting the educational process.

The Superintendent or designee shall develop regulations that permit the public to submit complaints against District employees in an appropriate way. These regulations shall protect the rights of involved parties. The Board may serve as an appeals body if the complaint is not resolved.

The Board prohibits retaliation against complainants. The Superintendent or designee at his/her discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint. The District will investigate anonymous complaints so long as there is sufficient information to proceed and it is appropriate under the circumstances.

Legal Reference:

EDUCATION CODE

33308.1 Guidelines on procedure for filing child abuse complaints

44811 Disruption of public school activities

44932-44949 Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)

48987 Child abuse guidelines

GOVERNMENT CODE

54957 Closed session; complaints re employees

PENAL CODE

273 Cruelty or unjustifiable punishment of child

11166-11174.3 Child Abuse Neglect and Reporting Act

WELFARE AND INSTITUTIONS CODE

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures

Management Resources:

CDE Child Abuse Reporting Procedures: https://www.cde.ca.gov/ls/ss/ap/childabusereporting.asp

CSBA: 6/94

Community Relations

Regulation #1312.1

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

Complaint Procedures

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the District and/or the individual, and whether it should be resolved by the District's process for complaints concerning personnel, other District policies and procedures, or both. The Superintendent or designee shall further determine whether a complaint should be investigated by District personnel or by an outside investigator. The District will investigate anonymous complaints so long as there is sufficient information to proceed and it is appropriate under the circumstances.

Any complaint of child abuse or neglect alleged against a District employee shall be reported to the appropriate local agencies in accordance with law, Board policy and administrative regulation. (See Policy #BP/AR/E 5141.4 Child Abuse Reporting Procedures)

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against District employees:

- All complaints related to District personnel other than administrators shall be initially submitted to the principal or the employee's immediate supervisor. Complaints related to a principal or central office administrator shall be initially filed with the Superintendent or designee. Complaints related to a Board member or to the Superintendent shall be initially filed with the Board.
- 2. In all cases, the complainant is strongly encouraged to prepare the complaint in writing, but if he/she is unable or unwilling to do so, administrative staff may assist the complainant in preparing a written complaint.
- 3. When a written complaint is received, the employee shall be notified within five working days or in accordance with collective bargaining agreements.
- 4. To the extent necessary to investigate the complaint, the written complaint may be shared with the employee.
- 5. Time limits specified in these procedures may be reduced or extended in any specific instance by written mutual agreement of the parties involved. If specified or adjusted time limits expire, the complaint may proceed to the next step.
- 6. Any complaint not taken to the next step within prescribed time limits shall be considered settled on the basis of the answer given at the preceding step.

Informal Complaints

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Adopted: May, 2002

CSBA: 3/01

Community Relations

Regulation #1312.1

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

Every effort should be made to resolve a complaint informally at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns. If a complainant is unable or unwilling to resolve the complaint directly with the person involved, then the complainant shall follow the process set forth below.

Formal Complaint Procedure – Step 1

If a complaint has not been satisfactorily resolved informally, the complainant may file a written complaint with his/her immediate supervisor or principal. The written complaint should include a description of efforts to resolve the complaint informally and should specify the nature of the problem, including names, locations, witnesses, and the remedy sought by the employee.

Within five working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The immediate supervisor or principal shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

Formal Complaint Procedure - Step 2

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint, and the immediate supervisor or principal shall submit to the Superintendent or designee a report describing attempts to resolve the complaint at Step 1.

Within five working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The Superintendent or designee shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

Formal Complaint Procedure - Step 3

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the Governing Board within five working days of receiving the answer at Step 2. All information presented at Steps 1 and 2 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a report describing attempts to resolve the complaint at Step 2.

An appeal hearing shall be held at the next regularly scheduled Board meeting after the appeal is filed.

All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and

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Adopted: May, 2002

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Community Relations

Regulation #1312.1

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

present all available information.

Complaints concerning an employee shall be heard in closed session of the Board unless the employee requests that the issue be addressed in open session. Before the Board holds a closed session to hear complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session rather than in closed session.

Following the hearing of a complaint, the Board may choose to uphold the Superintendent or designee's decision and take no further action, adopt the Superintendent or designee's decision as its own, or modify the Superintendent's or designee's decision as it determines.

The decision of the Board shall be final. A written decision will be provided by the Board within 30 working days following the meeting at which the Board heard the complaint.

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COMPLAINTS CONCERNING DISTRICT EMPLOYEES

Exhibit 1312.1

This checklist/timeline provides information regarding the process for filing complaints against a Pacific Grove Unified School District employee. For additional information regarding Complaints Concerning District Employees, please consult Board Policy and Administrative Regulation 1312.1 available on the District website and in the front office of every school site.

CHECKLIST

- The Superintendent or designee will determine if a complaint should be resolved by the District's process for complaints concerning personnel, other District policies and procedures, or both.
- Every effort should be made to resolve the complaint informally at the earliest possible stage. If a complaint is not satisfactorily resolved informally, complainant may file a written complaint with the employee's immediate supervisor or principal. District will investigate complaint in accordance with timeline for Formal Complaint Procedures, below.
- The written complaint should include a description of efforts to resolve the complaint informally and should specify the nature of the problem, including names, locations, witnesses, and the remedy sought by the employee.
- Administrative staff will assist a complainant in preparing a written complaint if he or she is unable to do so.
- Complaints regarding a principal or office administrator shall be filed in writing to the Superintendent or designee.
- Complaints regarding a Board member or Superintendent shall be submitted in writing to the Board of Education.
- Complaints alleging child abuse or neglect against a District employee should be reported directly to Director of Human Resources at the District Office, 435 Hillcrest Avenue, Pacific Grove, California, and also should be reported to appropriate local authorities in accordance with the law.

TIMELINE FOR FORMAL COMPLAINT PROCEDURES

STEP 1: WITHIN 5 WORKING DAYS OF RECEIPT OF COMPLAINT: Immediate supervisor/principal conducts any necessary investigation and meets with complainant. WITHIN 10 WORKING DAYS OF MEETING: Immediate supervisor/principal presents parties with written answer. If not satisfactorily resolved at Step 1, complainant may proceed to Step 2.

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COMPLAINTS CONCERNING DISTRICT EMPLOYEES

Exhibit 1312.1

STEP	2:	
	WITHIN 5 WORKING DAYS OF ANSWER AT STEP 1: Complainant files written complaint with Superintendent/designee.	
	WITHIN 5 WORKING DAYS OF RECEIPT OF COMPLAINT:	
	Superintendent/designee conducts any necessary investigation and meets with complainant.	
	WITHIN 10 WORKING DAYS AFTER MEETING: Superintendent/designee presents parties with written answer.	
	If not satisfactorily resolved at Step 2, complainant may proceed to Step 3.	
STEP 3:		
	WITHIN 5 WORKING DAYS OF ANSWER AT STEP 2: Complainant files written appeal to Governing Board	
	NEXT REGULARLY SCHEDULED BOARD MEETING AFTER APPEAL FILED:	
	Appeal hearing held by Board	
	WITHIN 30 WORKING DAYS OF APPEAL HEARING: Board provides written	
	decision to parties. Decision of Board is final.	

Community Relations

Policy #1312.2

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

The Governing Board takes great care in the adoption of instructional materials and is aware that all adopted materials may not be acceptable to all students, their parents/guardians, or other District residents.

The Superintendent or designee shall establish procedures that will permit proper consideration of any complaints against the use of any instructional materials, including textbooks, supplementary textbooks, library books, and other instructional materials and equipment.

The Board believes the Superintendent and staff are well qualified to consider complaints concerning instructional materials. Complainants are advised to consider and accept the Superintendent or designee's decision as final. However, if the complainant finds the decision of the Superintendent or designee unsatisfactory, he/she may request that the matter be placed on the agenda of a regular Board meeting.

The Board's decision in any such case will be based on educational suitability and will not be influenced by a desire to suppress information or deny students access to ideas with which the Board disagrees.

Legal Reference:

EDUCATION CODE:

18111 Exclusion of books by governing board

35010 Control of district; prescription and enforcement of rules

35186 Williams Uniform Complaint Procedures

44805 Enforcement of course of studies; use of textbooks, rules and regulations

51501 Subject matter reflecting on race, color, etc.

60000–60005 Instructional materials, legislative intent

60040–60052 Instructional requirements and materials

60119 Public hearing on sufficiency of materials

60200-60212 Selection and adoption of materials

60226 Requirements for publishers and manufacturers

60400-60411 High school textbooks

60510–60511 Donation of sales of obsolete instructional materials

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

Standards for Evaluation of Instructional Materials for Social Content, 2013 edition

WEB SITES

CSBA: http://www.csba.org

California Department of Education, Curriculum and Instruction: http://www.cde.ca.gov/ci

Page 1 of 1. Revised: December 7, 2017

Adopted: July 7, 1994

Community Relations

Regulation #1312.2

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

Complaints concerning instructional materials will be accepted only from staff, District residents, or the parents/guardians of children enrolled in a District school. Anonymous complaints will not be accepted.

Complaints must be presented in writing to the Principal/Department Head. Complaints regarding printed material must name the author, title and publisher, and identify the objection by page and item numbers. In the case of non-printed material, written information specifying the precise nature of the objection shall be given. The statement must be signed and identified in such a way that a proper reply will be possible.

Individual students may be excused from using challenged materials after the parent/guardian has presented a written complaint. The teacher will then assign the student alternate materials of equal merit. Use of the materials by a class, school or the District, however, shall not be restricted until so directed by the Superintendent or designee.

Upon receiving a complaint, the Principal will acknowledge its receipt and answer any questions regarding procedure. The Principal will then notify the Superintendent or designee and the teacher(s) involved of the complaint. The Superintendent or designee will determine whether the complaint should be considered on an individual basis or whether a review committee should be convened.

The use of challenged materials by class, school or District shall not be restricted until final disposition has been made by the appropriate review committee.

A review committee shall be formed under the direction of the Superintendent or designee. The standing committee shall be composed of one-fourth administrators, one-fourth parents and one-half teachers.

In deliberating about challenged materials, the review committee shall consider the educational philosophy of the District; the professional opinions of other teachers of the subject and of other competent authorities; reviews of the materials by reputable bodies; the teacher's stated objectives in using the materials; and the objections of the complainant.

The review committee shall determine the extent to which the challenged material supports the curriculum, the educational appropriateness of the material, and its suitability for the age level of the student.

Within thirty days of being convened, the review committee shall summarize its findings in a written report and submit it to the Superintendent or designee for final action. The Superintendent or designee shall notify the complainant of his/her decision no later than sixty after the complaint was filed.

The report of the review committee together with the Superintendent or designee's recommendation may be brought to the Governing Board for information.

Appeal Procedure

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Community Relations

Regulation #1312.2

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

In the event a complainant finds the decision of the review committee and Superintendent unsatisfactory, he/she may request that the matter be placed on the agenda of a regular Board meeting. The complainant must request the Board review in writing within thirty days of notification of the decision by the Superintendent.

When any challenged instructional material is reviewed by the District, it shall not be subject to any additional reconsideration for twelve months.

COUNTY OR STATE-ADOPTED MATERIAL

If the challenged material has been adopted by the County Board of Education, the Superintendent or designee may forward the complaint, without action, to the office of the County Superintendent of Schools for reevaluation and decision.

If the questioned material has been adopted by the State of California, the Superintendent or designee may forward the complaint, without action, to the California Department of Education for reevaluation and decision.

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Issued: July 7, 1994

CSBA: 12/90

Community Relations

Exhibit #1312.2

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIALS
TODAY'S DATE:
MATERIAL BEING CHALLENGED:
Title:
Author:
Publisher:
Date of Edition:
Name of school/classroom where material was used:
Complainant is: District Employee District Resident Parent/Guardian
Anonymous complaints will not be accepted.
Name:Phone: Represents:Himself/HerselfOrganization or Group:
1. To what do you object? (Please be specific: cite pages, tape sequence, video frame, and words) Us additional pages if needed.
2. What do you feel would be the result of reading/viewing this material?
3. For what age group would you recommend this material?

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Community Relations

Exhibit #1312.2

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

4. Did you read	/view the entire selection? Percentage Read:
5. What would	you like the school to do about this material?
	□ Do not assign it to my child.□ Withdraw it from all students.□ Re-evaluate it.
6. In its place, w	what work would you recommend?
Signature of Cor	mplainant:
For District Use:	: :
Request was reco	eived by:Title:
Date request was	s received: taken:

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Community Relations

Policy #1312.3

UNIFORM COMPLAINT PROCEDURES

Mandated Policy

The Governing Board recognizes that the District is responsible for ensuring that it complies with state and federal laws and regulations governing educational programs.

The District uniform complaint procedures (UCP) will be used to investigate the following complaints:

- 1. **Discrimination Complaints**. Any complaint alleging unlawful discrimination, harassment, intimidation, or bullying based on one or more of the following actual or perceived characteristics, or association with a person or group with one or more of the following actual or perceived characteristics: disability, sex, gender, gender identity, gender expression, nationality, race or ethnicity, immigration status, color, age, religion, sexual orientation, genetic information, marital, pregnancy, parental or family status or any other characteristics identified in Education Code sections 200 and 220, Government Code section 11135, or Penal Code section 422.55, in any District program or activity that receives or benefits from state financial assistance.
- 2. **Noncompliance Complaints.** Complaints alleging failure to comply with state or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education programs, Regional Occupational Centers and Programs, state preschool program health and safety, foster and homeless youth services, lactating student accommodations, pregnant and parenting student parental leave and educational rights, physical education instructional minute requirements, educational content course requirements for grades 9-12, graduation requirements exemptions for former juvenile court school students, school safety planning, child care and development programs, child nutrition programs, and special education programs. (Title 5, Sections 4610, 4620)
- 3. **Student Fees Complaints.** Any complaint alleging District violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. (Title 5, Section 4610)
- 4. Local Control and Accountability Plan Noncompliance Complaints. Any complaint alleging the District's noncompliance with legal requirements related to the implementation of the Local Control and Accountability Plan (LCAP). (Ed. Code § 52075)
- 5. Rights of Homeless Students and Students in Foster Care. The District's uniform complaint procedures cover complaints pertaining to the education of homeless students and students in foster care, including, but not limited to rights related to: (1) school placement; (2) access to academic, extracurricular and enrichment programs and activities; (3) educational services for students living in emergency shelters; (4) assignment of an educational liaison and the carrying out of the liaison's duties; (5) transfer of the complete educational record and credits earned to the next educational placement; (6) proper and timely transfer between schools of students in foster care; and (7) ensuring that no lowering of grades occurs due to a foster youth's absence due to a change in placement by a court or placing agency, or due to a verified court appearance or related court activity.
- 6. Graduation and Coursework Requirements for Foster Youth, Homeless Students, Former Juvenile Court Students, Migratory and Newly Arrived Immigrant Students Participating in a

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Community Relations

Policy #1312.3

UNIFORM COMPLAINT PROCEDURES

Mandated Policy

- "Newcomer Program", and Students Living in Active Duty Military Households The District's uniform complaint procedures cover complaints pertaining to the graduation and coursework rights of foster youth, homeless students, former juvenile court students, migratory and newly arrived immigrant students participating in a "newcomer program", which is a program designed to meet the academic and transitional needs of newly arrived immigrant students, and students living in the households of parents/guardians who are active duty members of the military. Those rights under Education Code sections 54441, 51225.1 and 51225.2 include:
 - a) exemption from local graduation and coursework requirements that are in addition to the statewide coursework requirements for graduation;
 - b) credit or partial credit for coursework completed while attending another school;
 - c) the option to remain in school for a fifth year to complete the school district's graduation requirements; and
 - d) not being required to accept the exemption or be denied enrollment in, or the ability to complete or retake, courses necessary to attend an institution of higher education, regardless of whether those courses are required for statewide graduation requirements.
- 7. Lactation Accommodations for Parenting Students. School districts must provide reasonable accommodations to lactating students on school campuses to express breast milk, breastfeed an infant child or address other needs related to breastfeeding. A student may not incur an academic penalty as a result of her use of reasonable lactation accommodations and must be provided an opportunity to make up any work missed due to such use. (Ed. Code § 222(f).)
- 8. Assigning Students to Course Periods Without Educational Content. Beginning with the 2016-2017 school year, school districts may not assign students in grades 9-12 to course periods without educational content for more than one week in any semester without written parental consent and related documentation. "Course periods without educational content" are defined to include course periods where: (1) a student is released early from school; (2) the student is assigned to a service, instructional work experience or to a course to assist a certificated employee, but is not expected to complete curricular assignments; or (3) where the student is not assigned to any course during the class period.

School districts are also prohibited, without written parental consent and related documentation, from enrolling 9-12th graders in classes they have previously completed and received a grade that is satisfactory to receive a high school diploma and to attend a California public institution of postsecondary education. (Ed. Code §§ 51228.1, 51228.2, and 51228.3.)

9. **Physical Education Instructional Minutes.** Students in grades 1-6 are required to receive, at minimum, 200 minutes of physical education instruction each 10 school days, exclusive of recesses and lunch periods. Unless exempted pursuant to Education Code section 51241, students in grades 7-12 are required to receive at least 400 minutes of physical education instruction each 10 school days.

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Community Relations

Policy #1312.3

UNIFORM COMPLAINT PROCEDURES

Mandated Policy

High school students may be excused from physical education classes during one of grades 10, 11 or 12 for up to 24 clock hours in order to participate in automobile driver training, but must still attend a minimum of 7,000 minutes of physical education instruction during that school year.

Complaints regarding a school district's failure to comply with these physical education instructional minute requirements may be filed under the District's Uniform Complaint Procedures. (Ed. Code §§ 51210 and 51222.)

- 10. Juvenile Court School Student Graduation Requirements and Continuing Education Options. School districts and county offices must exempt former juvenile court school students, who have transferred into a school district from a juvenile court school after completion of their second year of high school, from local graduation requirements that exceed state requirements and accept coursework satisfactorily completed while attending the juvenile court school, even if the student did not complete the entire course, and grant full or partial credit for courses earned while in juvenile court school. Juvenile court students who have qualified for a diploma have additional rights related to deferring or declining the issuance of a diploma in order to take additional coursework, continuing their education upon release from the juvenile detention facility, and community college transfer opportunities. Former and current juvenile court school students may file complaints of noncompliance with these requirements under the District's Uniform Complaint Procedures. (Ed. Code §§48645.7 and 51225.2)
- 11. Pregnant or Parenting Students. Any complaint alleging district noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements. (Education Code 46015)
- **12. School Plan for Student Achievement or School Site Council.** Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding. (Education Code 64000-64001, 65000-65001)
- 13. Retaliation for Filing UCP Complaint. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
- 14. Other Complaints. Any other complaint as specified in a district policy

The Board encourages the early, informal resolution of complaints at the site level whenever possible. In the event that issues are not resolved informally, a written complaint of alleged noncompliance by the District may be filed using the District's UCP Complaint form (Exhibit 1312.3(a)) and in accordance with Administrative Regulation 1312.3.

Community Relations

Policy #1312.3

UNIFORM COMPLAINT PROCEDURES

Mandated Policy

Upon receipt of a written complaint from an individual, public agency or organization (Exhibit 1312.3(a), uniform complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures.

The parties may utilize alternative methods to resolve the allegations in a complaint including, but not limited to, mediation. (Title 5, Section 4631) The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate a mediation process before beginning a formal compliance investigation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

The Board acknowledges and respects student and employee rights to privacy. The district shall protect all complainants from retaliation. In investigating complaints the confidentiality of the parties involve shall be protected to the extent required by law. For any complaint alleging retaliation or unlawful discrimination (such as disciplinary harassment, intimidation, or bullying), complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. Confidentiality in an investigation includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis. (Title 5, Section 4621)

The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination or participation in complaint procedures. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

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

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

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

Non-UCP Complaints

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

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Community Relations

Policy #1312.3

UNIFORM COMPLAINT PROCEDURES

Mandated Policy

- 1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division and the appropriate law enforcement agency.
- 2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
- 3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.
- 4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.
- 5. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, teacher vacancies and mis-assignments, or health and safety violations in any license-exempt California State Preschool Program shall be investigated and resolved in accordance with the procedures in AR 1312.4 Williams Uniform Complaint Procedures. (Education Code 8235.5, 35186)
- 6. Any complaint not defined as a uniform complaint per Policy 1312.3.

Legal Reference:

EDUCATION CODE

200-262.3 Prohibition of discrimination

222 Lactation accommodations for parenting students

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18179 School libraries

35146 Closed sessions

35160 Authority of governing boards

44670.1-44671.5 School personnel staff development and resource centers

48645.5 and 48645.7 coursework, continuing education options and graduation deferral rights for former juvenile court school students

48850, 48852.5, 48852.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2, 42 USC 11432 and 5 CCR §

4622 Homeless students and students in foster care

48985 Notices in language other than English

49013 Pupil fees

49060-49079 Student records

49490-49560 Child nutrition programs

51210, 51222 and 51223 Physical education instructional minutes

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Community Relations

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UNIFORM COMPLAINT PROCEDURES

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51225.1 and 51225.2 Graduation and coursework requirements for foster youth, homeless students, former juvenile court school student, and students living in active duty military households 51228.1, 51228.2 and 51228.3 Assigning students to course periods without educational content 51513 Personal beliefs

52075 Local Control and Accountability Plan

52160-52178 Bilingual education programs

52300-52483 Vocational education

52500-52616.24 Adult schools

52800-52863 School-based coordinated programs

54000-54041 Economic impact aid programs

54100-54145 Miller-Unruh Basic Reading Act

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

56000-56885 Special education programs

59000-59300 Special schools and centers

64000 Consolidated application process

65000-65001 School Site Council

GOVERNMENT CODE

54957-54957.8 Closed sessions

CODE OF REGULATIONS, TITLE 5

3080 Application of section 4600-4671

4600 – 4671 Uniform Complaint Procedures

UNITED STATES CODE, TITLE 20

1221 – 1232g General Education Provisions Act

1681 – 1688 Discrimination based on sex or blindness, Title IX

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination

CSBA Date – 10/97

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Community Relations

Regulation #1312.3

UNIFORM COMPLAINT PROCEDURES

Mandated Procedures

Compliance Officers

The Governing Board designates the following compliance officer/s who shall be responsible for initially receiving all complaints, investigating as appropriate and/or delegating to the appropriate Program Administrator to investigate and ensure District compliance with law: (Title 5, Section 4621)

Director, Human Resources 435 Hillcrest Avenue Pacific Grove, CA 93950 (831)-646-6507

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee. (Title 5, Section 4621)

Notifications

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

The Superintendent or designee shall meet the notification requirements of the Code of Regulations, Title 5, Section 4622, including the annual dissemination of District complaint procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the California Department of Education. The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

The above notification shall state that complainants may seek help from agencies such as legal assistance agencies, local mediation centers or the county office of education. Local resources include:

- Monterey County Office of Education
- Department of Fair Employment and Housing
- Office of Civil Rights
- Equal Employment Opportunity Commission

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

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

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Community Relations

Regulation #1312.3

UNIFORM COMPLAINT PROCEDURES

Mandated Procedures

Procedures

The following procedures shall be used to address only the complaints specified in Board Policy 1312.3. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with the Code of Regulations, Title 5, Section 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled and when a decision or ruling is made.

Filing of Complaint

1. Complaints alleging unlawful discrimination, harassment, intimidation or bullying

Complaints alleging unlawful discrimination, harassment, intimidation or bullying may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination unless the time for filing is extended by the district superintendent or his or her designee, upon written request by the complainant setting forth the reasons for the extension. Such extension by the district superintendent or his or her designee shall be made in writing. The period for filing may be extended by the district superintendent or his or her designee for good cause for a period not to exceed 90 days following the expiration of the six month time period. The district superintendent shall respond immediately upon a receipt of a request for extension. (Title 5, Section 4630)

2. Complaints alleging violations of federal or state law governing certain programs

A written complaint alleging District violation of applicable federal or state laws governing adult education programs, consolidated categorical aid programs, migrant education, career technical education and training programs, Regional Occupational Centers and Programs, child care and development programs, state preschool program health and safety, child nutrition programs, foster and homeless youth services, lactating student accommodations, pregnant and parenting student parental leave and educational rights, physical education instructional minute requirements, educational content course requirements for grades 9-12, former juvenile court school students' graduation, coursework and continuing education options, graduation and coursework requirements for foster youth, homeless students, migratory and newly arrived immigrant students participating in a "Newcomer Program" and students living in active duty military households, school safety planning or special education programs, may be filed by any individual, public agency, or organization. (Education Code Sections 222, 51210, 51222, 51223, 51225.1, 51225.2, 51228.1, 51228.2, 51228.3, and Title 5, Sections 4610 and 4630)

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Community Relations

Regulation #1312.3

UNIFORM COMPLAINT PROCEDURES

Mandated Procedures

3. Complaints regarding pupil fees and LCAP violations

Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP, may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school. However, those complaints must be filed no later than one year from the date the alleged violation occurred. (Education Code Sections 49013, 52075; Title 5 Section 4630)

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

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, District staff shall help him or her to file the complaint. (Title 5, Section 4600)

Mediation

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

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

The use of mediation shall not extend the District's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (Title 5, Section 4631)

Investigation of Complaint

The compliance officer will hold an investigative meeting with the complainant within five school days of receiving the complaint. The complainant, and his or her representative, will have an opportunity to present the complaint(s) and evidence or information leading to support the allegations of non-compliance with state and federal laws and/or regulations. (Title 5, Section 4631)

Parties to the dispute may discuss the complaint and question each other or each other's witnesses. If the complainant does not attend the meeting, the District representative will make a formal note of the occurrence and move forward in completing the investigation.

The District will investigate the complaint and issue the complainant a written report within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time. (Title 5, Section 4631)

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UNIFORM COMPLAINT PROCEDURES

Mandated Procedures

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations. (Title 5, Section 4631)

Refusal by the District to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (Title 5, Section 4631)

Response

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

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the District's initially receiving the complaint or within the time period that has been specified in a written agreement with the complainant. (Title 5, Section 4631)

Final Written Decision

The report of the District's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the District shall arrange a meeting at which a community member will interpret it for the complainant.

This written decision shall include:

- 1. The findings of fact based on the evidence gathered,
- 2. Conclusions of law,
- 3. Disposition of the complaint,
- 4. The rationale for the disposition,
- 5. Corrective actions, if they are warranted, including, with respect to a pupil fee complaint, a remedy that comports with Education Code sections 49013(d) and Title 5, Section 4600(u).
- 6. Notice of the complainant's right to appeal the District's decision to the California Department of Education (CDE), and

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Community Relations

Regulation #1312.3

UNIFORM COMPLAINT PROCEDURES

Mandated Procedures

7. Procedures to be followed for initiating an appeal to the CDE. (Title 5, Section 4631)

If an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee was informed of District expectations. The report shall not give any further information as to the nature of the disciplinary action.

Appeals to the California Department of Education

If dissatisfied with the District's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the District's decision. When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the District's decision and must include a copy of the locally filed complaint and the District's decision. (Title 5, Section 4632)

Direct State Intervention

Complainants may ask the California Department of Education to directly intervene without waiting for action by the District when certain conditions exist, including, but not limited to, the following: (1) the complaint alleges that the District has failed to comply with its Uniform Complaint Procedures, including, but not limited to, the failure or refusal to cooperate with an investigation; (2) the complainant requests anonymity due to the danger of retaliation and complainant would suffer immediate and irreparable harm if complainant files a complaint with the District; (3) complainant alleges a failure to comply with special education due process procedures pursuant to state and federal law or a due process hearing order; (4) the complaint is related to special education and alleges facts that indicate that one or more students may be in immediate physical danger or that the health, safety, or welfare of one or more students is threatened; or (6) complainant alleges that the District failed to follow a student's individualized education plan.

See Code of Regulations, Title 5, Section 4650 for the full list of situations that may warrant direct state intervention.

See Policy #1312.3 CSBA Date – 10/97

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I.

Exhibit #1312.3

PACIFIC GROVE UNIFIED SCHOOL DISTRICT Uniform Complaint Form

Please complete all information and return this form to:

PGUSD Human Resource Office

435 Hillcrest Avenue Pacific Grove, CA 93950

Pacific Grove, CA 93950 If you need help filling out the form please contact the Human Resources Director at 646-6507. Name of Complainant Date School Address City Zip State Phone (Day) Phone (Evening) Phone (Cell) Name of Parent if not Complainant Please check the appropriate box(es): А. П I am filing a complaint alleging unlawful discrimination, harassment, intimidation, or bullying based on one or more of the following actual or perceived characteristics, or association with a person or group with one or more of the following actual or perceived characteristics: disability, gender, gender identity, gender expression, nationality, race or ethnicity, ethnic group identification, immigration status, color, age, religion, genetic information, sex or sexual orientation, marital, pregnancy, parental or family status or any other characteristics identified in Education Code sections 200 and 220, Government Code section 11135, or Penal Code section 422.55, in any District program or activity that receives or benefits from state financial assistance. В. 🗌 I am filing a complaint alleging a violation of federal or state laws governing any of the following: adult education, consolidated categorical aid programs, career technical and technical education, Regional Occupational Centers and Programs, migrant education, child care and development programs, state preschool program health and safety, foster and homeless youth services, lactating student accommodations, pregnant and parenting student parental leave and educational rights, physical education instructional minute requirements, educational content course requirements for grades 9-12, former juvenile court school students' graduation, coursework and continuing education options, graduation and coursework requirements for foster youth, homeless students, migratory and newly arrived immigrant students participating in a "Newcomer Program," and students living in active duty military households, child nutrition programs, special education or school safety planning. Please specify the program(s): C. 🗌 I am filing a complaint alleging violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. D. 🗌 I am filing a complaint alleging that the District has not complied with legal requirements related to the implementation of the Local Control and Accountability Plan (LCAP). Е. П I am filing a complaint alleging violation of rights of homeless students and students in foster care. F. I am filing a complaint alleging violation of student rights regarding graduation and coursework requirements for foster youth, homeless students, former juvenile court students, migratory and new arrived immigrant student participating in a "Newcomer Program", and students living in active duty military households. G. I am filing a complaint alleging violation of lactation accommodations for parenting students.

I am filing a complaint alleging violation by assigning students to course periods without educational content.

I am filing a complaint alleging violation of required physical education instructional minutes.

Com	Community Relations Exhibit #1312.3	
J.	I am filing a complaint alleging violation of graduation requirements and continuing eduschool students.	ucation options for juvenile court
K.	K. I am filing a complaint alleging violation of rights of pregnant or parenting students.	
L.	I am filing a complaint alleging schools plans for student achieve or school site council.	
M.	I am filing a complaint alleging retaliation for filing a UCP complaint.	
Date a	nd results of informal meeting and/or mediation (if applicable):	
	(If you need additional space, you may attach a separate sheet of paper to this co	omplaint form.)
	(For Office Use Only)	
	Received Date Control of Written Response (60 working days)	mplainant was contacted

Community Relations	Exhibit #1312.3
For each box that you checked, please specifically describe the natu Discrimination complaints must be initiated no later than six months when the complainant first obtained knowledge of the facts support indicate the approximate date of the alleged violation. If the violation indicate the time period in question.	s from the date when the alleged discrimination occurred or ing the alleged discrimination. Therefore, you must as least
Details of the complaint (attach appropriate supporting documents):	
Specific remedy sought:	

Within 60 calendar days following the receipt of the complaint a written report of the district's investigation shall be completed.

Signature of Complainant:

Community Relations

Regulation #1312.4

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Types of Complaints

The district shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code 35186; 5 CCR §§4680-4687)

1. Instructional materials

- A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
- b. A student does not have access to instructional materials to use at home or after school in order to complete required homework assignments. This does not require two sets of textbooks or instructional materials for each student.
- Textbooks or instructional materials are in poor or unusable condition, have missing c. pages, or are unreadable due to damage.
- d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment

A semester begins and a certificated teacher is not assigned to teach the class. a.

Vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester. (Education Code 35186; 5 CCR § 4600)

Beginning of the year or semester means the first day classes necessary to serve all students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day students attend classes for that semester. (5 CCR § 4600)

- A teacher who lacks credentials or training to teach English learners is assigned to b. teach a class with more than 20 percent English learner students in the class.
- A teacher is assigned to teach a class for which the teacher lacks subject matter c. competency.

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services

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Community Relations

Regulation #1312.4

position that the employee is not otherwise authorized by statute to hold. (Education Code 35186; 5 CCR § 4600)

3. **Facilities**

A condition poses an emergency or urgent threat to the health or safety of students or staff.

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including but not limited to gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or airconditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; or structural damage creating a hazardous or uninhabitable condition. (Education Code 17592.72)

A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

Clean or maintained school restroom means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers. (Education Code 35292.5)

Open restroom means the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs. (Education Code 35292.5)

- Complaints regarding the noncompliance of a license-exempt California State Preschool 4. Program (CSPP) with health and safety standards specified in Health and Safety Code 1596.7925 and related state regulations, including any complaint alleging that: (Education Code 8235.5; Health and Safety Code 1596.7925)
 - a. The preschool does not have outdoor shade that is safe and in good repair.
 - b. Drinking water is not accessible and/or readily available throughout the day.
 - c. The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.
 - d. Restroom facilities are not available only for preschoolers and kindergartners.
 - e. The preschool program does not provide visual supervision of children at all times.
 - f. Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.
- g. Playground equipment is not safe, in good repair, or age appropriate.

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Community Relations

Regulation #1312.4

Filing of Complaint

A complaint alleging any condition(s) specified above shall be filed with the principal or designee. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee within 10 working days. (Education Code 35186; 5 CCR § 4680)

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR § 4685)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to his/her complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186; 5 CCR §§ 4680, 4685)

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

If a complainant is not satisfied with the resolution of the complaint, he/she may describe the complaint to the Governing Board at a regularly scheduled hearing. (Education Code 35186; 5 CCR § 4686)

For complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3 above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR section 4632. (Education Code 35186; 5 CCR § 4687)

Complaints and written responses shall be public records. (Education Code 35186; 5 CCR § 4686)

Reports

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints to the Board and the County Superintendent of Schools on a quarterly basis. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled Board meeting. (Education Code 35186; 5 CCR § 4686)

Forms and Notices

The Superintendent or designee shall ensure a complaint form is available at each school. However, complainants need not use the district's complaint form in order to file a complaint. (Education Code 35186; 5 CCR § 4680)

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Regulation #1312.4

The Superintendent or designee shall ensure that the district's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. (Education Code 35186; 5 CCR § 4680)

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186. (Education Code 35186)

EDUCATION CODE:

234.1 Prohibition of discrimination, harassment, intimidation, and bullying

1240 County superintendent of schools, duties

8235-8239.1 California State Preschool Programs

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School accountability report card

35186 Williams uniform complaint procedures

35292.5 Restrooms, maintenance and cleanliness

48985 Notice to parents in language other than English

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600–4670 Uniform complaint procedures

4680-4687 Williams uniform complaint procedures

HEALTH AND SAFETY CODE

1596.792 California Child Day Care Act; general provisions and definitions

1596.7925 California Child Day Care Act; health and safety regulations

UNITED STATES CODE, TITLE 20

6314 Title I schoolwide program

Management Resources:

WEB SITES

CSBA: http://www.csba.org

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

California Department of Education, Williams case: http://www.cde.ca.gov/eo/ce/wc State Allocation Board, Office of Public School Construction: http://www.opsc.dgs.ca.gov

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Community Relations

Exhibit # 1312.4

WILLIAMS UNIFORM COMPLAINT PROCEDURES

NOTICE TO PARENTS/GUARDIANS: **COMPLAINT RIGHTS**

Parents/Guardians:

Education Code 35186 requires that the following notice be posted in your child's classroom:

- 1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each student, including English learners, must have a textbook or instructional material, or both, to use in class and to take home to complete required homework assignments.
- 2. School facilities must be clean, safe, and maintained in good repair.
- 3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present. "Misassignment" means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential, or placement in a teaching or services position for which the employee is not otherwise authorized by statute to hold.
 - "Teacher Vacancy" means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a onesemester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.
- 4. To file a complaint regarding the above matters, complaint forms can be obtained at the principal's office, district office, or can be downloaded from the school district's or California Department of Education's website.: http://www.cde.ca.gov/re/cp/uc. However, a complaint need not be filed using either the district's complaint form or the form from the California Department of Education.

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Community Relations Exhibit # 1312.4

COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURE

INa	te: me:
Ad	dress:
Ph	one Number: Day: Evening:
En	nail:
	ue(s) of the complaint: Please check all that apply:
1.	 Textbooks and instructional materials: A student lacks textbooks or instructional materials to use in class. A student does not have access to instructional materials to use at home or after school to complete homework assignments. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage. A student was provided photocopied sheets from only a portion of a textbook or instructional material to address a shortage of textbooks or instructional materials.
2.	 Teacher vacancy or misassignment: □ A semester begins and a certificated teacher is not assigned to teach the class. □ A teacher lacks credentials or training to teach English learners or is assigned to teach a class with more than 20% English learners in the class. □ A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
3.	 Facility conditions: □ A condition exists that poses an emergency or urgent threat to the health or safety of students or staff as defined in Administrative Regulation 1312.4. A school restroom has not been cleaned, maintained or kept open in accordance with Education Code 35292.5.
loc	ase describe the subject(s) of your complaint in detail, including the date of the problem and specific ation where the problem occurred (school, room number). You may attach additional pages if the describe the situation:

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Community Relations

Exhibit # 1312.4

Director II, Human Resources Pacific Grove Unified School District 435 Hillcrest Avenue Pacific Grove, CA 93950

1	ow. If you wish to remain anonymon anonymous ones, should be dated.	us, a signature is not required. Please note that all complaints and
Signature		
Date		

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Community Relations

Policy #1321

SOLICITATION OF FUNDS

Solicitation of Funds on Behalf of the School

With prior written approval of the Superintendent or designee, a student, student organization, or school-connected organization (such as the PTA's, PG Pride, etc.) may solicit funds if such funds directly benefit the students and/or staff of the school or District.

PGUSD athletic teams, co-curricular groups (i.e. Mock Trial/Robotics), and ASB organizations are excluded from this policy requirement. These groups are not required to complete the Solicitation of Funds Form, but rather, report directly through District budgetary processes.

With the written approval of the Superintendent or designee, the approved individuals and organizations may organize fundraising events involving students.

A school-connected organization may consult with the principal to determine school needs and priorities.

Per California Education Code Section 51521, no person shall solicit any other person to contribute to any fund or to purchase any item of personal property, upon the representation that the money received is to be used wholly or in part for the benefit of any District school or the student body of any District school, unless such person obtains the prior written approval of Superintendent.

The Superintendent or designee shall ensure that parents/ guardians are informed of the purpose of all fundraisers benefiting the school or school groups.

Participation of Students in Fundraisers

The Governing Board recognizes that participation in fundraising for the schools and nonprofit, nonpartisan charitable organizations can help develop a sense of social responsibility in students, enhance the relationship between the school and community, and contribute to the improvement of the school program.

Whether solicitations are made on behalf of the school or on behalf of another charitable organization, the Board particularly desires that no students shall be made to feel uncomfortable or pressured to provide or solicit funds. Staff is expected to emphasize the fact that donations are always voluntary. Students shall not be barred from an event or activity because they did not participate in fund-raising. Potential donors, including parents/guardians and members of the community, should not be unduly pressured to contribute to the school system or charitable organizations.

Fundraising on Behalf of the School by School-Connected Organizations

School-connected organizations who wish to raise funds on behalf of the schools or District must submit a request to the Superintendent requesting approval before the commencement of each fundraiser and annually for reoccurring fundraisers. At a minimum the following information must be included in the request:

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Community Relations

Policy #1321

SOLICITATION OF FUNDS

- A statement of purpose of the fundraiser(s);
- Point(s) of contact for questions and management of funds raised;
- Length of time fundraiser (including website) may be active;
- If the fundraising activities will include student participation;
- Editorial review of how the content of the online fundraising is set up (e.g., proper wording that donation is optional);
- Disclosure of any fees charged by the website in connection with the fundraising.
- Methods for advertising the fundraiser (e.g., email, Twitter, Facebook, etc.), including whether the fundraiser may be advertised from or on any District or school website;
- Disclaimer that the District is not responsible for any non-District services used for the fundraiser (e.g., if a fundraiser uses a GoFundMe webpage, the District is not responsible for a data or security breach of the GoFundMe webpage);
- The fundraising website or other online platform (e.g. GoFundMe website) to be used; and
- How the funds will be disbursed to the District.

At the conclusion of the fundraiser event that was approved, the school-connected organization shall submit an accounting report to the District including the amount of money that was raised on behalf of the District and how the funds were distributed in a format approved by the District.

If a school-connected organization would like to hold a raffle, it must first register with the Attorney General's Registry of Charitable Organizations and file financial disclosure reports prior to conducting a raffle pursuant to Penal Code section 320.5.

Fundraising on Behalf of the School by District Employees

District employees who wish to raise funds on behalf of the schools or District shall submit a request to the Superintendent requesting approval before the commencement of each fundraiser and annually for reoccurring fundraisers. At a minimum the following information must be included in the request:

- A statement of purpose of the fundraiser(s);
- Point(s) of contact for questions and management of funds raised;
- Length of time fundraiser (including website) may be active;
- If the fundraising activities will include student participation;
- Editorial review of how the content of the online fundraising is set up (e.g., proper wording that donation is optional);
- Disclosure of any fees charged by the website in connection with the fundraising.
- Methods for advertising the fundraiser (e.g., email, Twitter, Facebook, etc.), including whether the fundraiser may be advertised from or on any District or school website;
- Disclaimer that the District is not responsible for any non-District services used for the fundraiser (e.g., if a fundraiser uses a GoFundMe webpage, the District is not responsible for a data or security breach of the GoFundMe webpage);
- The fundraising website or other online platform (e.g. GoFundMe website) to be used; and
- How and when the funds will be disbursed to the District.

Page 2 of 4. Adopted: July 7, 1994
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Community Relations

Policy #1321

SOLICITATION OF FUNDS

At the conclusion of each fundraiser, the school-connected organization shall submit an accounting report to the District including the amount of money that was raised on behalf of the District and how the funds were distributed. The accounting report shall either be in a format approved by the District or on a form provided by the District.

Fundraising on Behalf of the School by Students and Student Organizations (excluding <u>PGUSD</u> <u>athletic teams, co-curricular groups (i.e. Mock Trial/Robotics), and ASB organizations)</u>

Students and student organizations who wish to raise funds on behalf of the school or District shall submit a request to the Superintendent requesting approval before the commencement of each fundraiser and annually for reoccurring fundraisers. At a minimum the following information must be included in the request:

- A statement of purpose of the fundraiser(s);
- Staff member(s) responsible for establishing the online fundraising;
- Staff member(s) responsible for withdrawing the funds;
- Administrator(s) responsible for ensuring that any withdrawn funds are utilized solely for the fundraising activity;
- Length of time fundraiser (including website) may be active;
- Other fundraising activities that will occur for the same event;
- Status of the funds if the activity does not take place (e.g., money raised for a club's trip that is later canceled);
- Editorial review of how the content of the online fundraising is set up (e.g., proper wording that donation is optional);
- Disclosure of any fees charged by the website in connection with the fundraising;
- Methods for advertising the fundraiser (e.g., email, Twitter, Facebook, etc.), including whether the fundraiser may be advertised from or on any District or school website;
- Disclaimer that the District is not responsible for any non-District services used for the fundraiser (e.g., if a fundraiser uses a GoFundMe webpage, the District is not responsible for a data or security breach of the GoFundMe webpage); and
- The fundraising website or other online platform (e.g. GoFundMe website) to be used.

Fundraising by students and student organizations for or on behalf of the school or District via the Internet (e.g., websites, including but not limited to, GoFundMe, Kickstarter, Patreon, YouCaring, CrowdRise, FuelMySchool, etc.), social media (including, but not limited to, Facebook, YouTube, Instagram, etc.) or any other electronic or digital media, is prohibited without prior written approval from the Superintendent or designee.

At the conclusion of each fundraiser, the school-connected organization shall submit an accounting report to the District including the amount of money that was raised on behalf of the District and how the funds were distributed. The accounting report shall either be in a format approved by the District or on a form provided by the District.

Page 3 of 4. Adopted: July 7, 1994
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Community Relations

Policy #1321

SOLICITATION OF FUNDS

Fundraising on School Grounds by Charites and Organizations

Per California Education Code Section 51520, during school hours, and within one hour before the time of opening and within one hour after the time of closing of school, pupils of the public school shall not be solicited on school premises by teachers or others to subscribe or contribute to the funds of, to become members of, or to work for, any organization not directly under the control of the school authorities, unless the organization is a nonpartisan, charitable organization organized for charitable purposes by an act of Congress or under the laws of the state, the purpose of the solicitation is nonpartisan and charitable, and the solicitation has been approved by the county board of education or the Board.

Fundraising on Behalf of Individuals

Nothing contained in this policy prohibits families from raising money on behalf of their own child outside of school hours.

Gifts, Grants and Bequest

Gifts, grants, and bequest will be governed by Board Policy 3290.

Legal Reference:

EDUCATION CODE

51520 Prohibited solicitations on school premises (except such non partisan, charitable organizations as approved by the governing board)

51521 Unlawful solicitation of contribution or purchase of personal property for benefit of public school or student body; exception

BUSINESS AND PROFESSIONS CODE

17510-17510.7 Charitable solicitations

CODE OF REGULATIONS, TITLE 8

11706 Dangerous activities and occupations

REVENUE AND TAX CODE

6321 - Sales tax exemption for certain sales

Page 4 of 4. Adopted: July 7, 1994 Revised: October 3, 2019

Community Relations

Regulation #1321

SOLICITATION OF FUNDS

Ouarterly Report from Superintendent

The Superintendent or designee shall provide the Board quarterly updates of all requests for fundraising approval made, which requests have been approved, and which requests have been denied.

Fundraising by Students and Student Organizations (excluding PGUSD athletic teams, cocurricular groups (i.e. Mock Trial/Robotics), and ASB organizations)

The Superintendent or designee shall approve or deny all fundraising requests at least 15 days before the activity. If the event involves a contract with a commercial vendor, the Superintendent or designee shall review the contract at the time the request is reviewed.

In order to minimize interruptions to the educational program, staff shall limit fund-raising activities to appropriate time periods designated by the principal.

No student shall be required to raise a specified amount of money in order to participate in an activity sponsored by a school-related organization.

Students making solicitations on behalf of the school or for school-related projects are expected to be courteous and respectful towards all individuals and businesses.

Door-To-Door Sales by Students

Students under 16 years old may engage in door-to-door sales of newspaper or magazine subscriptions, candy, cookies, flowers or other merchandise only if all of the following conditions are met:

- 1. The students shall work in pairs, as a team, on the same or opposite side of the street.
- 2. The students shall be supervised by an adult, with one adult for every crew of ten or fewer minors.
- 3. The students shall be within the sight or sound of their adult supervisor at least once every fifteen minutes.
- 4. The students shall be returned to their respective homes or meeting places after each day's work.
- 5. The students shall not engage in door-to-door sales after dark.
- 6. The students shall not work outside of their immediate neighborhood.
- 7. Students in kindergarten through 3rd grade shall not be involved in any door-to-door sales or solicitations.

Page 1 of 1. Issued: July 7, 1994 Revised: October 3, 2019

PACIFIC GROVE UNIFIED SCHOOL DISTRICT SOLICITATION OF FUNDS APPROVAL REQUEST FORM

School Connected Organizations

Phone: (831) 646-6510 Fax: (831) 646-6500 E-mail: mackerman@pgusd.org

With prior written approval of the Superintendent or designee, school-connected organizations (such as the PTA's, PG Pride, etc.) may solicit funds if such funds directly benefit the students and/or staff of the school or District. (See Board Policy 1321 for further information) School-connected organizations who wish to raise funds on behalf of the schools or District must submit an annual Solicitation of Funds Approval Request Form to the Superintendent. This form must be submitted at least 15 school days prior to the first fundraising event or activity.

At the conclusion of annual fundraising, the school-connected organization must submit a report to the District including how much money was raised on behalf of the District and how the funds were distributed. (See Section 2)

SECTION 1: Required at least 15 days prior to the event.

Group Name:	Contact Name:
Contact Phone Number:	Contact Email:
Non-Profit Number:	Name of fundraiser:
General purpose of fundraiser:	
Date(s) of first fundraiser:	Will students participate in fundraising? Y/N:
Will the fundraiser be online? Yes/No:	Are there any fees associated with the fundraiser:
How will the fundraiser be advertised?	
*The following disclaimer must be included nor sponsors the organization or activity re	d on all advertising: Pacific Grove Unified School District neither endorses epresented in this document.
Signature indicates that you understand abor	ve stated conditions:
Signature:	Date:
	of the event. Please submit to the District.
How much money total was raised on beha-	If of the District:
What format do you intend to use for final a	reporting?
Attach a detailed summary/accounting of he	ow all funds were distributed for the year, and plans for remaining balance
Signature indicates that you understand about	ve stated conditions:
Signature:	Date:

Exhibit #1321b

PACIFIC GROVE UNIFIED SCHOOL DISTRICT SOLICITATION OF FUNDS APPROVAL REQUEST FORM

Students or Employees

Phone: (831) 646-6510 Fax: (831) 646-6500 E-mail: mackerman@pgusd.org

With prior written approval of the Superintendent or designee, student(s), student organizations (excluding PGUSD athletic teams, co-curricular groups (i.e. Mock Trial/Robotics), and ASB organizations) and employees (may solicit funds if such funds directly benefit the students and/or staff of the school or District. (See Board Policy 1321 for further information) Students or employees who wish to raise funds on behalf of the schools or District must submit a Solicitation of Funds Approval Request Form to the Superintendent requesting approval before the commencement of each fundraiser and annually for reoccurring fundraisers. This form must be submitted at least 15 school days prior to the fundraising event or activity.

At the conclusion of the fundraiser, the students or employees must submit a report to the District including how much money was raised on behalf of the District and how the funds were distributed. (See Section 2)

SECTION 1: Required at least 15 days prior to the event.

Group Name:	Contact Name:
Contact Phone Number:	Contact Email:
Non-Profit Number:	Name of fundraiser:
Purpose of fundraiser:	
Date(s) of fundraiser:	Will students participate in fundraising? Yes/No:
Will the fundraiser be online? Yes/No: _	Are there any fees associated with the fundraiser:
How will the fundraiser be advertised?	
*The following disclaimer must be included sponsors the organization or activity representation of activity representations.	ded on all advertising: Pacific Grove Unified School District neither endorses not resented in this document.
Signature indicates that you understand ab	pove stated conditions:
Signature:	Date:
	on of the event. Please submit to the District.
How will the funds be distributed:	of the District:
☐Specific teacher(s)	
☐Site-based program(s)	
Other	
☐To be determined based on red	quests
Signature indicates that you understand at	pove stated conditions:
Signature:	Date:

Adopted: July 16, 1998

Revised: January 16, 2020

ADVERTISING AND PROMOTION

Distribution, Posting or Circulation of Noncommercial Materials

The Governing Board desires to promote positive relationships between the schools and community organizations. Just as community organizations can build support for the schools, the schools can cooperate with these groups under certain circumstances by publicizing services, special events and public meetings of interest to staff and/or students and parents/guardians.

The Superintendent or designee may approve the distribution, posting or circulation in District schools of materials prepared by organizations that are school sponsored or school related. Materials approved for distribution, posting or circulation shall further the District's intended purpose, directly benefit the students, support the basic educational mission of the District or be of intrinsic value to the students. Materials shall not promote any particular religious or political interest except as specified below.

Distribution, Posting or Circulation of Political Materials

The schools shall not distribute, post or circulate campaign materials pertaining to a candidate, party, or ballot measure. Campaign materials shall not be distributed, posted or circulated on District property at any time other than at a forum in which candidates or advocates from all sides are presenting their views to the staff and/or students during school hours, or during events scheduled pursuant to the Civic Center Act.

Distribution, Posting or Circulation of Commercial Materials/Advertising

The Governing Board desires to promote positive relationships between the schools and local businesses. The Superintendent or designee may approve the following types of commercial materials/advertising, based upon the criteria set forth in Regulation 1325:

- 1. Paid advertisements on school property from local businesses, including but not limited to banners or billboards
- 2. Paid advertisements in school-sponsored publications, yearbooks, announcements and other school communications
- 3. Products and materials donated by commercial enterprises may be used in the classroom as long as they serve an educational purpose and do not unduly promote any commercial activity or products. Such materials may bear the name or logo of the donor. The use of such materials does not imply District endorsement of any identified commercial products or services.

Students shall not be required to view commercials during instructional time. Advertisements may be studied, however, as part of the consumer education curriculum.

Legal Reference:
EDUCATION CODE
7050-7058 Political activities of school officers and employees
35160 Authority of governing boards
35160.1 Broad authority of school Districts

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Community Relations

Policy #1325

ADVERTISING AND PROMOTION

35172 Promotional activities
40040-40047 Civic Center Act
48907 Student exercise of free expression
BUSINESS AND PROFESSIONS CODE
25664 Advertisements encouraging minors to drink
Bright v. Los Angeles Unified School District (1976) 134 Cal. Rptr. 639, 556 P.2d 1090, 18 Cal. 3d

Lehman v. Shaker Heights (1974) 418 U.S. 298

Page 2 of 2.

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Adopted: July 16, 1998
Revised: January 16, 2020

ADVERTISING AND PROMOTION

Before publication, posting, circulation or distribution the Superintendent or designee shall review all copy to assure that it complies with the provisions of Board policy and administrative regulations.

Distribution, Posting or Circulation of Noncommercial Materials

Materials generated by non-students may be distributed, posted or circulated in District schools only when prior approval has been granted by the Superintendent or designee.

Surveys or questionnaires requiring staff and/or student or parent/guardian response also must be first approved by the Superintendent or designee. All materials to be distributed shall bear the name and method of contact of the individuals responsible for the activity.

Materials shall not be distributed to staff and/or students or advertised in school-sponsored publications if they:

- 1. Are obscene, libelous, or slanderous. (Education Code 48907)
- 2. Incite students to commit unlawful acts, violate school rules, or disrupt the school's orderly operation. (Education Code 48907)
- 3. Discriminate against, attack or denigrate any group on account of gender, race, color, religion, ancestry, national origin, disability, or other unlawful consideration; or promote one group over another.
- 4. Solicit funds or services for an organization, with the exception of solicitations authorized in Governing Board policy.
- 5. Promote the use or sale of materials or services which are illegal or inconsistent with school objectives. Ads for tobacco, intoxicants, and r-rated and x-rated movies or products shall not be used.

At their discretion, teachers may use commercial-free instructional television programs and other instructional materials that do not require advertising to be viewed.

District schools shall not distribute unsolicited merchandise for which an ensuing payment is requested.

Distribution, Posting or Circulation of Commercial Materials

The Superintendent or designee may selectively approve or disapprove distribution of materials or publishing of copy based on the criteria listed below, but may not disapprove materials or copy in an arbitrary or capricious manner or in a way that discriminates against a particular viewpoint on a subject that would otherwise be allowed. All materials to be distributed shall bear the name and contact information of the sponsoring entity.

The Superintendent or designee shall not approve commercial materials/advertisements that:

- 1. Are obscene, libelous, or slanderous.
- 2. Incite students to commit unlawful acts, violate school rules, or disrupt the school's orderly operation.

Page 1 of 2. Issued: July 16, 1998 Revised: January 16, 2020

Community Relations

Regulation #1325

ADVERTISING AND PROMOTION

- 3. Discriminate against, attack or denigrate any group on account of gender, race, color, religion, ancestry, national origin, disability, or other unlawful consideration; or promote one group over another.
- 4. Promote the use or sale of materials or services which are illegal or inconsistent with school objectives. Ads for tobacco, intoxicants, and r-rated and x-rated movies or products shall not be used.
- 5. Promote during the school day any food or beverage that does not comply with state nutritional standards pursuant to Education Code sections 49430-49434. This prohibition does not include advertising on clothing with brand images worn on school grounds, advertising contained in product packaging, or advertising of infrequent school fundraising events involving food or beverages that do not meet the nutritional standards. (Education Code section 49431.9.)
- 6. Position the District on any side of a controversial issue

Schools may establish additional criteria pertaining to the content of advertisements in school publications and yearbooks. Such criteria may limit advertisements to those that contain congratulatory or commemorative message, curriculum-related content, advertisements for products or services of interest to students, non-controversial content, and/or other content deemed appropriate by the school publication staff and adviser in accordance with law and Board policy.

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Policy #1330

USE OF SCHOOL FACILITIES UNDER THE CIVIC CENTER ACT

The Governing Board recognizes that District facilities are a community resource whose primary purpose is to be used for school programs and activities. The Board authorizes the use of school facilities by parent and community groups for purposes provided for in California Ed. Code 38130, also known as the Civic Center Act when such use does not interfere with school activities.

All school-related activities (clubs, class events etc.) shall be given priority in the use of facilities under the Civic Center Act. The exception is when the school kitchens are in use during the school week from 9:30 a.m. to 1:30 p.m. for deliveries, food preparation, cooking, serving and clean-up by food service staff. Thereafter, the use of facilities shall be on a first-come, first-served basis.

The Board believes that school facilities provide an important link between the District and community. The Board authorizes the use of school facilities without charge or at a reduced charge by nonprofit organizations, and clubs or associations organized to promote youth and school activities. These groups include, but are not limited to scouting organizations, Parent-Teachers' Association, Schoolcommunity advisory groups. The Superintendent or his/her designee may develop and enforce administrative regulations or guidelines setting forth criteria for determining the amount of facility fee reduction based upon but not limited to the following: the amount of square footage utilized, the cost to the District of reducing or waiving the facility use fee, the exclusivity of the use of the facility, the dates, times and length of the requested usage and/or conflict with District usage or usage by other nonprofit or for-profit groups. The Board of Education reserves the right to reduce or waive facility use fees as deemed appropriate and/or necessary. Other groups requesting the use of school facilities under the Civic Center Act shall be charged a rate necessary to cover direct costs (see Exhibit #1330). Exceptions are those where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of the District's students. Such groups shall be charged fair rental value (see Exhibit #1330) when using school facilities or grounds for entertainment or meetings.

The consumption and distribution of any alcoholic beverages and all tobacco products including all ecigarettes and nicotine delivery devices are prohibited on District property and facilities. Tobacco products, e-cigarettes and any other nicotine delivery devices shall not be consumed or distributed for any school sponsored activity or event, both on or off school district property.

Legal Reference:

EDUCATION CODE

10900-10914.5 Community Recreation Programs

38130-38139 Civic Center Act: use of school property for public purposes

79 Ops.Cal.Atty.Gen 248 (1996)

ACLU of So. Calif. v. Board of Education of Los Angeles, (1961) 55 Cal. 2d 167

ACLU of So. Calif. v. Board of Education of San Diego, (1961) 55 Cal .2d 906

ACLU of So. Calif. v. Board of Education of Los Angeles, (1963) 59 Cal .2d 203

ACLU of So. Calif. v. Board of Education of San Diego, (1963) 59 Cal .2d 224

Connell v. Higgenbotham, (1971) 403 U.S. 207, 91 S.Ct. 1772

Cole v. Richardson, (1972) 405 U.S. 676, 92 S.Ct. 1332

Lamb's Chapel v. Center Moriches Union Free School District (1993) 113 S.Ct. 2141

Management Resources:

CDE LEGAL ADVISORIES

1101.89 School District Liability and "Hold Harmless" Agreements, LO: 4-89

Page 1 of 1

Community Relations

Regulation #1330

USE OF SCHOOL FACILITIES

Facility Use Under the Civic Center Act

Subject to Ed. Code 38130 and District policies and regulations, school facilities and grounds shall be available to citizens and community groups for use as a civic center for the following purposes:

- 1. Public, literary, scientific, recreational, educational or public agency meetings
- 2. The discussion of matters of general or public interest
- 3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization
- 4. Child care programs to provide supervision and activities for children of preschool and elementary school age
- 5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies
- 6. Supervised recreational activities including, but not limited to, sports league activities that are arranged for and supervised by entities, including religious organizations or churches, and in which youths may participate regardless of religious belief or denomination
- 7. A community youth center
- 8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare
- 9. Other purposes deemed appropriate by the Governing Board

Restrictions

Helium-filled balloons are not permitted for any purpose within Pacific Grove Unified School District, including all school and non-school related events.

School facilities shall not be used for any of the following activities:

- 1. Any use by an individual or group for the commission of any crime or any act prohibited by law
- 2. Any use of school facilities or grounds which is inconsistent with their use for school purposes or which interferes with the regular conduct of school or school work
- 3. Any use which is discriminatory in the legal sense

Community Relations

Regulation #1330

Issued: February 2002

Revised: August 24, 2017

USE OF SCHOOL FACILITIES

4. Any use which involves the possession, consumption or sale of tobacco products including, but not limited to, electronic delivery systems with any substance, alcoholic beverages or any restricted substances on school property

Conditions of Use

Use of school facilities by non-school or non-District groups is normally limited to the hours of approximately 4:00 p.m. to 10:00 p.m., Monday through Fridays, during days when school is in regular session. School kitchens are available for use after 1:30 p.m. during the regular school week.

Tennis courts, athletic and play fields, except for the high school stadium field, may have casual, non-organized use by the public, without reservation, on a first come, first served basis when not being used for school purposes. All non-District organized athletic activities must have prior written authorization from the District through use of the Facility Use Request process.

For the purposes of this section an "organized athletic activity" is one that involves individuals or teams that are primarily present to participate in a sporting event that is being conducted in accordance with rules and regulations normally associated with such events.

Damage and Liability (EC 38134)

Groups or persons using school facilities shall be liable for any property damages caused by the activity. The Board may charge the amount necessary to repair the damages and may deny the group further use of school facilities.

Any group using school facilities shall be liable for any injuries resulting from its negligence during such use. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk.

Groups other than those that promote youth and school activities shall be required to include the District as additional insured on their liability policies.

The Superintendent or designee may require a hold harmless agreement when warranted by the type of activity or the specific facility being used.

Application for Use of Facilities (EC 38133)

The Superintendent or designee shall maintain application procedures and regulations for the use of school facilities which: (Education Code 38133)

1. Encourage and assist groups desiring to use school facilities for approved activities.

Community Relations

Regulation #1330

USE OF SCHOOL FACILITIES

- 2. Preserve order in school buildings and on school grounds, and protect school facilities. If necessary, a person may be designated to supervise this task.
- 3. Ensure that the use of facilities or grounds is not inconsistent with the use of the school facilities or grounds for school purposes and does not interfere with the regular conduct of school work.

Any persons applying for the use of school property on behalf of any society, group or organization shall present written authorization from the group to make the application.

Persons or organizations applying for the use of school facilities shall submit a statement of information indicating that the organization upholds the state and federal constitutions and does not intend to use school premises to commit unlawful acts.

Facilities Use Fees

- 1. Category 1: Except as otherwise described below, the Superintendent or authorized designee shall have the discretion to reduce the charge applied to non-profit organizations, clubs, or associations organized to promote youth and school activities. These groups include, but are not limited to scouting organizations, Parent Teachers' Associations and school-community advisory groups. In making the decision to reduce the facility fee, the Superintendent or his/her designee shall consider the amount of square footage requested, the cost to the District of reducing the facility use fee, the exclusivity of the use of the facility, the dates, times, and duration of the requested usage.
- 2. Category 2:Direct costs shall be applied to groups using school facilities not covered in Category 1 (above), except as noted in Category 3 (below). See Exhibit 1330 for current fees.
- 3. Category 3: Fair rental value shall be applied to groups using school facilities where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of the District' students.
- 4. All categories of users shall be responsible for paying for the cost of repairing or replacing facilities damaged by their use of the facility.
- 5. A damage deposit of \$1,000 is required for use of the Middle School Auditorium (aka, Performing Arts Center) unless waived by the Superintendent or designee. All categories of users are required to pay this damage deposit.
- 6. If the District determines at its discretion that a District employee needs to be present when school facilities are being used (such as a food service employee or audiovisual technician), all categories of users shall be required to pay that employee at the current hourly rate determined by the District.
- 7. In all cases, the Board of Education reserves the right to reduce or waive the facility use fees as deemed appropriate and/or necessary.

Issued: September 2001

Revised: August 24, 2017

PUBLIC USE OF SCHOOL FACILITIES

The following facilities are available for public use when not being used for school purposes. (Fees are in effect as of February 16, 2012.)

See below for additional conditions for facilities use (1) - (3)

	Category 1	Category 2 (Hourly Direct Facility Cost)	Category 3 (Hourly Fair Rental Value)
Audio Visual Equipment	\$10*	\$10	\$15
Auditorium, Middle School	\$75* (2) (3)	\$75 (2) (3)	\$100 (2) (3)
Auditorium, Robert Down Elementary	\$30*	\$30	\$35
Classrooms, All Schools	\$20*	\$20	\$25
Computer Labs	\$40* (3)	\$40 (3)	\$45 (3)
Football Stadium (see next page)			
Gymnasium, High School	\$75* (1)	\$75 (1)	\$100 (1)
Gymnasium, Middle School	\$45* (1)	\$45 (1)	\$50 (1)
Kitchen Facilities (See also Tier Schedule next page)	\$50* (3)	\$50 (3)	\$75 (3)
Libraries	\$45*	\$45	\$50
Multipurpose Room – Elementary Schools	\$50*	\$50	\$75
Multipurpose Room/Student Union, High School	\$50*	\$50	\$75
Parking lots	\$20*	\$20	\$30
Playing fields (Maximum use by nonstudent groups: six hours)	\$25*	\$25	\$35
Shower Rooms, MS and HS	\$40*	\$40	\$45

PUBLIC USE OF SCHOOL FACILITIES

Swimming Pool	\$50*	\$50	\$75
Teacher Lounges	\$15*	\$15	\$20
Tennis Courts, High School	\$25*	\$25	\$50
Processing Fee (Per Request)	\$2*	\$2	\$5
Additional Custodial Cleanup	\$50*	\$50	\$50

Additional conditions for facilities use:

- Overnight use charged as 8 hours
- A damage deposit of \$1,000 is required for use of the Middle School Auditorium (Performing Arts Center) unless waived by the Superintendent or designee. All categories of users are required to pay this damage deposit.
- Paid District employee required to be present at user expense. This applies to using the 1) Middle School Auditorium sound or lighting system and 2) all site cafeterias with kitchen equipment and food preparation.

FOOTBALL STADIUM USE FEES AND HOURLY RATES

See below for additional conditions for football stadium use (a) - (e)

	Category 1	Category 2	Category 3
Stadium – no lights, includes restrooms	\$50*	\$50	\$75
	(a)	(a), (b)	(a), (b)
Stadium – with lights and restrooms	\$75*	\$75	\$100
	(a), (e)	(a), (b), (e)	(a), (b), (e)
Press Box	\$10*	\$10	\$15
	(a)	(a), (c)	(a), (c)

^{*} The Superintendent or designee shall have the discretion to reduce the charge applied to non-profit organizations, clubs, or associations organized to promote youth and school activities. These groups include, but are not limited to scouting organizations, Parent Teachers' Associations and school-community advisory groups. In making the decision to reduce the facility fee, the Superintendent or his/her designee shall consider the amount of square footage requested, the cost to the District of reducing the facility use fee, the exclusivity of the use of the facility, the dates, times and duration of the requested usage.

PUBLIC USE OF SCHOOL FACILITIES

Concession Building	\$50*	\$50	\$75
	(a), (d)	(a), (b), (c), (d)	(a), (b), (c), (d)
Field House	\$30*	\$30	\$40
	(a)	(a), (c)	(a), (c)

Additional conditions for football stadium use:

- (a) User to pay for extra district custodial and/or maintenance staff time if needed as determined by District at current hourly rate.
- (b) User to pay a damage deposit of \$1,000 which may be waived in part or full by Superintendent or designee.
- (c) User to pay a damage deposit of \$500 which may be waived in part or full by Superintendent or designee.
- (d) User to pay for district food service worker (at current hourly rate) if needed as determined by District.
- (e) User to end play at 8:30 p.m. in order for lights to be turned off by 9:00 p.m.
- * The Superintendent or designee shall have the discretion to reduce the charge applied to non-profit organizations, clubs, or associations organized to promote youth and school activities. These groups include, but are not limited to scouting organizations, Parent Teachers' Associations and school-community advisory groups. In making the decision to reduce the facility fee, the Superintendent or his/her designee shall consider the amount of square footage requested, the cost to the District of reducing the facility use fee, the exclusivity of the use of the facility, the dates, times and duration of the requested usage.

Note: If any activity results in the damage or destruction of school property, the group will be charged an amount necessary for the repair of the damage and further use of facilities may be denied. (EC 38134)

USE OF SCHOOL KITCHENS

Tier I: Cafeterias **without** the use of the kitchen:

- No food service employee required.
- o Facilities use holders may use the sinks, and the counters for simple activities, such as preparing coffee, cutting cake, serving prepared food items and washing dishes.
- The site principal or designee would be responsible for opening and closing the facility assess the condition of the facility and notify the Nutrition Director if damages are noted.

Page 3 of 4 Issued: September 2001 All Rights Reserved by PGUSD Revised: August 24, 2017

PUBLIC USE OF SCHOOL FACILITIES

- o A one time deposit will be made by the approved organization, and this would be used in the event of damage.
- Should damage occur, permission to use the facilities by that organization will be reassessed, and a new deposit required, if necessary.

Tier II: Cafeterias with the use of kitchen equipment and food preparation:

- Food service employee required or proof that someone with a current food safety certificate will be present is required.
- If the facilities use permit holder plans on using the gas stove, ovens, warmer ovens, heating and serving units, and/or food is going to be prepared, cooked and served, then a district food service employee, or a ServSafe certified person, needs to be at the site for the duration of the event.

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Community Relations

Exhibit #1330.1

USE OF SCHOOL FACILITIES

STATEMENT OF INFORMATION

The undersigned, as duly authorized representative for
, states that, to the best of his/her knowledge, the
school property for use of which application is hereby made will not be used
for the commission of any crime or any act which is prohibited by law.
The undersigned further declares that , the
organization on whose behalf he/she is applying for the use of school
property, upholds and defends the Constitutions of the United States and the
State of California.
Signed:
Organization if applicable:
Date:

Community Relations

Policy #1340

ACCESS TO DISTRICT RECORDS

Any person shall have reasonable access, during normal business hours, to the public records of the schools and District. Such records shall be examined in the presence of the staff member regularly responsible for their maintenance.

There is presumed to be a compelling public interest that is beneficially served by prompt, expeditious public access to all District records, except as specifically restricted by law, or when, upon the specific written finding of the Superin-tendent, there is determined to exist a public interest in withholding the record(s) that clearly outweighs the public interest in disclosure.

The District may charge for copies of public records or other materials requested by individuals or groups. Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act.

Legal Reference:

EDUCATION CODE

35145 Public meetings

35170 Authority to secure copyrights

35250 Duty to keep certain records and reports

42103 Publication of proposed budget; hearing

44031 Personnel file contents and inspections

44839 Medical certificates; periodic medical examination (re access to medical certificate in personnel file)

49060-49079 Pupil records

49091.10 Parental review of curriculum and instruction

52015 Ongoing evaluation and modification of school improvement plans

52015.5 Availability of information required by Education Code 52015(g)

52850 Applicability of article (School-based Program Coordination Plan availability)

54722 Application of article (Motivation and maintenance program Plan availability)

GOVERNMENT CODE

3547 Proposals relating to representation

6250-6268 California Public Records Act

53262 Employment contracts

54957.2 Minute book record of closed sessions

54957.5 Agendas and other writings distributed for discussion or consideration

81008 Public records; inspection and reproduction

CODE OF REGULATIONS, TITLE 5

430-438 Individual pupil records

4061 Availability of evaluation information

Page 1 of 1.
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CSBA: 12/92

Community Relations

Policy #1340

ACCESS TO DISTRICT RECORDS

COURT DECISIONS

Fairley v. Superior Court, 66 Cal.App. 4th 1414 (1998)

North County Parents Organization for Children with Special Needs v. Department of Education, 23 Cal.App. 4th 144 (1994)

ATTORNEY GENERAL OPINIONS 71 Ops.Cal.Atty.Gen. 235 (1988)

64 Ops.Cal.Atty.Gen 186 (1981)

Page 2 of 1. Adopted: February 2, 1995
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Community Relations

Regulation #1340

ACCESS TO DISTRICT RECORDS

Requests for access to District records shall be placed with the Superintendent or designee.

Public records include any writing containing information relating to the conduct of the District's business prepared, owned, used or retained by the District regardless of physical form or characteristics. Records to which the public shall have access during normal business hours include but are not limited to:

- 1. The proposed and approved budgets. (Government Code 6252, Education Code
- 2. Statistical compilations. (Government Code 6252)
- 3. Reports and memoranda. (Government Code 6252)
- 4. Notices and bulletins. (Government Code 6252)
- 5. Minutes of public meetings. (Government Code 6252)
- 6. Meeting agendas. (Government Code 6252, Education Code 54957.5)
- 7. Official communications between governmental branches. (Government Code 6252)
- 8. School-based program plans. (Education Code 52850, 54722)
- 9. Information and data relevant to the evaluation and modification of school improvement plans. (Education Code 52015.5)
- 10. Initial proposals of exclusive employee representatives and of the District. (Government Code 3547)
- 11. Tort claims filed against the District. (71 Ops. Cal. Atty. Gen. 235, 1988)
- 12. Records pertaining to pending litigation which predate the filing of the litigation, unless otherwise protected by the attorney/client privilege. (Government Code 6254.25, 71 Ops. Cal. Atty. Gen. 235, 1988)
- 13. Statements of economic interests required by the Conflict of Interest Code. (Government Code 81008)
- 14. Contracts of employment and settlement agreements. (GC 53262)

Confidential Records

Records to which the general public shall not have access include but are not limited to:

1. Personnel records, medical records, student records, personal correspondence, or similar materials the disclosure of which would constitute an unwarranted invasion of personal privacy. (Government Code 6254)

Page 1 of 3. Issued: February 2, 1995 CSBA: 12/92

Community Relations

Regulation #1340

ACCESS TO DISTRICT RECORDS

Page One of Three

ACCESS TO DISTRICT RECORDS

Page Two

The home addresses and home telephone numbers of employees may be disclosed only as follows:

- a) To an agent or family member of the individual to whom the information pertains.
- b) To an officer or employee of a state agency or another school District or county office of education when necessary for the performance of its official duties.
- c) To an employee organization pursuant to regulations and decisions of the PERB, unless the employee performs law enforcement-related functions or requests in writing that the information not be disclosed. (GC 6254.3)
- d) To an agent or employee of a health benefit plan providing health services or administering claims for health services to District employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents. (GC 6254.3)
- 2. Test questions, scoring keys and other examination data except as provided by law. (Government Code 6254)
- 3. Records pertaining to pending litigation, except those which predate the filing of the litigation, unless otherwise protected by the attorney/client privilege. (Government Code 6254 and 6254.25, 71 Ops. Cal. Atty. Gen. 235, 1988)
- 4. Recall petitions or petitions for the reorganization of school Districts. (Government Code 6253.5)
- 5. The minutes of Board meetings held in closed session. (Govt. Code 54957.2)
- 6. Preliminary drafts, notes or interDistrict memoranda which are not retained by the District in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure. (Government Code 6254)
- 7. Computer software developed by the District. (Government Code 6254.9)

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Community Relations

Regulation #1340

ACCESS TO DISTRICT RECORDS

8. Any other records listed as exempt from public disclosure in the California Public Records Act.

Requests for Copies

Any person may receive a copy of any identifiable public record. Upon request, an exact copy shall be provided unless it is impractical to do so. (Government Code 6256)

Copies shall be furnished at the cost as established by the District.

Computer data shall be provided in a form determined by the Superintendent or designee.

Page Two of Three

ACCESS TO DISTRICT RECORDS

Page Three

Within ten days of receiving any request for a copy of records, the Superin-tendent or designee shall determine whether to comply with the request and shall immediately inform the person making the request of his/her determination and the reasons for it. (Government Code 6256)

The ten day limit may be extended for up to ten additional working days in un-usual circumstances and with proper notice. (Government Code 6256.1)

With proper notice, the ten-day limit may be extended for up to ten additional working days, to the extent reasonably necessary, under the following circumstances:

- 1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- 2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.
- 3. The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the

Page 3 of 3. Issued: February 2, 1995 CSBA: 12/92

Community Relations

Regulation #1340

ACCESS TO DISTRICT RECORDS

request or among two or more components of the agency having substantial subject matter interest therein.

ADMINISTRATION

Administration Policy #2120

SUPERINTENDENT OF SCHOOLS

The Superintendent is the chief executive officer and educational leader of the District. He/she executes all Governing Board decisions and is accountable to the Board for managing the schools in accordance with the Board's policies. He/she informs the Board about school programs, practices and problems and offers professional advice and recommendations on items requiring Board action.

The Board delegates to the Superintendent the power to make decisions concerning internal operations of the District. The Superintendent may delegate to other school staff any duties imposed upon him/her by the policies or vote of the Board, as far as the law permits. This delegation of power or duty shall not relieve the Superintendent of responsibility for actions taken by his/her designees.

The Superintendent shall have general supervision of all personnel and shall develop and execute consistent, fair and fiscally sound personnel procedures and practices, including an evaluation program for all District employees. He/she shall oversee all financial operations of the District.

The Superintendent shall take an active leadership role in the development and improvement of the instructional program. He/she is expected to create a feeling of unity and enthusiasm among students and staff for the accomplishment of District goals.

The Superintendent shall articulate educational issues and values before the community and other governmental agencies. He/she shall be accessible to community members and shall work with them to further the District's goals and build a strong, positive community attitude toward the school system.

Administration Policy #2120

SUPERINTENDENT OF SCHOOLS

The Board expects the Superintendent to remain current on educational thought and practices by reading educational publications, attending educational conferences, and visiting other school systems in the interest of improving the District's instructional program and overall operation. The Superintendent shall inform the Board and staff of new developments and significant events in the field of education.

Legal Reference: EDUCATION CODE

35020 Duties of employees fixed by governing board

35026 Employment of District superintendent by certain Districts

35028 Qualifications for employment

35029 Waiver of credential requirement

35031 Term of employment (up to four years) 35032 Salary increases

35033 District superintendent for certain unified school Districts

35034 District superintendent of certain unified Districts

35035 Additional powers and duties of superintendent

39656 Delegation of powers to agents; liability of agents

39657 Delegation of authority to purchase supplies, equipment and services; limitations on expenditure

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Administration Policy #2121

SUPERINTENDENT'S CONTRACT

The Governing Board shall employ a Superintendent for a term of not more than four years. (Education Code 35031)

The Board may obtain legal counsel from its own attorney when entering into a Superintendent's contract.

Termination Of Contract

The Board shall notify the Superintendent no less than 45 days before his/her current contract expires of its intention not to renew the contract. If the above notice has not been given, the Superintendent shall be reelected for a term of the same length as the one completed, under the same terms, and with the same compensation. (Education Code 35031)

The Board shall evaluate the Superintendent's performance early enough to ensure compliance with this notice requirement and any requirements of the existing contract.

Legal Reference:
EDUCATION CODE
35031 Term of employment
GOVERNMENT CODE
53260-53264 Employment Contracts

Page 1 of 1. Adopted: October 7, 1999
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Administration Policy #2122

SUPERINTENDENT OF SCHOOLS: RESPONSIBILITIES AND DUTIES

The Superintendent is expected to work for the fulfillment of District goals and objectives established by the Governing Board. His/her responsibilities and duties shall be specified in contract and further detailed throughout the Board's policies.

The duties of the Superintendent's office shall take precedence over any outside professional activities.

Legal Reference:

EDUCATION CODE

- 35020 Duties of employees set by governing board
- 35026 Employment of District superintendent by certain Districts
- 35028 Qualifications for employment
- 35029 Waiver of certification requirement
- 35035 Additional powers and duties of superintendent
- 39656 Delegation of powers to agents
- 39657 Delegation of authority to purchase supplies, equipment and services
- 48900 Authority of superintendent to recommend suspension or expulsion GOVERNMENT CODE
- 89501-89505 Honoraria and gifts

Page 1 of 1. Adopted: October 7, 1999 CSBA: 10/94

Administration Exhibit #2122

SUPERINTENDENT OF SCHOOLS: RESPONSIBILITIES AND DUTIES

The Superintendent is the chief executive officer of the school District and is directly responsible to the Governing Board. He/she supervises all District opera-tions in accordance with Board policies and Board direction. Although the Superintendent may delegate appropriate powers and duties so that operational decisions can be made at various administrative levels, he/she is accountable for the execution of these powers and duties.

Responsibilities Related to the Board

The Superintendent:

- 1. Advises the Board on the need for new and/or revised policies and makes policy recommendations based on data and input from staff and advisory com-mittees.
- 2. Submits to the Board recommendations relative to all matters requiring Board action, together with the materials needed for informed decisions.
- 3. Reports periodically on all District operations.
- 4. Conducts special studies requested by the Board.
- 5. Secures legal opinions when needed.
- 6. Provides advice and leadership to the Board and to the District's chief negotiator during the collective bargaining process.
- 7. As secretary to the Board, prepares the agenda and minutes of Board meetings, handles Board correspondence, and maintains all Board records, contracts, securities and other documents.
- 8. Assists the Board in designing a process for evaluating Superintendent performance based on mutually agreed upon goals and objectives.

Responsibilities Related to Personnel

The Superintendent:

- 1. Coordinates the work of all schools and departments.
- 2. Defines the duties of all personnel and coordinates administrative staff acti-vities.
- 3. Selects and recommends to the Board candidates for employment, in accordance with nondiscrimination policy and affirmative action plans.
- 4. Advises the Board regarding the leave, classification, retirement, resignation, promotion, suspension or dismissal of District employees.
- 5. Assigns personnel within the District in accordance with Board policy and the collective bargaining agreement.

Page 1 of 3. Issued: October 7, 1999 CSBA: 10/94

Administration Exhibit #2122

SUPERINTENDENT OF SCHOOLS: RESPONSIBILITIES AND DUTIES

- 6. Promotes a positive work environment.
- 7. Ensures that each staff member is evaluated and identifies appropriate opportunities for continued professional development.
- 8. Maintains appropriate channels of two-way communication within the Dis-trict.
- 9. Ensures that staff is informed about relevant federal, state, and county laws; District policies, regulations and procedures; and matters related to the improvement and welfare of the schools.
- 10. Anticipates, manages and resolves conflict.
- 11. Serves as liaison between the Board and staff.

Responsibilities Related to Students and the Instructional Program

The Superintendent:

- 1. Enforces compulsory attendance laws.
- 2. Provides the Board with regular evaluations of District programs and student
- 3. Together with staff, studies the curriculum and makes recom-mendations to the Board regarding the courses of study, major changes in texts and time schedules, and promising programs.
- 4. Apprises the Board of contemporary educational practices and related legis-lative issues which he/she discovers by reading, attending professional con-ferences, and visiting other school systems.
- 5. Ensures that there is a continuous focus on student growth and learning.
- 6. Ensures equitable administration of student discipline policies. Under appropriate circumstances, recommends to the Board a student's suspension or expulsion.
- 7. Works with staff, the Board and the community in planning and implementing support services for students.

Responsibilities Related to Noninstructional Operations

The Superintendent:

- 1. Seeks and identifies sources of income and funding.
- 2. Maintains and updates adequate enrollment and scholastic records, business and property records, and personnel records.

Page 2 of 3. Issued: October 7, 1999 CSBA: 10/94

Administration Exhibit #2122

SUPERINTENDENT OF SCHOOLS: RESPONSIBILITIES AND DUTIES

3. Submits to the Board periodic financial and budgetary reports which identify the District's outstanding obligations.

- 4. Annually prepares and submits to the Board the District budget for the upcoming year; revises this budget or takes other related action as the Board designates.
- 5. Approves all expenditures in accordance with Board policy and within Boardapproved appropriation limits.
- 6. Makes recommendations to the Board regarding the maintenance, safety, improvement and/or expansion of school facilities, sites, equipment, and transportation services.
- 7. Develops regulations and procedures for the management of school operations and the use and care of school properties.
- 8. Monitors District property, casualty and workers' compensation loss exper-ience to ensure that appropriate risk management and loss control strategies are employed.

Responsibilities Related to the Community

The Superintendent:

- 1. Serves as a spokesperson as assigned in relationships with city, county and state governments, private agencies, and the school community.
- 2. Keeps the community informed about school matters; promotes community support and involvement with the schools.
- 3. Participates in appropriate community organizations and functions.
- 4. Hears complaints against the schools and resolves controversies.

Page 3 of 3. Issued: October 7, 1999 CSBA: 10/94

Administration Policy #2124

SUPERINTENDENT OF SCHOOLS: JOB DESCRIPTION

The Superintendent is directly responsible to the Governing Board, serves as chief executive of the Board, and supervises all district operations in accordance with Board policies. Although the Superintendent may delegate appropriate powers and duties so that operational decisions can be made at various administrative levels, he/she is responsible for the execution of these powers and duties and will establish administrative regulations as needed to manage the district.

Duties Related To The Board

The Superintendent:

- 1. Advises the Board on the need for new and/or revised policies and makes policy recommendations based on data and input from staff and advisory committees.
- 2. Submits to the Board recommendations relative to all matters requiring Board action, together with the materials needed for informed decisions.
- 3. Reports periodically on all district operations.
- 4. Conducts special studies requested by the Board.
- 5. Secures legal opinions when needed.
- 6. Submits staff members' communications to the Board or to Board committees at regular Board meetings, with or without recommendations.
- 7. Provides advice and leadership to the Board and to the district's chief negotiator during the collective bargaining process.
- 8. As secretary to the Board, prepares the agenda and minutes of Board meetings, handles Board correspondence, and maintains all Board records, contracts, securities and other documents.

Duties Related To Staff

The Superintendent:

- 1. Coordinates the work of all schools and departments.
- 2. Directs the employment and assignment of administrative staff and coordinates administrative staff activities.
- 3. Selects and recommends to the Board the best qualified and most competent candidates for employment, in accordance with nondiscrimination policy and affirmative action plans.
- 4. Advises the Board regarding the leave, classification, retirement, resignation, promotion, suspension or dismissal of district employees.
- 5. Assigns personnel within the district in accordance with Board policy and the collective bargaining agreement.

Page 1 of 2. Adopted: October 7, 1999 CSBA: 10/94

Administration Policy #2124

SUPERINTENDENT OF SCHOOLS: JOB DESCRIPTION

6. Arranges for the evaluation of each staff member and identifies appropriate opportunities for continued professional development.

7. Maintains appropriate channels of communication within the district and ensures that staff is informed about relevant federal, state, and county laws, district policies, regulations and procedures, and matters related to the improvement and welfare of the schools.

Duties Related To The Community

The Superintendent:

- 1. Represents and advocates for the Board in relationships with city, county and state governments, private agencies, and the school community.
- 2. Sees that the community is informed about school matters through the school accountability report card and other informational materials.
- 3. Participates in appropriate community organizations and functions to obtain support for the attainment of district goals.
- 4. Hears complaints against the schools and resolves controversies between employees or between employees and students or parents/guardians.

Reference:

Pacific Grove Unified School District Governing Board

Page 2 of 2. Adopted: October 7, 1999 CSBA: 10/94

Administration Policy #2140

EVALUATION OF SUPERINTENDENT

The Governing Board believes that an annual evaluation of the Superintendent's performance serves to measure the District's progress toward established goals and objectives and strengthens working relationships between the Superintendent and the Board. Evaluations should provide commendations in areas of strength and recommendations for improving effectiveness, thus clarifying the Superintendent's role and giving the Board and Superintendent an opportunity to jointly identify priorities among the Superintendent's many responsibilities. Evaluations also should help the Board to set reasonable criteria for salary increases and/or contract extension.

Performance Objectives

By the second Board meeting in October of each year, the Board and Superintendent shall annually agree upon a limited number of goals which are aligned with the District plans and goals, and the California Professional Standards for Educational Leaders (CPSELs). For each goal, the Board and Superintendent shall agree in writing the activities to be performed, expected results, and resources or constraints which may affect achievement, if applicable. These shall be used to evaluate the Superintendent's performance. The Superintendent performance review shall be based on Performance Guidelines related to the educational program, personnel, operations, management, community relations, Board-Superintendent relations, and professional leadership.

Evaluation Process

By the first Board meeting in May of each year, each Board member shall independently rate the Superintendent's performance in each performance objective. The Board shall meet in closed session to discuss these ratings and reach a consensus upon the evaluation of each goal area. The Board president or designee shall then develop a single evaluation representing the Board's collective judgment and provide a copy to the Superintendent.

By the final Board meeting in June each year, the Board shall meet in closed session with the Superintendent to discuss the evaluation. The Superintendent and Board members shall agree upon and sign an evaluation summary.

Additional evaluations may be arranged at any time during the year at the request of either the Board or the Superintendent.

Legal Reference:

GOVERNMENT CODE

<u>6254.8</u> Public Records Act; employment contracts

54957 Closed session, personnel matters

COURT DECISIONS

Versaci v. Superior Court, (2005) 127 Cal.App.4th 805

Duval v. Board of Trustees, (2001) 93 Cal.App.4th 902

Management Resources:

WEB SITES

CSBA: http://www.csba.org

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Administration Policy #2140

EVALUATION OF SUPERINTENDENT

Association of California School Administrators: http://www.acsa.org

Administration Exhibit #2140

EVALUATION OF SUPERINTENDENT

Performance Guidelines

Relations with the Board

The Superintendent:

- 1. Manages the District in accordance with Governing Board policy.
- 2. Informs the Board about the operations of the schools.
- 3. Offers the Board professional advice, based on thorough study and analysis, regarding needed policy decisions and other items requiring Board action.
- 4. Provides Board members with timely agendas and with the information and reports they need in order to make informed decisions.

Personnel

The Superintendent:

- 1. Maintains an active program of personnel recruitment and selection to pro-vide a competent, well-balanced staff.
- 2. Provides a selection process which identifies the best candidate in accordance with the District's nondiscrimination policy and which includes a thorough check of references.
- 3. Ensures the systematic evaluation of all employees and provides advice and a reasonable opportunity for improvement to all who receive an unsatisfactory evaluation.
- 4. Organizes the staff so that appropriate decision making may take place at various levels.
- 5. Holds regular meetings with the administrative staff and provides means for two-way communication with all staff members.
- 6. Informs the staff regarding District policies/regulations.
- 7. Provides a program for continuing growth and professional development of teachers and principals; periodically reviews and reorganizes staff duties and/or responsibilities as necessary to take full advantage of the staff's special competencies.
- 8. Ensures that a satisfactory process exists for hearing employees' complaints and taking subsequent action.
- 9. Has the confidence and respect of the staff and makes himself/herself avail-able to the staff within reasonable limitations.
- 10. Encourages team spirit, research and creativity among employees.

Instructional Program

The Superintendent:

- 1. Provides for the continuous appraisal of the instructional program.
- 2. Actively promotes improvement of the curriculum and instructional materials; ensures that the staff and community are involved in this effort.
- 3. Promotes efforts to improve the quality of teaching.

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Administration Exhibit #2140

EVALUATION OF SUPERINTENDENT

4. Investigates current educational practices and initiates innovation.

Noninstructional Operations

The Superintendent:

- 1. Ensures that District records are maintained in accordance with law.
- 2. Provides for a safe school environment.
- 3. Develops long-range plans for new sites and facilities or for the closure of existing sites where needed.
- 4. Provides a program of preventive maintenance for school facilities.
- 5. Ensures that District business functions are efficiently managed by qualified personnel.
- 6. Ensures that the budget is planned in terms of educational priorities and that it provides for the improvement of the educational program.
- 7. Seeks out new funding sources for the schools.

Community Relations

The Superintendent:

- 1. Provides direction and support for effective school site processes involving the community, including the development of school accountability report cards.
- 2. Provides for communication between the District and schools and the com-munity; speaks on behalf of the schools before community groups and govern-mental agencies.
- 3. Cooperates with diverse community members and agencies to further District goals.
- 4. Seeks out opportunities to collaborate in providing support services for students.

Page 2 of 2. Issued: October 7, 1999 Revised: June 20, 2019

Administration Policy #2210

ADMINISTRATIVE LEEWAY IN ABSENCE OF BOARD POLICY

The Superintendent shall have the power to act in cases where action must be taken and where the Governing Board has not provided guidelines for administrative action. The Board shall review the Superintendent's decision at the next regular Board meeting.

It shall be the duty of the Superintendent to keep the Board president apprised of any action taken in emergency situations as soon as practicable after its occurrence and certainly prior to the Board's next regular meeting. The president shall use his/her discretion in informing the Board before its next regular meeting. If the action necessitates addition or revision of policies, the Superintendent shall make the necessary recommendations to the Board.

Legal Reference: EDUCATION CODE 35035 Powers and duties of superintendent

Page 1 of 1. Adopted: October 7, 1999
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BUSINESS

Business Policy #3000

CONCEPTS AND ROLES

The Governing Board recognizes that prudent financial decisions are crucial to the District's ability to provide a high-quality education for students. It is therefore essential that the Board establish reliable budget development processes and adopt a responsible budget with spending priorities which reflect the District's vision and goals. When needed, the Board shall advocate and seek community, state or federal support for additional financing.

The Board expects sound fiscal management from the administration. The Superintendent or designee shall prepare the detailed annual budget and present it to the Board for review and adoption. He/she shall administer the adopted budget in accordance with Board policies and accepted business procedures.

The Board shall monitor financial operations so as to ensure the District's fiscal integrity. The Superintendent or designee shall make all required financial reports, recommend auditor(s) to the Board, recommend financial plans for meeting program needs, and keep the Board fully informed about the District's fiscal and non-instructional operations.

The Board shall make every effort to ensure that the District provides healthy school environments and maintains high standards of safety in the operation of facilities, equipment and services. The Superintendent or designee shall establish a risk management program that promotes safety and protects District resources.

Legal Reference:
EDUCATION CODE
35035 Powers and duties of superintendent
35160 Authority of governing boards
35160.1 Broad authority of school District
35161 Powers and duties of governing boards

Policy #3020 Business

FISCAL POLICY TEAM

The Governing Board recognizes that sound fiscal management requires anticipating financial problems and taking early corrective action.

The Superintendent shall establish a fiscal policy team to regularly review the District's financial condition, report to the Board on vital financial data, advise the Board regarding the maintenance of adequate reserves, and recommend long-range fiscal policies to ensure the viability of the District's educational programs.

The following positions shall be members of the Superintendent's fiscal policy team:

Superintendent Assistant Superintendent for Business Services Two Members of the Board

Reference: CSBA Policy Book. Business Policy #3100

FUND BALANCE FOR THE GENERAL FUND

PURPOSE

This Fund Balance Policy establishes the procedures for reporting unrestricted fund balance in the General Fund financial statements. Certain commitments and assignments of fund balance will help ensure that there will be adequate financial resources to protect the District against unforeseen circumstances and events such as revenue shortfalls and unanticipated expenditures. The policy also authorizes and directs the Chief Business Official to prepare financial reports which accurately categorize fund balance as per Government Accounting Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions.

GENERAL POLICY

Fund balance is essentially the difference between the assets and liabilities reported in a governmental fund. There are five separate components of fund balance, each of which identifies the extent to which the District is bound to honor constraints on the specific purpose for which amounts can be spent.

- Nonspendable Fund Balance (inherently nonspendable)
- **Restricted Fund Balance** (externally enforceable limitations on use)
- Committed Fund Balance (self-imposed limitations on use)
- Assigned Fund Balance (limitation resulting from intended use)
- Unassigned Fund Balance (residual net resources)

The first two components listed above are not addressed in this policy due to the nature of their restrictions. An example of nonspendable fund balance is inventory. Restricted fund balance is either imposed by law or constrained by grantors, contributors, or laws or regulations of other governments. This policy is focused on the financial reporting of unrestricted fund balance, or the last three components listed above. These three components are further defined below.

PROVISIONS

Committed Fund Balance

The Governing Board, as the District's highest level of decision-making authority, may commit fund balance for specific purposes pursuant to constraints imposed by formal actions taken during the interim report adoption. These committed amounts cannot be used for any other purpose unless the Governing Board removes or changes the specific use through the same type of formal action taken to establish the commitment. Governing Board action to commit fund balance needs to occur within the fiscal reporting period, no later than June 30th; however, the *amount* can be determined subsequent to June 30th but prior to the submission of the SACS Unaudited Actual Financial Reports.

This policy does hereby Commit all Unassigned Fund Balances in the following funds for the identified purposes:

Page 1 of 3 Adopted :June 2, 2011

Business Policy #3100

FUND BALANCE FOR THE GENERAL FUND

Fund 12 Child Development Fund – Committed for the purpose of supporting the State Preschool and Before and After School Recreation Program.

Fund 13 Cafeteria Fund – Committed for the purpose of supporting the District's Food Service Program.

Fund 20 Post Employment Benefits - Committed for the purpose of having available funds for post employment benefits.

Fund 21 Building Fund – Committed for the purpose of funding Measure D projects.

Assigned Fund Balance

Amounts that are constrained by the District's intent to be used for specific purposes, but are neither restricted nor committed, should be reported as assigned fund balance. This policy hereby delegates the authority to assign amounts to be used for specific purposes to the Superintendent or the Chief Business Official for the purpose of reporting these amounts in the annual financial statements.

Unassigned Fund Balance

These are residual positive net resources of the general fund in excess of what can properly be classified in one of the other four categories. There are some reserves that do not meet the requirements of the fore mentioned components of fund balance. For financial statement reporting purposes these reserves are included in unassigned fund balance.

Fund Balance Classification

The District considers restricted fund balances to have been spent first when an expenditure is incurred for the purposes for which both restricted and unrestricted fund balance is available. Similarly, when an expenditure is incurred for purposes for which amounts in any of the unrestricted classifications of fund balance could be used, the District considers committed amounts to be reduced first, followed by assigned amounts and then unassigned amounts.

This policy is in place to provide a measure of protection for the District against unforeseen circumstances and to comply with GASB Statement No. 54. No other policy or procedure supersedes the authority and provisions of this policy.

Minimum Fund Balance

The Minimum Fund Balance is intended to address the minimum fund balance in the general fund by establishing an appropriate level of unrestricted fund balance that will be maintained in the general fund.

Page 2 of 3 Adopted :June 2, 2011

Business Policy #3100

FUND BALANCE FOR THE GENERAL FUND

The Board reserves the authority to review and amend this policy as needed to reflect changing circumstances and district needs.

The District is committed to maintaining a prudent level of financial resources to protect against the need to reduce service levels because of temporary revenue shortfalls or unpredicted expenditures. The District's Minimum Fund Balance requires a Reserve for Economic Uncertainties consisting of unassigned amounts and consistent with the Criteria and Standards for fiscal solvency adopted by the State Board of Education. The District maintains a Reserve for Economic Uncertainties to safeguard the District's financial stability. The Board intends to maintain a minimum Unassigned Reserve for Economic Uncertainties of 3% of the District's general fund annual operating expenditures.

Page 3 of 3 Adopted :June 2, 2011

Business and Noninstructional Operations

Policy #3230

FEDERAL GRANT FUNDS

The Governing Board recognizes the district's responsibility to maintain fiscal integrity and transparency in the use of all funds awarded through federal grants. The district shall comply with all requirements detailed in any grant agreement with an awarding agency and with the federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards specified in 2 CFR 200.0-200.521 and any stricter state laws and district policy.

Any goods or services purchased with federal funds shall be reasonable in cost and necessary for the proper and efficient performance or administration of the program.

The Superintendent or designee shall ensure that the district's financial management systems and procedures provide for the following: (2 CFR 200.302)

- 1. Identification in district accounts of each federal award received and expended and the federal program under which it was received
- 2. Accurate, current, and complete disclosure of the financial and performance results of each federal award or program in accordance with the reporting requirements of 2 CFR 200.327 and 200.328
- 3. Records and supporting documentation that adequately identify the source and application of funds for federally funded activities, including information pertaining to federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest
- 4. Effective controls and accountability for all funds, property, and other assets and assurance that all assets are used solely for authorized purposes
- 5. Comparison of actual expenditures with budgeted amounts for each federal award
- 6. Written procedures to implement provisions governing payments as specified in 2 CFR 200.305
- 7. Written procedures for determining the allowability of costs in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award

The Superintendent or designee shall develop and implement appropriate internal control processes to reasonably assure that transactions are properly executed, recorded, and accounted for so that the district can prepare reliable financial statements and federal reports, maintain accountability over assets, and demonstrate compliance with federal laws, regulations, and conditions of the federal award. (2 CFR 200.61, 200.62, 200.303)

Equipment purchased with federal funds shall be properly inventoried and adequately maintained to safeguard against loss, damage, or theft of the property.

All staff involved in the administration or implementation of programs and activities supported by

Policy #3230

FEDERAL GRANT FUNDS

federal funds shall receive information and training on the allowable use of federal funds, purchasing procedures, and reporting processes commensurate with their duties.

The district shall submit performance reports to the awarding agency in accordance with the schedule and indicators required for that federal grant by law and the awarding agency. As required, such reports may include a comparison of actual accomplishments to the objectives of the federal award, the relationship between financial data and performance accomplishments, the reasons that established goals were not met if applicable, cost information to demonstrate cost effective practices, analysis and explanation of any cost overruns or high unit costs, and other relevant information. The final performance report shall be submitted within 90 days after the ending date of the grant. (2 CFR 200.301, 200.328)

Legal Reference:

EDUCATION CODE

42122-42129 Budget requirements

CODE OF FEDERAL REGULATIONS, TITLE 2

180.220 Amount of contract subject to suspension and debarment rules

200.0-200.521 Federal uniform grant guidance, especially:

200.1-200.99 Definitions

200.100-200.113 General provisions

200.317-200.326 Procurement standards

200.327-200.329 Monitoring and reporting

200.333-200.337 Record retention

200.400-200.475 Cost principles

200.500-200.521 Audit requirements

CODE OF FEDERAL REGULATIONS. TITLE 34

76.730-76.731 Records related to federal grant programs

CODE OF FEDERAL REGULATIONS, TITLE 48

2.101 Federal acquisition regulation; definitions

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California Department of Education Audit Guide

California School Accounting Manual

EDUCATION AUDIT APPEALS PANEL PUBLICATIONS

Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Questions and Answers Regarding 2 CFR Part 200, March 17, 2016

WEB SITES

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

Education Audit Appeals Panel: http://www.eaap.ca.gov

Office of Management and Budget, Uniform Guidance:

https://www.whitehouse.gov/omb/grants_docs

State Controller's Office: http://www.sco.ca.gov

System for Award Management (SAM): www.sam.gov/portal/SAM/##11

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Business and Noninstructional Operations

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FEDERAL GRANT FUNDS

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

U.S. Government Accountability Office: http://www.gao.gov

Business and Noninstructional Operations

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FEDERAL GRANT FUNDS

Allowable Costs

Prior to obligating or spending any federal grant funds, the Superintendent or designee shall determine whether a proposed purchase is an allowable expenditure of federal funds in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award. He/she shall also determine whether the expense is a direct or indirect cost as defined in 2 CFR 200.413 and 200.414 and, if the purchase will benefit other programs not included in the grant award, the appropriate share to be allocated to the federal grant.

The Superintendent or designee shall review and approve all transactions involving federal grant funds and shall ensure the proper coding of expenditures consistent with the California School Accounting Manual.

Period of Performance

All obligations of federal funds shall occur on or between the beginning and ending dates of the grant project and shall be paid no later than 90 days after the end of the funding period, unless specifically authorized by the grant award to be carried over beyond the initial term of the grant. (2 CFR 200.77, 200.308, 200.309, 200.343)

Procurement

On or before July 1, 2017, or such later date as may be approved in the Uniform Guidance, the Superintendent or designee shall comply with the standards specified in 2 CFR 200.317-200.326 and Appendix II of Part 200 when procuring goods and services needed to carry out a federal grant as well as any more restrictive state laws and district policies concerning the procurement of goods and services.

As appropriate to encourage greater economy and efficiency, the Superintendent or designee shall avoid acquisition of unnecessary or duplicative items, give consideration to consolidating or breaking out procurements, analyze lease versus purchase alternatives, consider entering into an interagency agreement for procurement of common or shared goods and services, and/or use federal excess or surplus property. (2 CFR 200.318)

The procurement of goods or services with federal funds shall be conducted in a manner that provides full and open competition in accordance with state laws and district regulations and the following requirements:

- 1. Any purchase of supplies or services that does not exceed the "micro-purchase" threshold specified in 48 CFR 2.101 may be awarded without soliciting competitive quotes, provided that the district considers the price to be reasonable and maintains written evidence of this reasonableness in the record of all micro-purchases. (2 CFR 200.67, 200.320)
- 2. For any purchase that exceeds the micro-purchase threshold but is less than the bid limit

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FEDERAL GRANT FUNDS

required by Public Contract Code 20111, the Superintendent or designee shall utilize "small-purchase" procedures that include obtaining price or rate quotes from an adequate number of qualified sources. (2 CFR 200.320)

- 3. Contracts for goods or services over the bid limits required by Public Contract Code 20111 shall be awarded pursuant to California law and AR 3311 Bids, unless exempt from bidding under the law.
- 4. If a purchase is exempt from bidding and the district's solicitation is by a request for proposals, the award may be made by either a fixed-price or cost-reimbursement type contract awarded to the entity whose proposal is most advantageous to the program, with price and other factors considered. (2 CFR 200.320)
- 5. Procurement by noncompetitive proposals (sole sourcing) may be used only when the item is available from a single source, the need or emergency will not permit a delay resulting from competitive solicitation, the awarding agency expressly authorizes sole sourcing in response to the district's request, and/or competition is determined inadequate after solicitation of a number of sources. (2 CFR 200.320)
- 6. Time and materials type contracts may be used only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost is the sum of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general administrative expenses, and profit. (200.328)

For any purchase of \$25,000 or more, the Superintendent or designee shall verify that any vendor which is used to procure goods or services is not excluded or disqualified by the federal government. (2 CFR 180.220, 200.213)

All solicitations shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description shall avoid detailed product specifications to the extent possible, but may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. When it is impractical or not economical to make a clear and accurate description of the technical requirements, a brand name or equivalent description may be used to define the performance or other salient requirements of procurement, clearly stating the specific features of the named brand which must be met by offers. In addition, every solicitation shall identify all requirements which the offer must fulfill and any other factors to be used in evaluating bids or proposals. (2 CFR 200.319)

The Superintendent or designee shall maintain sufficient records to document the procurement, including, but not limited to, the rationale for the method of procurement, selection of the contract type, contractor selection or rejection, and the basis for the contract price. (2 CFR 200.318)

Business and Noninstructional Operations

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FEDERAL GRANT FUNDS

The Superintendent or designee shall ensure that all contracts for purchases using federal grant funds contain the applicable contract provisions described in Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. (2 CFR 200.326)

The Superintendent or designee shall purchase, to the maximum extent practicable, domestic commodity or product. "Domestic commodity or product" is an agricultural commodity that is produced in the United States and a food product that is processed in the United States using substantial agricultural commodities that are produced in the United States. "Substantial" means that over 51 percent of the final processed product consists of agricultural commodities that were grown domestically. (7 CFR 210.21(d); 42 USC 1760(n))

Capital Expenditures

The Superintendent or designee shall obtain prior written approval from the awarding agency before using federal funds to make capital expenditures, including the acquisition of land, facilities, equipment, and intellectual property and expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life. (2 CFR 200.12, 200.13, 200.20, 200.33, 200.48, 200.58, 200.89, 200.313, 200.439)

Conflict of Interest

No Governing Board member, district employee, or district representative shall participate in the selection, award, or administration of a contract supported by federal funds if he/she has a real or apparent conflict of interest, such as when he/she or a member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of them has a financial interest in or a tangible personal benefit from a firm considered for a contract. Such persons are prohibited from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or subcontractors unless the gift is an unsolicited item of nominal value. (2 CFR 200.318)

Employees engaged in the selection, award, and administration of contracts shall also comply with BB 9270 - Conflict of Interest.

Cash Management

The Superintendent or designee shall ensure the district's compliance with 2 CFR 200.305 pertaining to payments and cash management, including compliance with applicable methods and procedures that minimize the time elapsing between the transfer of funds to the district and the district's disbursement of funds. (2 CFR 200.305)

When authorized by law, the district may receive advance payments of federal grant funds, limited to the minimum amounts needed and timed in accordance with the actual immediate cash requirements of the district for carrying out the purpose of the program or project. Except under specified conditions, the district shall maintain the advance payments in an interest-bearing account. The

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FEDERAL GRANT FUNDS

district shall remit interest earned on the advanced payment to the awarding agency on an annual basis, but may retain interest amounts specified in 2 CFR 200.305 for administrative expenses. (2 CFR 200.305)

When required by the awarding agency, the district shall instead submit a request for reimbursement of actual expenses incurred. The district may also request reimbursement as an alternative to receiving advance payments. (2 CFR 200.305)

The Superintendent or designee shall maintain source documentation supporting the expenditure of federal funds, such as invoices, time sheets, payroll stubs, or other appropriate documentation.

Personnel

All district employees who are paid in full or in part with federal funds, including employees whose salary is paid with state or local funds but is used to meet a required match or in-kind contribution to a federal program, shall document the amount of time they spend on grant activities. (2 CFR 200.430)

Records

Except as otherwise provided in 2 CFR 200.333, or where state law or district policy requires a longer retention period, financial records, supporting documents, statistical records, and all other district records related to a federal award shall be retained for a period of three years from the date of submission of the final expenditure report or, for a federal award that is renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report. (2 CFR 200.333)

Audits

Whenever the district expends \$750,000 or more in federal grant funds during a fiscal year, it shall arrange for either a single audit or a program-specific audit in accordance with 2 CFR 200.507 or 200.514. (2 CFR 200.501)

The Superintendent or designee shall ensure that the audit meets the requirements specified in 2 CFR 200.500-200.521.

Specified records pertaining to the audit of federal funds expended by the district shall be transmitted to the clearinghouse designated by the federal Office of Management and Budget and shall be made available for public inspection. Such records shall be transmitted within 30 days after receipt of the auditor's report or within nine months after the end of the audit period, whichever is sooner, unless a longer period is agreed to in advance by the federal agency or a different period is specified in a program-specific audit guide. (2 CFR 200.512)

In the event that the audit identifies any deficiency, the Superintendent or designee shall promptly act to either correct the identified deficiency, produce recommended improvements, or demonstrate that

Business and Noninstructional Operations

Regulation #3230

FEDERAL GRANT FUNDS

the audit finding is invalid or does not warrant action. (2 CFR 200.26, 200.508, 200.511)

Disciplinary Action

In the event of a complaint or other notice of potential violation, an investigation shall be commenced. If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action to ensure that such conduct ceases and will not recur. District staff shall document the corrective action taken and, when not prohibited by law, inform the complainant. Violations of this policy may result in disciplinary action, which shall be consistent with Board policies, procedures, applicable collective bargaining agreements and state and federal laws.

Policy #3250 Business

TRANSPORTATION FEES

Mandated Policy (2)

Because the cost of providing student transportation exceeds funding provided by the state, the Governing Board finds it necessary to charge fees for home-to-school student transportation. (EC 38028)

The Superintendent or designee shall annually submit proposed transportation fee schedules for Board approval. Fees shall be determined on the basis of opera-ting costs in accordance with law.

No charge shall be made for any transportation of students whose individualized education program require transportation or whose parents/guardians are determined indigent pursuant to administrative regulations.

Legal Reference:

EDUCATION CODE

- 10913 Fees for uses of school buses for community recreation purposes
- 35330 Excursions or field trips
- 38020-38065 Transportation, especially:
- 38022 Transportation fees for adults
- 38028 Payment of transportation cost; amount of payment
- 38030 Excess fees; adjustments
- 38054 Fees for summer employment transportation
- 41850 Home-to-school and special education transportation
- 49557 Applications for free and reduced price meals
- 49558 Confidentiality of applications and records
- 56026 Individuals with exceptional needs
- CODE OF REGULATIONS, TITLE 5 350 Fees not permitted
- CODE OF FEDERAL REGULATIONS, TITLE 7
- 245.8(a) Nondiscrimination practices for children eligible to receive free and reduced price meals and free milk Hartzell v. Connell, 35 Cal.3d 899 (1984)

Arcadia Unified School District et al v. State Department of Education, 2 Cal. 4th 251 1992

Management Resources: CDE MANAGEMENT ADVISORIES

0619.92 Fees for Pupil Transportation (#92-05)

CDE PROGRAM ADVISORIES 0609.95 School transportation fee exemption for handicapped children and pupils whose parents or guardians are indigent (LO: 2-95)

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CSBA: 10/97

TRANSPORTATION FEES

Fee Schedule and Collection

Transportation fees charged by the district shall not exceed the statewide average nonsubsidized cost of providing such transportation to a student on a publicly owned or operated transit system, as determined by the Superintendent of Public Instruction. (Education Code 39807.5)

The total amount received by the district from the state and parent/guardian fees shall not exceed the actual operating cost of home-to-school transportation during the fiscal year. If excess fees are collected due to errors in estimated costs, fees shall be reduced in succeeding years. (Education Code 39809.5)

The Governing Board shall certify to the County Superintendent of Schools that the district has levied fees in accordance with law and that, in the event that excess fees have been charged, the fees have been reduced and excess fee revenue eliminated. (Education Code 39809.5)

Bus passes and tickets shall be sold at all district schools and at the district office. No money shall be collected on school buses.

Fees for Additional Services

In addition to charging fees for home-to-school transportation provided in accordance with Education Code 39800, the district shall charge fees for students traveling to and from their places of employment during the summer in connection with a summer employment program for youth. (Education Code 39837)

The district may also charge fees for:

- 1. Students traveling to full-time occupational classes provided by a Regional Occupational Program or Center (Education Code 39807.5)
- 2. Matriculated or enrolled adults traveling to and from school, or adults pursuing other educational purposes (Education Code 39801.5)
- 3. Community recreation as provided in Education Code 39835 (Education Code 10913)

Exemption from Fees

Eligibility for free transportation based on indigency shall be based on the income eligibility scales used for the free and reduced-price lunch program and/or proof of receipt of Temporary Assistance to Needy Families (TANF).

At the beginning of the school year and whenever a new student is enrolled, parents/guardians shall receive information about free transportation eligibility standards, application procedures and appeal procedures.

All applications and records related to eligibility for free transportation shall be confidential and used

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Business Regulation #3250

TRANSPORTATION FEES

only for purposes directly connected with the free transportation program.

Students receiving free transportation shall not be identified by the use of special bus passes, tickets, lines, seats or any other means. They shall in no way be treated differently from other students, nor shall their names be published, posted or announced in any manner or used for any purpose other than the transportation program.

Fee Schedule

Unless exempted, the parents/guardians of students transported to and from school shall be charge fees in accordance with Board-approved schedules.

Bus passes and tickets shall be sold at all District schools and at the District office. No money shall be collected on school buses.

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Business Policy #3260

FEES AND CHARGES

The Governing Board desires to furnish books, materials and instructional equipment as needed for the educational program. Because the needs of the District must be met with limited available funds, the Board may charge fees when specifically authorized by law.

The District shall consider the student and parent/guardian's ability to pay when establishing fee schedules and granting exceptions.

Legal Reference:

EDUCATION CODE

8263 Child care eligibility

8760-8773 Outdoor science and conservation programs

17551 Property fabricated by students

19910-19911 Offenses against libraries

32033 Eye protective devices

32221 Insurance for athletic team member

32390 Fingerprinting program

35330-35332 Excursions and field trips

35335 School camp programs

38080-38085 Cafeteria establishment and use

38119 Lease of personal property; caps and gowns

38120 Use of school band equipment on excursions to foreign countries

39807.5 Payment of transportation costs

39837 Transportation of students to places of summer employment

48050 Residents of adjoining states

48052 Tuition for foreign residents

48904 Liability of parent or guardian

49066 Grades, effect of physical education class apparel

49091.14 Prospectus of school curriculum

51810-51815 Community service classes

52612 Tuition for adult classes

52613 Nonimmigrant aliens

58550-58562 Educational clinics

60410 Students in classes for adults

GOVERNMENT CODE

6253 Request for copy; fee

VEHICLE CODE

21113 Public grounds (parking)

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

UNITED STATES CODE, TITLE 8

1184 Foreign Students

Adopted: November 3, 1994 Page 1 of 2 Revised: September 19, 2002

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CSBA: 7/00

Policy #3260 Business

FEES AND CHARGES

COURT DECISIONS

Driving School Assn of CA v. San Mateo Union HSDt (1993) 11 Cal. App. 4th 1513 Arcadia Unified School District v. State Department of Education (1992) 2 Cal 4th 251 Steffes v. California Interscholastic Federation (1986) 176 Cal. App. 3d 739 Hartzell v. Connell (1984) 35 Cal. 3d 899 CTA v. Glendale School District Board of Education (1980) 109 Cal. App. 3d 738

Management Resources:

CDE MANAGEMENT ADVISORIES

1030.97 Fiscal Management Advisory 97-02: Fees Deposits and Other Charges

WEB SITES

CDE: http://www.cde.ca.gov

Page 2 of 2 Adopted: November 3, 1994 Revised: September 19, 2002

CSBA: 7/00

FEES AND CHARGES

The District shall charge only those fees specifically authorized by law. (5 CCR 350)

The following fees and charges are permissible if approved by the Governing Board:

- 1. Insurance for athletic team members, with an exemption for financial hardship (Education Code 32221)
- 2. Insurance for medical or hospital service for students participating in field trips and excursions (Education Code 35331)
- 3. Expenses of students' participation in a field trip or excursion to another state, the District of Columbia or a foreign country, as long as no student is prohibited from making the field trip due to lack of funds (EC 35330)
- 4. Student fingerprinting program (Education Code 32390)
- 5. School camp programs operated pursuant to Education Code 8760-8773 provided that the fee is not mandatory (Education Code 35335)
- 6. Personal property of the District fabricated by students, as long as the cost of the property does not exceed the cost of the materials provided by the District (Education Code 17551)
- 7. Physical education uniforms
- 8. Deposit for band instruments, music, uniforms and other regalia which school band members take on excursions to foreign countries (Education Code 38120)
- 9. Fees for community service classes (Education Code 51815)
- 10. Actual costs of duplication for copies of public records (Government Code 6253)
- 11. Actual costs of duplication for reproduction of the prospectus of school curriculum (Education Code 49091.14)
- 12. Food sold at school subject to free and reduced price meal program eligibility and other restrictions specified in law (Education Code 38084)
- 13. Fines or reimbursements for lost or damaged District property or damage to library property (Education Code 19910-19911, 48904)
- 14. Parking on school grounds (Vehicle Code 21113)
- 15. Educational clinics (Education Code 58550-58562)

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CSBA: 7/00

Business Policy #3270

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

Mandated Policy

When District-owned books, equipment and supplies become unusable, obsolete, or no longer needed, the Superintendent or designee shall identify these items to the Governing Board, together with their estimated value and a recommendation that they be sold or disposed of by one of the methods prescribed in law and administrative regulations. With Board approval, the Superintendent or designee shall arrange for the sale or disposal of these items. (EC 60500)

Instructional materials may be considered obsolete or unusable when they:

- 1. Contain information rendered inaccurate or incomplete by new discoveries or technologies
- 2. Have been replaced by more recent versions or editions of the same material and are of no foreseeable value in other instructional areas
- 3. Contain demeaning, stereotyping or patronizing references to either sex, members of racial, ethnic, religious, vocational or cultural groups, or persons with physical or mental disabilities
- 4. Have been inspected and discovered to be damaged beyond use or repair

The Superintendent or designee shall establish procedures to be used when selling equipment for which the federal government has a right to receive all or part of the proceeds. These procedures shall ensure a reasonable amount of competition so as to result in the highest possible revenue. (34 C.F.R. 80.32)

Legal Reference:

EDUCATION CODE

39510-39512 Sale or lease of personal property by one District to another

39520-39530 Sale of personal property

42291.5 Temporary school bus designation

42303 School bus sale to another District

60500 Determination of obsolescence

60510-60511 Donation or sale

60520-60521 Disposition of sale proceeds

60530 Methods of destruction

62000.4 Instructional materials program, sunset date

GOVERNMENT CODE

25505 District property; disposition; proceeds

UNITED STATES CODE, TITLE 40

484 Surplus property

CODE OF FEDERAL REGULATIONS, TITLE 34

80.32 Equipment acquired under a grant or subgrant

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

The Governing Board may dispose of personal property belonging to the District by any of the following methods:

- 1. If the Board members attending a meeting unanimously agree that the property is worth no more than \$2,500, the Board may designate any District employee to sell the property without advertising. (Education Code 39521)
- 2. The Board may advertise for bids and either sell the property to the highest responsible bidder or reject all bids. (Education Code 39520)

Notice for bids shall be posted in at least three public places in the District for at least two weeks or published at least once a week for at least two weeks in a newspaper having a general circulation in the District and, if possible, published within the District. (Education Code 39520)

Property for which no qualified bid has been received may be sold, without further advertising, by the Superintendent or designee. (Education Code 39521)

- 3. The Board may authorize the sale of the property by means of a public auction conducted by District employees, employees of other public agencies, or by contract with a private auction firm. Notice related to the auction shall be posted or published as described in item #2 above. (Education Code 39520)
- 4. Without advertising for bids, the Board may sell the property to agencies of federal, state or local government, to any other school District, or to any agency eligible under the federal surplus property law (40 U.S.C., Section 484(j)(3)). In such cases, the sale price shall equal the cost of the property plus estimated cost of purchasing, storing, and handling. (EC 39510)
- 5. Without advertising for bids, the Board may sell or lease the property to agencies of federal, state or local government or to any other school District. In such cases, the price and terms of the or lease shall be fixed by the Board and approved by the County Superintendent of Schools. (EC 39512)
- 6. If the Board members attending a meeting unanimously find that the value of the property is insufficient to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the Board or may be disposed of by dumping. (EC 39521)

Money received from the sale of surplus property shall be either deposited in the District reserve or general fund or credited to the fund from which the original purchase was made. (Education Code 39522)

Instructional Materials

Surplus or undistributed obsolete instructional materials that are usable for educational purposes may be donated to any governing board, county free library or other state institution; any United States public agency or institution; any nonprofit charitable organization; or children or adults in California or foreign countries for the purpose of increasing literacy. They also may be sold to any organization that agrees to use the materials for educational purposes. (EC 60510)

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Regulation #3270

Business

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

Any organization, agency or institution receiving obsolete instructional materials from the District shall certify to the Board that it agrees to use the materials for educational purposes and make no charge to any persons to whom the materials are given or lent. (Education Code 60511)

At least 60 days before disposing of these instructional materials, the Board shall notify the public of its intention to do so through a public service announcement on a local television station, in a local newspaper, or by another means the Board believes will most effectively reach the entities described above. The Board shall also permit representatives of these entities and members of the public to address the Board regarding the distribution of these materials.

Surplus or undistributed obsolete instructional materials which are unusable or which cannot be distributed as specified above may be disposed of by either of the following: (Education Code 60530)

- 1. By being mutilated so as not to be salable and sold for scrap at the highest obtainable price
- 2. By being destroyed by any economical means at least 30 days after the Board has given notice to all persons who have requested such notice

School Buses

Upon receiving a state apportionment for the replacement of a school bus, the Board may sell the bus that is being replaced to another California school District if the following conditions are met: (Education Code 42303)

- 1. The other District is replacing a bus that is in service and has not been designated a temporary school bus pursuant to Education Code 42291.5.
- 2. The bus being replaced by the other District is older than the bus that is being sold by this
- 3. The bus being replaced by the other District is not sold to a third school District.
- 4. The other District, by Board resolution, holds the state and this District harm-less for any liability that may result from the bus that this District is selling.
- 5. The proceeds from the sale of the bus shall be used by this District for home-to-school transportation purposes.
- 6. Before the sale is finalized, the bus being sold is in compliance with all relevant provisions of the Vehicle Code and the California Code of Regulations, Title 13.

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Business Policy #3290

GIFTS, GRANTS AND BEQUESTS

The Governing Board may accept any bequest or gift of money or property on behalf of the District. While greatly appreciating suitable donations, the Board discourages any gifts that may directly or indirectly impair its commitment to providing equal educational opportunities for all District students.

Before accepting a gift, the Board shall consider whether the gift:

- 1. Has a purpose consistent with the District's vision and philosophy
- 2. Begins a program that the Board would be unable to continue when the donated funds are exhausted
- 3. Entails undesirable or excessive costs
- 4. Implies endorsement of any business or product

The Board shall carefully evaluate any conditions or restrictions imposed by the donor in light of District philosophy and operations. If the Board feels the District will be unable to fully satisfy the donor's conditions, the gift shall not be accepted.

Gift books and instructional materials shall be accepted only if they meet regular District criteria.

All gifts, grants and bequests shall become District property. Donors are encouraged to donate all gifts to the District rather than to a particular school. At the Superintendent or designee's discretion, a gift may be used at a particular school.

Legal Reference:

EDUCATION CODE

- 1834 Acquisition of materials and apparatus
- 35162 Power to sue, be sued, hold and convey property
- 41030 School District may invest surplus monies from bequest or gifts
- 41031 Special fund or account in county treasury
- 41032 Authority of school board to accept gift or bequest; investments; gift of land requirements
- 41035 Advisory committee
- 41036 Function of advisory committee
- 41037 Rules and regulations

CSBA: 10/95

Business Policy #3300

EXPENDITURES/ EXPENDING AUTHORITY

The Superintendent or designee may purchase supplies, materials, equipment, and services up to the amounts specified in Public Contract Code 20111, beyond which a competitive bidding process is required. (EC 39657)

The Superintendent or designee may authorize an expenditure which exceeds the budget classification allowance against which the expenditure is the proper charge only if an amount sufficient to cover the purchase is available in the budget for transfer by the Governing Board.

All transactions entered into by the Superintendent or designee on behalf of the Board shall be reviewed by the Board every 60 days. (Education Code 39657)

No District funds shall be expended for the purchase of alcoholic beverages. (Education Code 32435)

The Board shall not recognize obligations incurred contrary to Board policy and administrative regulations. (EC 39657)

Legal Reference:

EDUCATION CODE

- 32435 Prohibited use of public funds
- 35010 Control of District; prescription and enforcement of rules
- 35035 Powers and duties of superintendent
- 35272 Educational and athletic materials
- 39656 Delegation of powers to agents; liability of agents
- 39657 Delegation of authority to purchase supplies and equipment
- 39873 Purchase of perishable foodstuffs and seasonal commodities
- 41010 Accounting system
- 41014 Requirement of budgetary accounting
- PUBLIC CONTRACT CODE 20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder

Bu sin ess Policy #3310

PURCHASING PROCEDURES

The Superintendent or designee shall maintain effective purchasing procedures in order to ensure that maximum value is received for money spent by the district and that records are kept in accordance with law.

Insofar as possible, goods and services purchased shall meet the needs of the person or department ordering them at the lowest price consistent with standard purchasing practices. Maintenance costs, replacement costs, and trade-in values shall be considered when determining the most economical purchase price.

All purchases shall be made by formal contract or purchase orders, or shall be accompanied by a receipt.

Legal Reference:

EDUCATION CODE

35250 Duty to keep certain records and reports

39656 Delegation of powers to agents; approval or ratification of contracts by governing board

39657 Delegation of authority to purchase supplies and equipment

GOVERNMENT CODE

4331 Preference to supplies manufactured or produced in state

PUBLIC CONTRACT CODE

3410 U.S. produce and processed foods

12168 Preference for recycled paper products

12210 Purchase of recycled products

Business Regulation #3310

PURCHASING PROCEDURES

Preferred Products

Whenever recycled products of equal fitness and quality are available at no more than the cost of nonrecycled products, the District shall purchase recycled products. The District also may give preference to the suppliers of recycled products. (Public Contract Code 12168, 12210)

Price, fitness and quality being equal, the District shall give preference to supplies manufactured, grown or produced in California, and shall next prefer supplies partially manufactured, grown or produced in California. (Government Code 4331)

When purchasing food, the District shall give preference to produce grown in the United States and/or processed in the United States insofar as this is economically feasible considering the total cost, quantity and quality of the food. (Public Contract Code 3410)

Page 1 of 1. Issued: July 16, 1998 CSBA: 2/97

Business Policy #3311

BIDS

The District shall purchase equipment, supplies and services using competitive bidding when required by law and in accordance with statutory requirements for bidding and bidding procedures. In those circumstances where the law does not require competitive bidding, the Governing Board may request that a contract be competitively bid if the Board determines that it is in the best interest of the District to do so.

When the Board has determined that it is in the best interest of the District, the Board may piggyback onto the contract of another public agency or corporation to lease or purchase equipment or supplies to the extent authorized by law.

To ensure that good value is received for funds expended, specifications shall be carefully designed and shall describe in detail the quality, delivery and service required.

To assist the District in determining whether bidders are responsible, the Board may require prequalification procedures as allowed by law and specified in administrative regulation.

Legal Reference:

EDUCATION CODE

17595 Purchases through Department of General Services

38083 Purchase of perishable foodstuffs and seasonable commodities

38110 Purchase of supplies through county superintendent

38111 Purchases by District governing board

38112 Purchases of necessary supplies

39802 Transportation bids and contracts for services

GOVERNMENT CODE

4330-4334 Preference of California-made materials

6252 Definition of public record

53060 Special services and advice

54201-54205 Purchase of supplies and equipment by local agencies

PUBLIC CONTRACT CODE

2000-2001 Responsive bidders

3400 Bids, specifications by brand or trade name not permitted

3410 United States produce and processed foods

6610 Bid visits

12161 Definitions, recycled paper products

12168 Preference for purchase of recycled paper products

12169 Bidders to specify percentage of recycled paper product

12200 Definitions, recycled goods, materials and supplies

12210 Purchase of recycled products preferred

12213 Specification by bidder of recycled content

20103.8 Award of contracts

20107 Bidder's security

Business Policy #3311

BIDS

20111-20118.4 School Districts

20189 Bidder's security, earthquake relief

22002 Definition of public project

22030-22045 Alternative procedures for public projects (UPCCAA)

22050 Alternative emergency procedures

COURT DECISIONS

Konica Business Machines v. Regents of the University of California, (1988) 206

Cal.App.3d 449

City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court,

(1972) 7 Cal.3d 861

Management Resources:

WEB SITES

CSBA: www.csba.org

California Association of School Business Officials: www.casbo.org

Business Regulation #3311

BIDS

Advertised Bids

The District shall seek competitive bids through advertisement for contracts involving an expenditure of \$15,000 or more for a public project. (Public Contract Code 20111)

"Public project" includes construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition and repair work involving a District owned, leased or operated facility. (Public Contract Code 22002)

The amount by which contracts shall be competitively bid shall escalate automatically based upon the annual adjustment by the Superintendent of Public Instruction.

Competitive bids shall be sought through advertisement for contracts exceeding \$54,900 for the following: (Public Contract Code 20111; Government Code 53060)

- 1. The purchase of equipment, material or supplies to be furnished, sold or leased to the District
- 2. Services, not including construction services, or special services and advice such as accounting, financial, legal or administrative matters
- 3. Repairs, including maintenance that is not a public project

"Maintenance" means routine, recurring and usual work for preserving, protecting and keeping a District facility operating in a safe, efficient and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered or repaired. "Maintenance" includes, but is not limited to, carpentry, electrical, plumbing, glazing and other craftwork designed to preserve the facility as well as repairs, cleaning and other operations on machinery and other permanently attached equipment. This definition does not include, among other types of work, janitorial or custodial services and protection provided by security forces, nor does it include painting, repainting or decorating other than touchup. (Public Contract Code 20115)

Unless otherwise authorized by law, contracts shall be let to the lowest responsible bidder who shall give such security, as the Governing Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

When letting a contract for the procurement and/or maintenance of electronic data processing systems and supporting software, the Board may contract with any one of the three lowest responsible bidders. (Public Contract Code 20118.1)

The Board shall secure bids pursuant to Public Contract Code 20111 and 20112 for any transportation service expenditure of more than \$10,000 when contemplating that such a contract may be made with a person or corporation other than a common carrier, municipally owned transit system or a parent/guardian of students who are to be transported. The Board may let this contract to other than the lowest bidder. (Education Code 39802)

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BIDS

No work, project, service or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements of Public Contract Code 20111-20118.4 for contracting after competitive bidding. (Public Contract Code 20116)

Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by advertising in a local newspaper of general circulation published in the District, circulated in the county, or if no such paper exists then in some newspaper of general circulation, at least once a week for two weeks. The notice shall state the work to be done or materials or supplies to be furnished and the time and place where bids will be opened. (Public Contract Code 20112)

The notice shall contain the time, date and location of any mandatory prebid conference, site visit or meeting. The notice shall also detail when and where project documents, including final plan and specifications, are available. Any such mandatory visit or meeting shall not occur within a minimum of five calendar days of the publication of the initial notice. (Public Contract Code 6610)

Bid instructions and specifications shall include the following requirements and information:

- 1. All bidders, including bidders for printing contracts, shall specify the minimum, if not exact, percentage of recycled product in the paper products offered, and both the post-consumer and secondary waste content. (Public Contract Code 12169, 12213)
- 2. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security: (Public Contract Code 20107, 20111)
 - a. Cash
 - b. A cashier's check made payable to the District
 - c. A certified check made payable to the District
 - d. A bidder's bond executed by an admitted surety insurer and made payable to the District

The security of unsuccessful bidders shall be returned in a reasonable period of time, in no event any later than 60 days after the bid is awarded. (Public Contract Code 20111)

- 3. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
- 4. When two or more identical lowest or highest bids are received, the Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)
- 5. If the District requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, depending on the availability of funds, the bid solicitation shall

Page 2 of 5. Issued: February 21, 2002

BIDS

specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #a, below, will be used: (Public Contract Code 20103.8)

- a. The lowest bid shall be the lowest bid price on the base contract without consideration of the prices on the additive or deductive items
- b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price
- The lowest bid shall the lowest total of the bid prices on the base contract and those additive or deductive items taken in order from a specifically identified list of those items, depending on available funds as identified in the solicitation
- d. The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders from being revealed to the public entity before the ranking of all bidders from lowest to highest has been determined
- 6. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.
- 7. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for review pursuant to law, Board policy, and administrative regulation.

Bids Not Required

Upon a determination that it is in the best interest of the District, the Board may authorize the purchase, lease or contract for data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors and other personal property through a public corporation or agency ("piggyback") without advertising for bids. (Public Contract Code 20118)

Supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, may be purchased without taking estimates or advertising for bids. (Public Contract Code 20118.3)

Perishable commodities such as foodstuffs may be purchased through bid or on the open market, depending on District preference. (Education Code 38083)

In an emergency when any repairs, alterations, work or improvement to any school facility is necessary to permit the continuance of existing school classes, or to avoid danger to life or property, the Board, by unanimous vote and with the approval of the County Superintendent of Schools, may contract for labor and materials or supplies without advertising for or inviting bids. (Public Contract Code 20113)

BIDS

Bids shall also not be required for day labor under circumstances specified in law. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

Whenever the total number of hours on the job does not exceed 350 hours, day labor may be used to erect new buildings and for the following purposes: (Public Contract Code 20114)

- 1. School building repairs, alterations, additions
- 2. Painting, repainting or decorating of school buildings
- 3. Repair or building of apparatus or equipment
- 4. Improvements on school grounds
- 5. Maintenance work as defined above

Sole Sourcing

Specifications for contracts for construction, alteration or repair of school facilities may not limit bidding to any one product or supplier. Specifications designating a particular brand name shall list at least two brands of comparable quality or utility and follow the description with the words "or equal." (Public Contract Code 3400)

Specifications for contracts may designate a product by brand or trade name (sole sourcing) when one or more of the following conditions apply: (Public Contract Code 3400)

- 1. The product is designated to match others in use on a particular public improvement that has been completed or is in the course of completion
- 2. One product has a unique application required to be used in the public interest
- 3. Only one brand or trade name is known, or
- 4. Upon resolution of the Board, the Board makes a finding that the item sought is the subject of a field test to determine its suitability for future use

Pre-qualification Procedure

For any contract for which bids are legally required, the Board may require that each prospective bidder complete and submit a standardized questionnaire and financial statement. For this purpose, the Superintendent or designee shall supply a form that requires a complete statement of the bidder's financial ability and experience in performing public works. Prospective bidders shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of

Page 4 of 5. Issued: February 21, 2002 CSBA: 11/00

Business Regulation #3311

BIDS

sealed bids. The information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Public Contract Code 20111.5)

The Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. Bidders must be deemed pre-qualified by the District at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

The Superintendent or designee shall furnish each qualified bidder with a standardized proposal form. Bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)

The District may establish a procedure for pre-qualifying bidders on a quarterly basis and may authorize that pre-qualification be considered valid for up to one calendar year following the date of the initial pre-qualification. (Public Contract Code 20111.5)

Protests by Bidders

A bidder may protest a bid award if he/she believes that the award was inconsistent with Board policy, or the bid's specifications or was not in compliance with law.

A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award. The bidder shall submit all documents supporting or justifying the protest. A bidder's failure to timely file a protest shall constitute a waiver of his/her right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 days. The Superintendent or designee also may convene a meeting with the bidder in order to attempt to resolve the problem.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide reasonable notice to the bidder of the time for Board consideration of the contract award. The Board's decision shall be final.

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Policy #3312 Business

CONTRACTS

As specified in law, the power to contract is invested in the Governing Board. However, the Board may, by a majority vote, delegate the power to enter into contracts on behalf of the District to the Superintendent or designee.

To be valid or to constitute an enforceable obligation against the District, all contracts must be approved and/or ratified by the Governing Board. (EC 17604)

All contracts between the District and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Superintendent or designee.

The District upholds state nondiscrimination laws. All contracts made by the District shall contain a nondiscrimination clause in accordance with law. (GC 12990)

The District shall not enter into a contract that prohibits a school employee from disparaging the goods or services of the contracting party. (EC 35182.5)

Contracts for Electronic Products or Services

Prior to entering into a contract for electronic products or services that require the dissemination of advertising to students, the Board shall: (EC 35182.5)

- 1. Enter into the contract at a noticed, public hearing of the Board.
- 2. Make a finding that the electronic product or service is or would be an integral component of the education of students.
- 3. Make a finding that the District cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to students.
- 4. Provide written notice to parents/guardians that the advertising will be used in the classroom or other learning center. This notice shall be part of the District's normal, ongoing communication to parents/guardians.
- 5. Offer parents/guardians the opportunity to request in writing that their child not be exposed to the program that contains the advertising. Any request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents/guardians at any time.

The Superintendent or designee may enter into contracts on behalf of the District.

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CSBA: 11/99

Bu sin ess Policy #3312

CONTRACTS

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

14505 Provisions required in contracts for audits

17595-17606 Contracts

35182.5 Contract prohibitions

45103.5 Contracts for management consulting service related to food service

CODE OF CIVIL PROCEDURE

685.010 Rate of interest

GOVERNMENT CODE

12990 Nondiscrimination and compliance employment programs

53260 Contract provision re maximum cash settlement

53262 Ratification of contracts with administrative officers

LABOR CODE

1775 Penalties for violations

1810-1813 Working hours

PUBLIC CONTRACT CODE

4100-4114 Subletting and subcontracting fair practices

7104 Contracts for excavations; discovery of hazardous waste

7106 Noncollusion affidavit

20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder

20104.50 Construction Progress Payments

22300 Performance retentions

UNITED STATES CODE, TITLE 42

1681-1688 Title IX, discrimination

Management Resources:

WEB SITES

CASBO: http://www.casbo.org

Page 2 of 2. Adopted: November 3, 1994

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Reviewed and Adopted: September 19, 2002 CSBA: 11/99

Bu sin ess Policy #3312.2

EDUCATIONAL TRAVEL PROGRAM CONTRACTS

The Governing Board believes that field trips and other travel opportunities for students are a valuable tool in supporting classroom instruction and promoting students' awareness of places and events. In contracting with organizations to provide educational travel services, the Board desires to ensure a quality educational experience and the health, safety and welfare of each student traveler.

The Superintendent or designee shall contract only with educational travel organizations, which adhere to state law and exhibit safe and reputable business practices.

The Superintendent or designee shall establish procedures for selecting the highest quality vendor, taking into account student safety, quality of the program and fiscal integrity.

Legal Reference:
EDUCATION CODE
35160 Authority of boards
35160.1 Broad authority of school Districts
BUSINESS AND PROFESSIONS CODE
17540 Travel promoters
17550-17550.9 Sellers of travel
17552-17556.5 Educational travel organizations

Page 1 of 1. Adopted: July 16, 1998 All Rights Reserved by PGUSD. CSBA: 6/97

Regulation #3312.2

Business

EDUCATIONAL TRAVEL PROGRAM CONTRACTS

Definitions

Educational travel organization or organization means a person, partnership, corporation, or other entity, which offers educational travel, programs for students residing in California. (Business and Professions Code 17552)

Student traveler or student means a person who is enrolled in elementary or secondary school, grades kindergarten through grade 12, at the time an educational travel program is arranged with an educational travel organization. (Business and Professions Code 17552)

Educational travel program means travel services that are arranged through or offered to an elementary or secondary school in the state, and where the services are represented to include an educational program as a component. (Business and Professions Code 17552)

Owner means a person or organization, which owns or controls 10 percent or more of the equity of, or otherwise has claim to 10 percent or more of the net income of, the educational travel organization. (Business and Professions Code 17554)

Principal means an owner, an officer of a corporation, a general partner of a partnership, or a sole proprietor of a sole proprietorship. (Business and Professions Code 17554)

Contract Requirements

The Superintendent or designee shall ensure that each written contract with an educational travel organization includes all of the following: (Business and Professions Code 17554)

- 1. The travel organization's name, trade or business name, business address, business telephone number and a 24-hour emergency contact number
- 2. An itemized statement, which shall include but not be limited to:
 - a. Services to be provided as part of the program
 - b. Agreed cost for the services
- c. A statement as to whether or not the educational travel organization maintains insurance that supplies coverage in the event of injury to any student traveler, including the type and amount of coverage, the policy number and issuer, and the name and telephone number of the person or organization which is able to verify coverage
 - d. Any additional costs to students
- e. The qualifications, if any, for experience and training that are required to be met by the educational travel organization's staff who shall accompany students on the educational travel
- 3. A written description of the educational program being contracted for, including a copy of all materials to be provided to students

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Business Regulation #3312.2

EDUCATIONAL TRAVEL PROGRAM CONTRACTS

- 4. The number of times the educational travel program or a substantially similar educational travel program proposed by the contract has been conducted by the organization and the number of students who completed the program
- 5. The length of time the organization has either been arranging or conducting educational travel programs and, at the option of the organization, other travel services with substantially similar components
- The name of each owner and principal of the organization
- 7. A statement as to whether any owner or principal of the organization has had entered against him or her any judgment, including a stipulated judgment, order, made a plea of nolo contendere or been convicted of any criminal violation in connection with the sale of any travel services for a period of 10 years predating the contract

District staff shall inform all vendors representing educational travel organizations that they may not arrange a travel program before the district has first entered into a written contract with the organization.

Page 2 of 2. Issued: July 16, 1998 CSBA: 6/97

Policy #3314 Business

PAYMENT FOR GOODS AND SERVICES

The Superintendent or designee may authorize payment for those goods and services that have been budgeted, or ratified by the Board at a regularly called meeting.

The Superintendent or designee may pay invoices in excess of previously approved purchase order amounts when the excess amount represents unknown price increases, sales tax, transportation charges, or charges made for the detention of a shipment during loading or unloading.

Legal Reference:

EDUCATION CODE

42630-42651 General provisions - orders, requisitions and warrants

42800-42806 Revolving cash fund

42810 Alternative revolving fund

42820 Prepayment funds

GOVERNMENT CODE

5500 Definitions (facsimile signatures)

5501 Filing and certification of manual signature; execution of public securities (requires at least one manual signature) and instruments of payment with facsimile signature

5503 Unlawful use of facsimile signatures or seals

Business Policy #3314.2

REVOLVING FUNDS

District Revolving Fund

The Governing Board shall establish by resolution a revolving cash fund for use by the Superintendent or designee in paying for goods, services and other charges determined by the Board. (Education Code 42800-42806, 45167)

At the request of the Board, County Auditor or County Superintendent of Schools, the Superintendent or designee shall give an account of the fund. (EC 42804)

The funds shall be deposited in a bank doing business locally, whose deposits are insured by FDIC.

The Board shall review and revise fund usage as appropriate.

Legal Reference:
EDUCATION CODE
35160 Authority of governing boards
41020 Audits of all District funds
42800-42806 Revolving cash fund
42810 Revolving cash funds; use; administrators
45167 Error in salary

CSBA: 3/91

Business Policy #3314.3

USE OF CONSULTANTS

The Board recognizes the need to use consultants when they can provide valuable and necessary specialized services not normally required on a continuing basis and which cannot be provided by District personnel because of limitations of time, experience or knowledge.

Consultants as used in this policy are individuals, firms or organizations employed to provide specific technical or training services, or professional, technical or expert advice, opinion or guidance to management personnel on a limited and as needed basis which may assist management in decisionmaking and/or project development.

Consultants are independent contractors or resource persons who are specially trained, experienced, competent or uniquely qualified to perform the services required. A person should not be employed as a consultant if an employer-employee relationship exists, and no person or agency shall be employed as a consultant if such person or agency will directly or indirectly influence decisions which will benefit him/her financially. Employees of other public agencies who contract with the District as consultants shall be required to certify that they will not receive salary or remuneration, other than vacation pay, from any other public agency for the specific time of the contract.

Legal Reference:

EDUCATION CODE

10400-10407 Cooperative improvement programs

17596 Limit on continuing contracts

35010 Control of Districts; prescription and enforcement of rules

35172(a) Promotional activities

35204 Contract with attorney

44925 Part-time readers employed as independent contractors

45103 Classified service in Districts not incorporating the merit system

45103.5 Contracts for food service consulting services

45134-45135 Employment of retired classified employee

45256 Merit system Districts; classified service; positions established for professional experts on a temporary basis

GOVERNMENT CODE

53060 Contract for special services and advice

Management Resources:

INTERNAL REVENUE SERVICE PUBLICATIONS

15-A Employer's Supplemental Tax Guide

Page 1 of 1. Adopted: November 3, 1994 CSBA: 9/88

Business Policy #3315

RELATIONS WITH VENDORS

No District employee or Board member shall accept personal gifts, commissions or expense-paid trips from individuals or companies selling equipment, materials or services required in the operation of District programs. Gifts include any gift purchased specifically for an employee which is not generally offered to other buyers.

This policy does not prohibit employees from accepting promotional or advertising items such as calendars, desk pads, notebooks and other office gadgets which are offered by business concerns free to all as part of their public relations programs.

District employees who work for or serve as consultants for potential vendors shall not participate in evaluating any equipment, materials or services of that vendor or its competitors.

This policy does not prohibit the acceptance by the Board of materials and/or services which are for the use and benefit to the District.

Legal Reference:

EDUCATION CODE

60071 Prohibited offers to influence adoption or purchase of instructional materials

60072 Acceptance of consideration or inducements by school official

60073 Penalties for violation of article

60074 Supplying sample copies

60075 Receiving sample copies

60076 Inapplicability of article; royalties or other compensation of school official for writing or preparing instructional materials; claim of District to royalty

Business Policy #3320

CLAIMS AND ACTIONS AGAINST THE DISTRICT

Any and all claims for money or damages against the District must be presented to and acted upon in accordance with Board Policy and Administrative Regulation. Compliance with District procedures is a prerequisite to any court action, unless the claim is governed by statutes or regulations which expressly free the claimant from the obligation to comply with this policy and the claims procedures set forth in the Government Code.

The Board contracts for property and liability protection.. The administrative regulation will describe the insurer's role in the process.

This policy is intended to apply retroactively to any existing causes of action and/or claims for money and/or damages.

Legal Reference: **EDUCATION CODE** 35200 Liability for debts and contracts 35202 Claims against Districts; applicability of Government Code **GOVERNMENT CODE** 800 Cost in civil actions 810-996.6 Claims and actions against public entities 53051 Information filed with secretary of state and county clerk CSEA v. Azusa Unified School District, (1984) 152 Cal. App. 3d 580

CLAIMS AND ACTIONS AGAINST THE DISTRICT

Time Limitations

- 1. Claims for money or damages relating to a cause of action for death or for injury to person, personal property or growing crops shall be presented to the Governing Board no later than six months after the accrual of the cause of action. (Government Code 905, 911.2)
- 2. Claims for money or damages as authorized in Government Code 905 and not included in paragraph #1 above shall be filed not later than one year after the accrual of the cause of action. (Government Code 905, 911.2)
- 3. Claims for money or damages specifically excepted from Government Code 905 shall be filed not later than six months after the accrual of the cause of action. (Government Code 905, 911.2, 935)

Late Claims

Claims under paragraphs #1 and #3 above which are filed later than six months after the accrual of the cause of action must be accompanied by an application to file a late claim. Such claim and application to file a late claim must be filed not later than one year after the accrual of the cause of action.

If a claim under paragraphs #1 or #3 is filed late and is not accompanied by the application, the Board or Superintendent/Designee shall, within 45 days, give written notice that the claim was not filed timely and that it is being returned without further action. The notice shall be in the form set forth in Exhibit A.

The application to file a late claim shall state the reason for the delay. The Board shall grant or deny the application within 45 days after it is presented. By mutual agreement of the claimant and the Board, this 45-day period may be extended by written agreement made before the expiration of such period. If the Board does not take action on the application within 45 days, it shall be deemed to have been denied on the 45th day unless such time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement.

If the application to present a late claim is denied, the claimant shall be given notice in the form set forth in Exhibit B. (Government Code 911.3, 911.4, 911.6, 911.8, 912.2, 935)

Delivery And Form Of Claim

A claim, any amendment thereto, or an application for leave to present a late claim shall be deemed presented when delivered to the office of the Superintendent or deposited in a post office, subpost office, substation, or mail chute or other like facility maintained by the U.S. Government in a sealed envelope properly addressed to the District office with postage paid. (Government Code 915, 915.2)

Claims may be submitted on the District claim form or as prescribed in Section 910 and 910.2 of the Government Code. (Government Code 910, 910.2, 910.4)

Page 1 of 2. Issued: November 3, 1994
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Business Regulation #3320

CLAIMS AND ACTIONS AGAINST THE DISTRICT

The Superintendent/Designee will date-stamp the claim and forward to the liability administrator. The liability administrator will determine the sufficiency of the claim and so notify the claimant.

Notice Of Claim Insufficiency

The liability administrator shall review all claims for sufficiency of information. The liability administrator may, within 20 days of receipt of claim, either personally deliver or mail to claimant a notice as set forth in Exhibit C stating deficiencies in the claim presented. If such notice is delivered or sent to claimant, the Board shall not act upon the claim until at least 15 days after such notice is sent. (Government Code 910.8, 915.4)

Amendments To Claim

Claims may be amended within the above time limits or prior to final action by the Board, whichever is later, if the claim, as amended, relates to the same transaction or occurrence which gave rise to the original claim.

Action On Claim

Within 45 days after the presentation or amendment of a claim, the Board (or Superintendent, if delegated this authority) shall take action on the claim. (Government Code 912.4) This time limit may be extended by written agreement before the expiration of the 45-day period or before legal action is commenced or barred by legal limitations. (Government Code 912.4) The Superintendent or designee shall transmit to the claimant a notice of action taken. The notice shall be in the form set forth in Exhibit D. (Government Code 913)

If no action is taken within the prescribed time limits, the claim shall be deemed to have been rejected and the claimant notified in accordance with Government Code 913. (Government Code 945.6)

Roster Of Public Agencies

The Superintendent or designee shall annually verify that all information regarding the school District and the Board is filed accurately with the Roster of Public Agencies in the office of the Secretary of State and the County Clerk. The verified information shall include the name of the school District, the mailing address of the Board, and the names and addresses of the Board presiding officer, the Board clerk or secretary and other members of the Board. (Government Code 53051)

Page 2 of 2. Issued: November 3, 1994 CSBA: 6/90

Business Exhibit # 3320

CLAIMS AND ACTIONS AGAINST THE DISTRICT

Exhibit A

NOTICE OF FAILURE TO FILE IN A TIMELY MANNER

TO: [Claimant] [Address]

RE: Claim Filed [insert date]

The claim you presented to the Superintendent on [-DATE-] is being returned because it was not presented within six months after the event or occurrence as required by law. See Government Code 901, 911.2 and 935. Because the claim was not presented within the time allowed by law, no action was taken on the claim.

Your only recourse at this time is to apply without delay to the district for leave to present a late claim. See Government Code 911.4 through 912.2 and 946.6. Under some circumstances, leave to present a late claim will be granted. See Government Code 911.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Exhibit B

Note: Notice that the application to file a late claim is denied should include the following statement:.

WARNING

IF YOU WISH TO FILE A COURT ACTION ON THIS MATTER. YOU MUST FIRST PETITION THE APPROPRIATE COURT FOR AN ORDER RELIEVING YOU FROM THE PROVISIONS OF GOVERNMENT CODE 945.4 (CLAIMS PRESENTATION REQUIREMENT). SEE GOVERNMENT CODE 945.6. SUCH PETITION MUST BE FILED WITH THE COURT WITHIN SIX (6) MONTHS FROM THE DATE YOUR APPLICATION FOR LEAVE TO PRESENT A LATE CLAIM WAS DENIED.

YOU MAY SEEK THE ADVICE OF AN ATTORNEY OF YOUR CHOICE IN CONNECTION WITH THIS MATTER. IF YOU DESIRE TO CONSULT AN ATTORNEY, YOU SHOULD DO SO IMMEDIATELY.

Business Exhibit # 3320

CLAIMS AND ACTIONS AGAINST THE DISTRICT

Exhibit C

NOTICE OF INSUFFICIENCY

Dear:

Please notice that the claim presented by you on [-DATE-] fails to comply substantially with the requirements of Government Code 910 and 910.2 [or with the requirements of Government Code 910.4, if a claim is presented on a general claim form provided by the State Board of Control.] Specifically, your claim is insufficient because of the following defects or omissions:

Therefore, the claim is being return to you without further action or consideration. If you wish to pursue this further, you should consult the California Government Code or legal counsel.

The Board will not take any action on the claim for a period of fifteen (15) days from the date of this notice.

Dated:

Signature

Typed Title of Officer

Exhibit D

NOTICE OF ACTION TAKEN ON CLAIM

Note: The two paragraphs of warning in the notice below are required, in addition to the first paragraph, if the claim is rejected in whole or in part..

Dear:

Notice is hereby given that the claim you presented to the District on [-DATE-] was [rejected, allowed, allowed in the amount of \$[-AMOUNT-] and rejected to the balance, rejected by operation of law] on [date of action or rejection by operation of law].

WARNING

Subject to certain exceptions, you have only six (6) months from the date this letter was personally delivered or deposited in the mail to file a court action on this claim. See Government Code 945.6.

Exhibit # 3320 Business

CLAIMS AND ACTIONS AGAINST THE DISTRICT

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Typed Name of Officer Dated: Signature

Business Policy #3350

TRAVEL EXPENSES

The Governing Board shall authorize payment for per diem meal expenses, including travel, incurred by any employee performing authorized services for the District.

The Superintendent or designee may approve employee requests to attend meetings in accordance with the adopted budget.

Expenses shall be reimbursed within limits approved by the Board. The Superintendent or designee shall establish procedures for the submission and verification of expense claims. He/she may authorize an advance of funds to cover necessary expenses.

The Board may establish an allowance on either a mileage or monthly basis to reimburse authorized employees for the use of their own vehicles in the performance of assigned duties.

All out-of-state travel for which reimbursement will be claimed shall have Board approval. Travel expenses not previously budgeted also shall be approved on an individual basis by the Board.

Authorized employees may use District credit cards while attending to District business. Under no circumstances may personal expenses be charged on District credit cards.

Legal Reference: **EDUCATION CODE** 44016 Travel expense 44032 Travel expense payment 44033 Automobile allowance 44802 Student teacher's travel expense

Page 1 of 1. Adopted: May 27, 1999 Revised: October 24, 2019

Business Regulations # 3350

TRAVEL EXPENSES

District Employees and Board members shall be reimbursed for expenses when performing authorized services for the School District. A Request to Attend form must be submitted at least fifteen days prior to the travel and a copy of the approved form must be attached to the Request for Reimbursement after the travel is completed.

All rates for travel and expense reimbursement will be reviewed when the new rates are published, using the U.S. General Services Administration Privately Owned Vehicle Mileage Reimbursement Rates (GSA) and the adjusted Continental U.S. Per Diem Rates.

The district will reimburse for the actual cost of meals up to the per diem limit, including tip. This amount is reduced if meals are provided as part of the registration. Itemized receipts for meals are required. The back of the Request to Attend form lists the current GSA per diem rates for the most traveled counties in California. Out of state travel will be reimbursed at the per diem rate for Monterey County Reimbursement for Actual and Necessary meal expense does require itemized meal receipts be attached.

A. Travel Within the District

With prior written approval from the Site Administrator or Supervisor, or as noted in the job description, employees may claim mileage at the current GSA-approved rate. Reimbursement will occur when the employee submits an approved Request for Reimbursement form. All claims must be made in the fiscal year that they occurred.

B. Travel Outside the District

An employee attending a conference or meeting at District expense must have prior written approval by the Site Administrator/Supervisor on the appropriate authorization form.

Attendance will be subject to funds availability as verified by the Assistant Superintendent, Business.

C. Reimbursement for Travel

Travel by privately owned automobile

Employees who travel by automobile will be reimbursed according to the actual miles traveled in a private vehicle at the current GSA rate. Evidence of mileage shall be attached to the Request to Attend form and the Request for Reimbursement form (i.e. Mapquest or Google maps printout reflecting mileage from the employee's school site to the event venue, not from the employee's residence) The maximum amount allowed shall not exceed the cost of travel by ordinary coach air fare.

When two or more District employees or Board members are attending the same event on the same days, every effort should be made to rideshare. Only the driver may claim mileage reimbursement.

Issued: January 4, 1996

Revised: October 24, 2019

Business Regulations # 3350

TRAVEL EXPENSES

Travel by airplane

An employee or Board member may choose to travel by commercial airline as a reasonable option. Making the flight reservation as early as possible is encouraged. Airfare (coach class) reimbursement will be for whichever is less, the cost of the flight or point-to-point round trip mileage.

D. Reimbursement for Expenses

It is advisable to submit purchase orders in advance for registration and hotel accommodations. Arrangements can be made for prepayment of the purchase orders directly to the event sponsor or hotel if this is a requirement. All other reimbursement expenses are to be submitted on a Request for Reimbursement form after the event.

The following are allowable reimbursements:

- lodging
- o program materials (books, etc.)
- o roundtrip mileage
- o work related phone calls
- o parking (receipt required)
- o bridge tolls (receipt required)
- o taxi, airport bus, shuttle (receipts required)
- o meals, actual receipts required up to per diem rates
- o Internet connections (if conducting school district business)
- o tips and gratuities (reasonable rate around 15%)

The following are **not** allowable reimbursements:

- alcoholic beverages
- personal services
- Internet connections (for personal use)
- o entertainment
- o gifts
- o mileage cost in excess of coach air fare
- o expenses for non-employees

E. Actual and Necessary or Unanticipated, Unusual or Exceptional Circumstances

If while traveling or attending a conference, an unanticipated, unusual or exceptional expense occurs, the employee may, upon returning to the District, request reimbursement. The request must have the receipt attached to the written notification for payment. If approved by the Site

Issued: January 4, 1996

Revised: October 24, 2019

Business Regulations # 3350

TRAVEL EXPENSES

Administrator/Supervisor, the reimbursement request will be forwarded to the Business Office for budget verification and payment.

In the event a dispute develops as to whether expenses are actual, and/or necessary, the employee may request a decision from the Superintendent. If the employee is not satisfied with the Superintendent's decision, the employee may request that the Board review the matter and issue a decision, which shall be final.

Business Policy #3400

MANAGEMENT OF DISTRICT ASSETS/ ACCOUNTS

Accounting Systems

General and budgetary accounting is prescribed by the Education Code and must be in accordance with the California State Department of Education Accounting Manual. (Education Code 41010)

The Superintendent or designee shall provide ongoing internal accounting controls and a means for the accounting of income and expenditures as outlined in the adopted budget.

Audits

All accounts shall be audited annually as prescribed by the Education Code. The audit examination shall be conducted in accordance with the requirements of the State Controller. (Education Code 41020)

By April 1 of each year, the Board shall provide for an audit of all District funds, any other funds which are administered pursuant to a joint powers agreement, and attendance procedures. To conduct the audit, the Board shall select a certified public accountant or public accountant licensed by the State Board of Accountancy.

The audit shall identify all expenditures by source of funds and shall contain the following:

- 1. A statement that the audit was conducted pursuant to standards and procedures established in the audit guides developed by the State Controller.
- 2. A summary of audit exceptions and management recommendations.

The Superintendent or designee shall establish a timetable for the completion and review of the audit within the deadlines established by law.

The Superintendent or designee shall file the report of the audit with the County Superintendent of Schools, the Department of Education, and the State Controller no later than December 15. (Education Code 41020).

Encumbering

In order to have a clear picture of the District's financial condition readily available and as current as possible, the Superintendent or designee shall see that funds are encumbered in the District accounting records immediately after an expenditure is committed for subsequent payment.

Encumbering shall begin July 1 of each year with the amounts established in the District's preliminary budget. Appropriate adjustments shall be made when the final budget is adopted.

Page 1 of 2. Adopted: November 3, 1994 CSBA: 10/93

Business Policy #3400

MANAGEMENT OF DISTRICT ASSETS/ ACCOUNTS

Legal Reference:

EDUCATION CODE

- 14505 Withholding percentage of audit fee until certification of conformance to audit guide; appeal
- 35035 Powers and duties of superintendent
- 35250 Duty to keep certain records and reports (accurate account of expenditures and receipts)
- 41010 Accounting system; requirements for Accounting Manual
- 41011 Accounting system requirements
- 41012 Uniform cost accounting procedure to determine allowances for handicapped minors
- 41013 Transfers from District general funds; accounting rules and regulations
- 41014 Accounting requirements (budgetary)
- 41020 Requirement for annual audit
- 41020.3 Review of annual audit
- 41020.5 Audit not in conformance
- 42600 District budget limitation on expenditures
- 42601 Transfers between funds to permit payment of obligations at close of year
- 42603 Transfer of special or restricted funds moneys
- 42647 Drawing of warrants by District on county treasurer; form; reports, statements and other data GOVERNMENT CODE
- 53995-53997 Obligation of contract

Management Resources

CDE MANAGEMENT ADVISORIES

- 0531.09 Clarifications regarding appropriations limit and appropriations subject to the limit
- 0514.09 Authorized and proper use of funds
- 0105.09 Estimating supplemental grants
- 11211.89 Revision of Chapter 5 of the CALIFORNIA SCHOOL ACCOUNTING MANUAL
- 1027.89 Updates to the CALIFORNIA SCHOOL ACCOUNTING MANUAL
- 1017.89 Computation of appropriations limit and appropriations subject to the limit

Page 2 of 2. Adopted: November 3, 1994 CSBA: 10/93

MANAGEMENT OF DISTRICT ASSETS/ ACCOUNTS

Accounts

The District's accounting system shall fully comply with the definitions, instructions and procedures set forth in the California Department of Education School Accounting Manual. (Education Code 41010)

The Superintendent or designee shall ensure that funds are encumbered in the District accounting records immediately after an expenditure is committed for subsequent payment.

Audit

By April 1 of each year, the Governing Board shall provide for an audit of all District accounts, any other funds that are administered pursuant to a joint powers agreement, and attendance procedures. To conduct this audit, the Board shall select a certified public accountant or public accountant licensed by the State Board of Accountancy. The Superintendent or designee shall establish a timetable for the completion and review of the audit within the deadlines established by law. (EC 14505)

The audit shall be conducted in accordance with General Accounting Office standards for financial and compliance audits. (Education Code 14503)

The audit shall identify all expenditures by source of funds and shall contain: (Education Code 41020)

- 1. A statement that the audit was conducted pursuant to standards and procedures established in the audit guides developed by the State Controller.
- 2. A summary of audit exceptions and management improvement recommendations.
- 3. A description of the specific actions that are planned or that have been taken to correct any problem identified by the auditor. (EC 41020)

The Superintendent or designee shall file the report of the audit with the County Superintendent of Schools, the Department of Education, and the State Controller no later than December 15. (Education Code 41020)

By January 31 of each year, the Board shall review, at an open meeting, the annual District audit for the prior year, any audit exceptions identified in that audit, the recommendations or findings of any management letter issued by the auditor, and any description of correction or plans to correct any exceptions or any issue raised in a management letter. (Education Code 41020.3)

Quality Control Reviews

The independent auditor shall complete a quality control review every three years in accordance with General Accounting Office standards. (EC 14503)

Page 1 of 1. Issued: July 16, 1998 CSBA: 6/95

Policy #3440 Business

INVENTORIES

In order to provide for the proper control and conservation of District property, the Superintendent or designee shall maintain an inventory in a manner author-ized by the State Board of Education.

Legal Reference:

EDUCATION CODE

35168 Inventory of equipment

CODE OF REGULATIONS, TITLE 5

3946 Control, safeguards, disposal of equipment purchased with state and federal consolidated application funds

16023 Class 1 - Permanent records

16035 Historical inventory of equipment

UNITED STATES CODE, TITLE 20

2301 - 2471 Carl D. Perkins Vocational Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

80.1 - 80.52 Uniform administration requirements for grants to state and local governments

Management Resources:

OFFICE OF MANAGEMENT AND BUDGET

Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments, May 17, 1995

Business Regulation #3440

INVENTORIES

In order to provide for the proper control and conservation of District property, the Superintendent or designee shall maintain an inventory of equipment in accordance with law for the following:

- 1. All items currently valued in excess of \$500 (Education Code 35168)
- 2. All items purchased with federal funds that have a useful life of more than one year with an acquisition cost per unit of \$5,000 or more (34 CFR 80.3)

The following information must be recorded:

- 1. Name and description of the property
- 2. Name of titleholder
- 3. Serial number or other identification number
- 4. Cost of the property (a reasonable estimate may be used if original cost is unknown)
- 5. Acquisition date
- 6. Location of use
- 7. Any ultimate disposition data including the date and method of disposal and sale price

The following information must also be recorded for items acquired with federal funds, as defined above: (34 CFR 80.32)

- 1. Source of the property (funding source)
- 2. Use and condition of property
- 3. Percentage of federal participation in the cost of the property

A physical inventory shall be conducted annually and the results reconciled with the property records. (34 CFR 80.32)

Each school shall maintain a copy of its inventory and provide a copy of this inventory to the District office. Copies of all District inventories shall be kept at the District office.

Legal Reference:

EDUCATION CODE

35168 Inventory of equipment

CODE OF REGULATIONS, TITLE 5

3946 Control, safeguards, disposal of equipment purchased with state and federal consolidated application funds

16023 Class 1 - Permanent records

16035 Historical inventory of equipment

UNITED STATES CODE, TITLE 20

2301 - 2471 Carl D. Perkins Vocational Education Act

CODE OF FEDERAL REGULATIONS. TITLE 34

80.1 - 80.52 Uniform administration requirements for grants to state and local governments Management Resources:

Page 1 of 1. Adopted: May 27, 1999 CSBA: 6/98

Regulation #3440 Business

INVENTORIES

OFFICE OF MANAGEMENT AND BUDGET Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments, May 17, 1995

Business Regulation #3451

PETTY CASH FUNDS

The purpose of a petty cash fund is to have cash available in the office of the principal or other administrative officer for express charges, postage due and other unforeseen small expenses which are normally authorized District expenditures that cannot be handled in the usual manner due to time constraints.

- 1. The amount of cash funds at any school site or District office shall not exceed \$50.
- 2. The principal or administrative official in whose name the fund is created will be responsible for all expenditures made from it.
- 3. Each disbursement will be supported by a cash register tape, a sales slip or other evidence of the expenditure. Such evidence will be summarized monthly, or earlier if the fund needs replenishment.
- 4. The documents and the summary will be forwarded to the business office where a check will be issued to replenish the fund.
- 5. The amount on deposit plus receipts of disbursement must always equal the original amount of the fund.
- 6. Funds will be regularly audited by the business office.
- 7. Funds are subject to audit by the District's auditor.
- 8. Money left overnight in schools shall be kept in a safe or secured place.

Page 1 of 1. Issued: March 2, 1995 CSBA: 6/91

Business Policy #3452

STUDENT ACTIVITY FUNDS

Student organizations may raise and spend money in order to promote the general welfare, morale and educational experiences of the students. Student funds shall finance worthwhile activities that go beyond those provided by the District. Minutes shall be kept of student organization meetings and shall properly reflect all financial activities.

Student funds shall be managed in accordance with sound business procedures designed to encourage the largest possible educational return to students without sacrificing the safety of funds or exposing students to undue responsibility or unnecessary routine.

With Board approval, student funds shall be held or invested in one of the following ways:

- 1. Deposited or invested in a federally insured bank or savings and loan; or in a state or federally insured credit union. (Education Code 48933)
- 2. Invested in U.S. savings bonds or obligations. (Education Code 48933)
- 3. Loaned to other District student organizations or invested in District property improvements pursuant to Education Code 48936.

Student funds shall be disbursed according to procedures established by the student organization. All disbursements must be approved by the Superintendent or designee, the certificated employee who is the student organization advisor, and a student organization representative. (Education Code 48933)

The principal or designee shall be responsible for the proper conduct of all student organization financial activities. The Superintendent or designee shall periodically review the organizations' general financial structures and accounting procedures.

The Board shall provide an annual audit of student accounts by a certified public accountant or licensed public accountant. Auditing cost shall be paid from District funds. (Education Code 41020)

Legal Reference: EDUCATION CODE 41020 Requirement for annual audit 48930-48938 Student body organization

Page 1 of 1. Adopted: November 3, 1994

CSBA: 9/88

Students

Regulation #3452

STUDENT ACTIVITY FUNDS

The Superintendent authorizes the Principals in each District school to establish student organizations to promote the general welfare, morale and educational experiences of the students. Student funds shall finance worthwhile activities which go beyond those provided by the District.

The Superintendent is responsible to the Board for the supervision of student organization activities and for the financial use of student activity funds and delegates responsibility to the following staff:

The Assistant Superintendent, Business shall be responsible to:

- 1. Assist the Principal at each school to establish procedures for handling student activity funds, for conducting an annual audit and the reporting of them to the Superintendent.
- 2. Approve all disbursement of funds on behalf of the Superintendent.
- 3. Inform the Superintendent on a regular basis regarding the financial conduct of the schools' student activity funds.
- 4. Direct the holding or investing of student activity funds in accordance with the Education Code and with Board approval.
- 5. Prepare an annual report to the Board of each student activity fund.

The Principal shall be responsible to:

- 1. Establish appropriate student organizations to benefit the educational program and maintain communication with the Superintendent and/or his designee as needed or requested.
- 2. Supervise or delegate supervision of all student activities and funds to a certificated student activity advisor. Upon delegation, the Principal remains responsible for the conduct of the student organization and student activity funds.
- 3. Assist the student activity advisor and students in establishing procedures to maintain minutes of meetings and financial transactions and to assure the management of funds with sound business procedures.
- 4. Conduct an audit of all student activity funds on an annual basis and report the activities and funding processes to the Superintendent or his designee.

Page 1 of 1. Issued: November 3, 1994 Source: Salinas City School District Bu sin ess Policy #3460

FINANCIAL REPORTS AND ACCOUNTABILITY

The Governing Board is committed to ensuring the fiscal health of the District and providing public accountability. The Board shall adopt sound fiscal policies and oversee the District's financial condition.

The Superintendent or designee shall regularly keep the Board informed about the District's finances and shall submit timely reports so that the Board can take appropriate action to ensure the District's financial stability. The Superintendent or designee may recommend amendments to the District's budgeted revenues and expenditures as may be necessary to maintain a balanced budget.

The Board recognizes the need to implement the required accounting and financial reporting standards stipulated by the Governmental Accounting Standards Board and the California Department of Education. The District's goal is to properly account for the financial and economic resources of the District and to enhance the understandability and usefulness of external financial reports for the community.

The Superintendent or designee shall ensure that all financial reports, including a Management Discussion and Analysis, are prepared in accordance with law and in conformity with generally accepted accounting principles.

Legal Reference:

EDUCATION CODE

- 17150 Public disclosure of non-voter-approved debt
- 33127 Standards and criteria for local budgets and expenditures
- 33128 Standards and criteria; inclusions
- 33129 Standards and criteria; use by local agencies
- 35035 Powers and duties of superintendent
- 41010-41023 Accounting system
- 41455 Examination of financial problems of local Districts
- 42100-42105 Requirement to prepare and file annual statement
- 42127.6 School District operations monitoring; financial obligation nonpayment
- 42130-42134 Financial reports and certifications
- 42140-42142 Public disclosure of fiscal obligations

GOVERNMENT CODE

- 3540.2 School District; qualified or negative certification; proposed agreement review and comment
- 16429.1 Local agency investment fund
- 53646 Reports of investment policy and compliance

CODE OF REGULATIONS, TITLE 5

- 15453-15463 Criteria and Standards for School District Interim Reports
- 15480-15490 Criteria and Standards for County Office of Education Reports

Management Resources:

GOVERNMENTAL STANDARDS ACCOUNTING BOARD

Page 1 of 1 Adopted: July 16, 1998

Business Policy #3460

FINANCIAL REPORTS AND ACCOUNTABILITY

Statement 34, Basic Financial Statements - and Management's Discussion and Analysis - For State and Local Governments, June 1999

WEB SITES

Governmental Accounting Standards Board: http://www.gasb.org

CDE: http://www.cde.ca.gov

Reviewed and Adopted: September 19, 2002 CSBA: 7/01

FINANCIAL REPORTS AND ACCOUNTABILITY

Interim Reports

The Superintendent or designee shall submit two interim fiscal reports to the Governing Board, the first report covering the District's financial and budgetary status for the period ending October 31 and the second report covering the period ending January 31. The reports and supporting data shall also be made available by the District for public review. (Education Code 35035, 42130)

Within 45 days after the close of the period reported, the Board shall assess these reports of the District's financial condition on the basis of criteria adopted by the State Board of Education and on current information regarding the adopted state budget, District property tax revenues if any, and ending balances for the preceding year. The Board shall approve the fiscal reports and send the County Superintendent of Schools these reports and its certification of the District's financial status based on current projections, in accordance with the following: (Education Code 42131)

- 1. A "positive certification" will indicate that the District will meet its financial obligations for the current fiscal year and subsequent two fiscal years.
- 2. A "qualified certification" will indicate that the District may not meet its financial obligations for the current fiscal year or two subsequent fiscal years.
- 3. A "negative certification" will indicate that the District will be unable to meet its financial obligations for the remainder of the fiscal year or the subsequent fiscal year.

Qualified or negative certifications shall also be sent to the Superintendent of Public Instruction and State Controller, together with a copy of the fiscal report and a completed transmittal form provided by the Superintendent of Public Instruction. (Education Code 42131)

If the Board files a qualified or negative certification for the second report of the fiscal year, or if its second report is classified as qualified or negative by the County Superintendent of Schools, the Superintendent or designee shall provide to the County Superintendent of Schools, the Controller, and the Superintendent of Public Instruction, no later than June 1, a financial statement that reports data for the period ending April 30 and projects the District's fund and cash balances as of June 30. (Education Code 42131)

Annual Financial Report

On a form prescribed by the Superintendent of Public Instruction, the Superintendent or designee shall prepare a statement of all receipts and expenditures of the District for the preceding fiscal year. On or before September 15, the Board shall approve this statement and file it with the County Superintendent of Schools. (Education Code 42100)

Appropriations Limit Report

The Board shall adopt a resolution by September 30 of each year to identify the estimated appropriations limit for the District for the current fiscal year and the actual appropriations limit of

Page 1 of 3 Issued: July 16, 1998 All Rights Reserved by PGUSD. Reviewed and Issued: September 19, 2002

CSBA: 10/98

FINANCIAL REPORTS AND ACCOUNTABILITY

the District during the preceding year. Documentation used to identify these limits shall be made available to the public on the day of the meeting. (Education Code $\frac{42132}{2}$)

Non-Voter-Approved Debt Report

Whenever the Board approves the issuance of certificates of participation or revenue bonds, the Superintendent or designee shall notify the County Superintendent of Schools and the county auditor. The Superintendent or designee shall provide the Board, the county auditor, the County Superintendent of Schools and the public with related repayment schedules and evidence of the District's ability to repay the obligation. Within 15 days, the County Superintendent and county auditor may comment publicly to the Board regarding the District's capability to repay the debt. (Education Code 17150)

Accrued Benefits and Claims Report

The Superintendent or designee shall annually provide the Board, at a public meeting, information and related actuarial reports showing the estimated accrued but unfunded cost of workers' compensation claims and health and welfare benefits for retired employees after they turn 65. Costs shall be reported whether the District is responsible individually or as a member of a joint powers agency. The Board shall disclose, as a separate agenda item, whether or not it will reserve in the budget sufficient amounts to fund the present value of the workers' compensation claims or if it is otherwise decreasing the amount in its workers' compensation reserve fund. The Board shall also disclose, as a separate agenda item, whether or not it will reserve in the budget sufficient amounts to fund the present value of the above benefits for existing retirees or the future cost of employees eligible for benefits in the current fiscal year, or both. The Board shall annually certify to the County Superintendent of Schools the amount, if any, that it has decided to reserve in the budget for any of these costs. The Board shall submit to the County Superintendent any budget revisions that may be necessary to account for this budget reserve. (Education Code 42140, 42141)

Investment Reports

Within 30 days of the end of each quarter, the Superintendent or designee shall provide the Board with quarterly reports of District investments that are more than \$25,000. This report shall include the following: (Government Code 53646)

- 1. The extent to which the portfolio complies and/or does not comply with the District's investment policy
- 2. A statement denoting the District's ability to meet its pool's expenditure requirements for the next six months, or an explanation of why sufficient money shall or may not be available
- 3. The most recent statement(s) received from the state's local agency investment fund, the National Credit Union Share Insurance Fund-insured accounts in a credit union or from FDIC-insured accounts in a bank or savings and loan association, in a county investment pool or in any combination of these

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CSBA: 10/98

Business Regulation #3460

FINANCIAL REPORTS AND ACCOUNTABILITY

- 4. The type of investment, issuer, date of maturity, par and dollar amount invested on all securities, investments and monies held by the District other than those specified in item #3 above
- 5. A description of any District funds, investments or programs that are under the management of contracted parties, including lending programs
- 6. The current market value, and the source of this information, for all securities held by the District and under management of any outside party that is not another local agency or the state's local agency investment fund

In the above report, a subsidiary ledger of investments may be used in accordance with accepted accounting practices. (Government Code <u>53646</u>)

Page 3 of 3 Issued: July 16, 1998

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Policy #3470

DEBT ISSUANCE AND MANAGEMENT

The Board of Education (the "Board") is committed to long-term capital and financial planning and recognizes that the issuance of debt is a key source for funding the improvement and maintenance of school facilities and managing cash flow. Any debt issued by the district shall be consistent with law and this policy.

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(cf. 3000 - Concepts and Roles)
(cf. 3460 - Financial Reports and Accountability)
(cf. 7110 - Facilities Master Plan)
(cf. 7210 - Facilities Financing)
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The district shall not enter into indebtedness or liability that in any year exceeds the income and revenue provided for such year, unless two-thirds of the voters approve the obligation or one of the exceptions specified in law applies. (California Constitution, Article 16, Section 18)

When the Board determines that it is in the best interest of the district, the Board may issue debt or order an election to issue debt. The Superintendent or designee shall make recommendations to the Board regarding appropriate financing methods for capital projects or other projects that are authorized purposes for debt issuance. When approved by the Board and/or the voters as applicable, the Superintendent or designee shall administer and coordinate the district's debt issuance program and activities, including the timing of issuance, sizing of issuance, method of sale, structuring of the issue, and marketing strategies.

The Superintendent or designee shall retain a financial advisor, municipal advisor, investment advisor, and other financial services professionals as needed to assist with the structuring of the debt issuance and to provide general advice on the district's debt management program, financing options, investments, and compliance with legal requirements. Contracts for services provided by such advisors may be for a single transaction or for multiple transactions, consistent with the contracting requirements in Education Code 17596. In the event that the district issues debt through a negotiated sale, underwriters may be selected for multiple transactions if multiple issuances are planned for the same project. In addition, the district shall select a legal team on an as-needed basis to assist with debt issuances or special projects.

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(cf. 3312 - Contracts)
(cf. 3600 - Consultants)
(cf. 9270 - Conflict of Interest)
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Goals

The district's debt issuance activities and procedures shall be aligned with the district's vision and goals for providing adequate facilities and programs that support student learning and well-being. When issuing debt, the district shall ensure that it:

- 1. Maintains accountability for the fiscal health of the district, including prudent management and transparency of the district's financing programs
- 2. Attains the best possible credit rating for each debt issue in order to reduce interest costs, within the context of preserving financial flexibility and meeting capital funding requirements

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DEBT ISSUANCE AND MANAGEMENT

- 3. Takes all practical precautions and proactive measures to avoid any financial decision that will negatively impact current credit ratings on existing or future debt issues
- 4. Maintains effective communication with rating agencies and, as appropriate, credit enhancers such as bond insurers or other providers of credit or liquidity instruments in order to enhance the creditworthiness, liquidity, or marketability of the debt
- 5. Monitors the district's statutory debt limit in relation to assessed valuation within the district and the tax burden needed to meet long-term debt service requirements
- 6. When determining the timing of debt issuance, considers market conditions, cash flows associated with repayment, and the district's ability to expend the obtained funds in a timely, efficient, and economical manner consistent with federal tax laws
- 7. Determines the amortization (maturity) schedule which will fit best within the overall debt structure of the district at the time the new debt is issued
- 8. Considers the useful lives of assets funded by the debt issue, as well as repair and replacement costs of those assets to be incurred in the future
- 9. Preserves the availability of the district's general fund for operating purposes and other purposes that cannot be funded by the issuance of voter-approved debt
- 10. Meets the ongoing obligations and accountability requirements associated with the issuance and management of debt under state and federal tax and securities laws

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(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 7000 - Concepts and Roles)
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Authorized Purposes for the Issuance of Debt

The district may issue debt for any of the following purposes:

- 1. To pay for the cost of capital improvements, including acquiring, constructing, reconstructing, rehabilitating, replacing, improving, extending, enlarging, and/or equipping district facilities
- 2. To refund existing debt
- 3. To provide for cash flow needs

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(cf. 3100 - Budget)
(cf. 3110 - Transfer of Funds)
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DEBT ISSUANCE AND MANAGEMENT

Pursuant to Government Code 53854, general operating costs, including, but not limited to, items normally funded in the district's annual operating budget, shall not be financed from debt payable later than 15 months from the date of issuance. The district may deem it desirable to finance cash flow requirements under certain conditions so that available resources better match expenditures within a given fiscal year. To satisfy both state constitutional and statutory constraints, such cash flow borrowing shall be payable from taxes, income, revenue, cash receipts, and other moneys attributable to the fiscal year in which the debt is issued.

Authorized Types of Debt

The Superintendent or designee shall recommend to the Board potential financing method(s) that result in the highest benefit to the district, with the cost of staff and consultants considered. Potential financing sources may include:

1. Short-Term Debt

- a. Short-term debt, such as tax and revenue anticipation notes (TRANs), when necessary to allow the district to meet its cash flow requirements (Government Code 53850-53858)
- b. Bond anticipation notes (BANs) to provide interim financing for capital bond projects that will ultimately be paid from general obligation bonds (Education Code 15150)
- c. Grant anticipation notes (GANs) to provide interim financing pending the receipt of grants and/or loans from the state or federal government that have been appropriated and committed to the district (Government Code 53859-53859.08)

2. Long-Term Debt

a. General obligation bonds for projects approved by voters (California Constitution, Article 13A, Section 1; Education Code 15100-15262, 15264-15276; Government Code 53506-53509.5)

(cf. 7214 - General Obligation Bonds)

b. Special tax bonds issued pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code 53311-53368.3)

(cf. 7212 - Mello Roos Districts)

- 3. Lease financing, including certificates of participation (COPs)
 - a. Lease financing to fund the highest priority capital equipment purchases when pay-as-you-go financing is not feasible (Education Code 17450-17453.1)

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Business and Noninstructional Operations

Policy #3470

DEBT ISSUANCE AND MANAGEMENT

- b. Lease financing to fund facilities projects when there is insufficient time to obtain voter approval or in instances where obtaining voter approval is either not feasible or unavailable (Education Code 17400-17429)
- 4. Special financing programs or structures offered by the federal or state government, such as Qualified Zone Academy Bonds or other tax credit obligations or obligations that provide subsidized interest payments, when the use of such programs or structures is determined to result in sufficiently lower financing costs compared to traditional tax-exempt bonds and/or COPs
- 5. Temporary borrowing from other sources such as the County Treasurer

COPs, TRANs, revenue bonds, or any other non-voter approved debt instrument shall not be issued by the district in any fiscal year in which the district has a qualified or negative certification, unless the County Superintendent of Schools determines, pursuant to criteria established by the Superintendent of Public Instruction, that the district's repayment of that indebtedness is probable. (Education Code 42133)

Relationship of Debt to District Facilities Program and Budget

Decisions regarding the issuance of debt for the purpose of financing capital improvement shall be aligned with current needs for acquisition, development, and/or improvement of district property and facilities as identified in the district's facilities master plan or other applicable needs assessment, the projected costs of those needs, schedules for the projects, and the expected resources.

The cost of debt issued for major capital repairs or replacements shall be evaluated against the potential cost of delaying such repairs and/or replacing such facilities.

When considering a debt issuance, the Board and the Superintendent or designee shall evaluate both the short-term and long-term implications of the debt issuance and additional operating costs associated with the new projects involved. Such evaluation may include, but is not limited to, the projected ratio of annual debt service to the tax burden on the district's taxpayers and the ratio of annual debt service secured by the general fund to general fund expenditures.

The district may enter into credit enhancement agreements such as municipal bond insurance, surety bonds, letters of credit, and lines of credit with commercial banks, municipal bond insurance companies, or other financial entities when their use is judged to lower borrowing costs, eliminate restrictive covenants, or have a net economic benefit to the financing.

Structure of Debt Issues

The district shall consider the overall impact of the current and future debt burden of the financing when determining the duration of the debt issue.

The district shall design the financing schedule and repayment of debt so as to take best advantage of market conditions, ensure cost effectiveness, provide flexibility, and, as practical, recapture or maximize its debt

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DEBT ISSUANCE AND MANAGEMENT

capacity for future use. Principal amortization will be structured to meet debt repayment, tax rate, and flexibility goals.

For new money debt issuances for capital improvements, the district shall size the debt issuance with the aim of funding capital projects as deemed appropriate by the Board, as long as the issuance is consistent with the overall financing plan, does not exceed the amount authorized by voters, and, unless a waiver is sought and received from the state, will not cause the district to exceed the limitation on debt issuances specified in the California Constitution or Education Code 15106.

To the extent practicable, the district shall also consider credit issues, market factors, and tax law when sizing the district's bond issuance. The sizing of refunding bonds shall be determined by the amount of money that will be required to cover the principal of, any accrued interest on, and any redemption premium for the debt to be paid on the call date and to cover appropriate financing costs.

Any general obligation bond issued by the district shall mature within 40 years of the issuance date or as otherwise required by law. (California Constitution, Article 16, Section 18; Government Code 53508.6)

The final maturity of equipment or real property lease obligations will be limited to the useful life of the assets to be financed but, with respect to a lease purchase of equipment, no longer than a period of 10 years. (Education Code 17452)

Method of Sale

For the sale of any district-issued debt, the Superintendent or designee shall recommend the method of sale with the potential to achieve the lowest financing cost and/or to generate other benefits to the district. Potential methods of sale include:

- 1. A competitive bidding process through which the award is based on, among other factors, the lowest offered true interest cost
- 2. Negotiated sale, subject to approval by the district to ensure that interest costs are in accordance with comparable market interest rates
- 3. Private placement sale, when the financing can or must be structured for a single or limited number of purchasers or where the terms of the private placement are more beneficial to the district than either a negotiated or competitive sale

Investment of Proceeds

The district shall actively manage the proceeds of debt issued for public purposes in a manner that is consistent with state law governing the investment of public funds and with the permitted securities covenants of related financing documents executed by the district. Where applicable, the district's official investment policy and legal documents for a particular debt issuance shall govern specific methods of investment of bond-related proceeds. Preservation of principal shall be the primary goal of any investment strategy, followed by the availability of funds and then by return on investment.

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DEBT ISSUANCE AND MANAGEMENT

(cf. 3430 - Investing)

With regard to general obligation bonds, the district shall invest new money bond proceeds in the county treasury pool as required by law. (Education Code 15146)

The management of public funds shall enable the district to respond to changes in markets or changes in payment or construction schedules so as to ensure liquidity and minimize risk.

Refunding/Restructuring

The district may consider refunding or restructuring outstanding debt if it will be financially advantageous or beneficial for debt repayment and/or structuring flexibility. When doing so, the district shall consider the maximization of the district's expected net savings over the life of the debt issuance and, when using a general obligation bond to refund an existing bond, shall ensure that the final maturity of the refunding bond is no longer than the final maturity of the existing bond.

Internal Controls

The Superintendent or designee shall establish internal control procedures to ensure that the proceeds of any debt issuance are directed to the intended use. Such procedures shall assist the district in maintaining the effectiveness and efficiency of operations, properly expending funds, reliably reporting debt incurred by the district and the use of the proceeds, complying with all laws and regulations, preventing fraud, and avoiding conflict of interest.

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(cf. 3314 - Payments for Goods and Services)
(cf. 3400 - Management of District Assets/Accounts)
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The district shall be vigilant in using bond proceeds in accordance with the stated purposes at the time such debt was incurred as defined in the text of the voter-approved bond measure. (Government Code 53410)

When feasible, the district shall issue debt with a defined revenue source in order to preserve the use of the general fund for general operating purposes.

The district shall annually conduct a due diligence review to ensure its compliance with all ongoing obligations applicable to issuers of debt. Such a review may be conducted by general legal counsel or bond counsel. Any district personnel involved in conducting such reviews shall receive periodic training regarding their responsibilities.

In addition, the Superintendent or designee shall ensure that the district completes, as applicable, all performance and financial audits that may be required for any debt issued by the district, including disclosure requirements applicable to a particular transaction.

Records/Reports

At least 30 days prior to the sale of any debt issue, the Superintendent or designee shall submit a report of the proposed issuance to the California Debt and Investment Advisory Commission (CDIAC). Such report

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DEBT ISSUANCE AND MANAGEMENT

shall include a self-certification that the district has adopted a policy concerning the use of debt that complies with law and that the contemplated debt issuance is consistent with that policy. (Government Code 8855)

On or before January 31 of each year, the Superintendent or designee shall submit a report to the CDIAC regarding the debt authorized, the debt outstanding, and the use of proceeds of the issued debt for the period from July 1 to June 30. (Government Code 8855)

The Superintendent or designee shall provide initial and any annual or ongoing disclosures required by 17 CFR 240.10b-5 and 240.15c2-12 to the Municipal Securities Rulemaking Board, investors, and other persons or entities entitled to disclosure, and shall ensure that the district's disclosure filings are updated as needed.

The Superintendent or designee shall maintain transaction records of decisions made in connection with each debt issuance, including the selection of members of the financing team, the structuring of the financing, selection of credit enhancement products and providers, and selection of investment products. Each transaction file shall include the official transcript for the financing, interest rates and cost of issuance on the day when the debt was sold ("final number runs"), and a post-pricing summary of the debt issue. In addition, documentation evidencing the expenditure of proceeds, the use of debt-financed property by public and private entities, all sources of payment or security for the debt, and investment of proceeds shall be kept for as long as the debt is outstanding, plus the period ending three years after the financial payment date of the debt or the final payment date of any obligations or series of bonds issued to refund directly or indirectly all of any portion of the debt, whichever is later.

The Superintendent or designee shall annually report to the Board regarding debts issued by the district, including information on actual and projected tax rates, an analysis of bonding capacity, ratings on the district's bonds, market update and refunding opportunities, new development for California bond financings, and the district's compliance with post-issuance requirements.

Legal Reference:

EDUCATION CODE

5300-5441 Conduct of elections

15100-15262 Bonds for school districts and community college districts

15264-15276 Strict accountability in local school construction bonds

15278-15288 Citizen's oversight committees

15300-15425 School Facilities Improvement Districts

17150 Public disclosure of non-voter-approved debt

17400-17429 Leasing of district property

17450-17453.1 Leasing of equipment

17456 Sale or lease of district property

17596 Duration of contracts

42130-42134 Financial reports and certifications

ELECTIONS CODE

1000 Established election dates

GOVERNMENT CODE

8855 California Debt and Investment Advisory Commission

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DEBT ISSUANCE AND MANAGEMENT

53311-53368.3 Mello-Roos Community Facilities Act

53410-53411 Bond reporting

53506-53509.5 General obligation bonds

53550-53569 Refunding bonds of local agencies

53580-53595.55 Bonds

53850-53858 Tax and revenue anticipation notes

53859-53859.08 Grant anticipation notes

CALIFORNIA CONSTITUTION

Article 13A, Section 1 Tax limitation

Article 16, Section 18 Debt limit

UNITED STATES CODE, TITLE 15

780-4 Registration of municipal securities dealers

UNITED STATES CODE, TITLE 26

54E Qualified Zone Academy Bonds

CODE OF FEDERAL REGULATIONS, TITLE 17

240.10b-5 Prohibition against fraud or deceit

240.15c2-12 Municipal securities disclosure

CODE OF FEDERAL REGULATIONS, TITLE 26

1.103 Interest on state and local bonds

1.141 Private activity bonds

1.148 Arbitrage and rebate

1.149 Hedge bonds

1.6001-1 Records

Management Resources:

CALIFORNIA DEBT AND INVESTMENT ADVISORY COMMISSION PUBLICATIONS

California Debt Issuance Primer

GOVERNMENT FINANCE OFFICERS ASSOCIATION PUBLICATIONS

An Elected Official's Guide to Debt Issuance, 2nd Ed., 2016

<u>Understanding Your Continuing Disclosure Responsibilities</u>, Best Practice, September 2015

Investment of Bond Proceeds, Best Practice, September 2014

Selecting and Managing Municipal Advisors, Best Practice, February 2014

Debt Management Policy, Best Practice, October 2012

Analyzing and Issuing Refunding Bonds, Best Practice, February 2011

INTERNAL REVENUE SERVICE PUBLICATIONS

Tax Exempt Bond FAQs Regarding Record Retention Requirements

Tax-Exempt Governmental Bonds, Publication 4079, rev. 2016

U.S. GOVERNMENT ACCOUNTABILITY OFFICE PUBLICATIONS

Internal Control System Checklist

WEB SITES

California Debt and Investment Advisory Commission: http://www.treasurer.ca.gov/cdiac

Government Finance Officers Association: http://www.gfoa.org

Internal Revenue Service: https://www.irs.gov

Municipal Security Rulemaking Board, Electronic Municipal Market Access (EMMA):

http://www.emma.msrb.org

U.S. Government Accountability Office: http://www.gao.gov

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Business a	and No	ninstru	ctional	Ope	erations
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DEBT ISSUANCE AND MANAGEMENT

U.S. Securities and Exchange Commission: https://www.sec.gov

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Business Policy #3512

EQUIPMENT

School equipment may be used by staff members and/or students only for school-related tasks. District equipment may not be used for personal reasons.

The Superintendent or designee shall ensure that all employees understand that personal use of District property is prohibited and that violation may be cause for disciplinary action.

When school equipment is not being used by students or staff, school-connected or community organizations may be granted reasonable use of the equipment for school-related matters. Supplies used for copying shall be paid by the group rather than by the District.

The consent of the Superintendent or designee is required if District-owned equipment is removed from the school site.

When any equipment is taken off-site, the borrower is responsible for its safe return and shall be fully liable for any loss or damage.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35168 Inventory of equipment

CODE OF REGULATIONS, TITLE 5

3946 Control, safeguards, disposal of equipment purchased with state and federal consolidated application funds

4424 Comparability of services 16023 Class 1- Permanent records

UNITED STATES CODE, TITLE 20 6322 Fiscal requirements

CODE OF FEDERAL REGULATIONS, TITLE 34

80.1 - 80.52 Uniform administration requirements for grants to state and local governments

Page 1 of 1. Adopted: November 3, 1994 CSBA: 9/88

Regulation #3512 Business

EQUIPMENT

Employees and/or students shall use District equipment only for school-related tasks. The Superintendent or designee shall ensure that all employees understand that personal use of District equipment is prohibited and that a violation may be cause for disciplinary action.

The Principal of each school is responsible for the use and maintenance of school equipment.

When school equipment is not being used by students or employees, school-connected organizations may be granted reasonable use of the equipment for school-related matters.

The Superintendent or designee shall approve the removal of District-owned equipment from the school site. When any equipment is taken off-site, the borrower is responsible for its safe return and shall be fully liable for any loss or damage.

Transfer of Equipment to a New Site

Employees transferred to another school shall take with them only those personal items that have been purchased with their own funds. Items paid for by the District, school-connected organizations or grants shall remain at the initial location unless the principals of both schools make special arrangements that serve the best interests of the Districtwide instructional program.

Equipment and materials unique to a special program being moved to the another site may be moved to the new location upon the approval of both principals.

Equipment Acquired by Federal Funds

Equipment purchased for use in a federal program shall be used in that program as long as needed, whether or not the program continues to be supported by federal funds. When no longer needed for the original program, the equipment may be used in other activities currently or previously supported by a federal agency. (34 CFR 80.32)

All equipment purchased with Consolidated Application funds shall be labeled with the name of the project, identification number and name of the District. (Code of Regulations, Title 5, Section 3946)

Each principal or designee shall ensure that the following management provi-sions are established and maintained for equipment acquired in whole or in part with federal funds until such property is disposed: (34 CFR 80.32)

- 1. A control system shall be developed to ensure adequate safeguards to prevent loss, damage or theft of the property. Any loss, damage or theft shall be investigated.
- 2. Adequate maintenance procedures shall be developed to keep the property in good condition.

If equipment is used for a purpose other than that for which it was originally purchased, the inventory shall include a dated statement justifying its current use.

Page 1 of 2. Issued: May 27, 1999 CSBA: 6/98

Business Regulation #3512

EQUIPMENT

Off-site Use of Equipment for School-related Tasks by Staff

Off-site use of school equipment by staff is not encouraged. However, in the event it is necessary for staff to use equipment off-site, the staff member must make a request in writing to the Principal. If recommended for approval, the request will be forwarded to the Superintendent or his designee for action. The staff member is responsible for the safe return of the equipment and is liable for loss or damage.

Use of School Equipment by School-Connected Organizations

School equipment may be used by school-connected or community organizations when not needed for school use with approval of the Superintendent or his designee. School use has first priority.

A written request must be made by an officer of the organization and presented to the Principal at least ten days prior to the planned use. The principal shall forward the request to the Superintendent or his designee for action.

The requesting officer is responsible for the safe return of the equipment and is liable for damage or loss of the equipment.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35168 Inventory of equipment

CODE OF REGULATIONS, TITLE 5

3946 Control, safeguards, disposal of equipment purchased with state and federal consolidated application funds

4424 Comparability of services 16023 Class 1- Permanent records

UNITED STATES CODE, TITLE 20 6322 Fiscal requirements

CODE OF FEDERAL REGULATIONS, TITLE 34

80.1 - 80.52 Uniform administration requirements for grants to state and local governments

Page 2 of 2. Issued: May 27, 1999

CSBA: 6/98

Business Policy #3512.1

EMPLOYEE/ STUDENT PERSONAL PROPERTY

The Pacific Grove Unified School District is not responsible for the personal property of employees/students unless such property serves a District business/instructional purpose and is brought into the workplace/classroom with proper approval, pursuant to District procedures.

Such approval must be renewed annually.

Upon such approval, the District shall provide limited reimbursement to any person or persons for the loss or damage by fire, theft, or vandalism of personal property used by the school district.

The value of the property shall be agreed upon in advance by the person(s) bringing the property to the school and the administrator at the school or facility responsible for approving use of the property. The District shall reimburse the owner for the loss or damage up to the maximum amounts indicated in the appropriate Administrative Regulations.

The right of the owner to District reimbursement shall be subrogated to the right of the owner to reimbursement from any other source. The District reserves the right to enforce its subrogation right in any court of competent jurisdiction.

EC 35213

Page 1 of 1. Adopted: July 1, 1999

Regulation #3512.1

Business

EMPLOYEE/ STUDENT PERSONAL PROPERTY

A. Purpose and Scope:

- 1. To outline the district requirements for prior approval for temporary school use of employee/student personal property for district business.
- 2. To specify the procedures any individual must follow to gain such approval.

B. General:

- 1. This is an implementing procedure to Board Policy **3512**.1.
- 2. Personal property is any personal property other than apparel, with a value of \$50 (fifty dollars) or more, proposed for general or specific use on school premises. Examples may include various personally-owned instructional materials or equipment, electrical appliances, art works, furniture and tools.
- 3. Prior approval for the temporary school use of personal property is required before any reimbursement for subsequent loss or damage may be made.
- 4. Any authorization for the temporary school use of personal property expires annually on July 1, except that:
- a. Such authorization may be specified to terminate prior to July 1.
- b. Any summer school authorization commencing in June or later may extend no later than September 1.
- 5. The administrator supervising each district facility is responsible only for the execution of this procedure with respect to requests made for school use of personal property at that site.

C. Forms and Additional References:

1. Request for Temporary Use of Personal Property on School Premises (Exhibit 3512.1a).

D. Procedure:

- 1. Whenever a person wishes to provide personal property for temporary use on school premises and before property is brought on school premises, it is necessary for this person to furnish the administrator in charge of the area in which the personal property is to be used with the following information on Exhibit **3512**.1a in duplicate, entitled Request for Temporary Use of Personal Property.
- a. Complete description of the property, including condition.
- b. Model/serial numbers, if any.
- c. Proposed use of the property.
- d. Reason why the property is needed (personal preference over school district counterpart is not an acceptable reason).
- e. The length of time the property will be located on school premises.
- f. The value of the property agreed upon by the responsible administrator (actual cash value to be used must be \$50 (fifty dollars) or greater).
- g. Name and address of legal owner.

Page 1 of 1. Adopted: July 1, 1999

Business

Regulation #3512.1

EMPLOYEE/ STUDENT PERSONAL PROPERTY

- h. If legal owner has insurance, furnish the following:
- 1. name and address of insurance carrier
- 2. policy number
- 3. date of policy expiration
- 4. name, address, phone of insurance carrier/agent
- 5. policy deductible
- 6. The administrator in charge must approve Exhibit **3512**.1a and agree with the actual cash value placed on the property. In approving use of the personal property, the administrator is also verifying that he/she has examined the property and it appears to meet normal safety standards. This request (Exhibit **3512**.1a) must be submitted to and approved by the Assistant Superintendent of Business Services, for employee property, prior to use of said property on school premises.
- 7. Completed form is to be retained by the site administrator for student property, and forwarded to the Business Office for employee property.

E. Record Retention and Destruction:

- 1. Originator should retain a copy of the approved form Exhibit **3512**.1a for the duration of his/her school use of personal property.
- 2. The administrator approving the use should retain the copy of the form Exhibit **3512**.1a for six months following expiration of approval.
- 3. The Business Services Office is to retain the original of the approved form Exhibit **3512**.1a for 90 days past the periods above, if no claim for reimbursement is made for loss or damage. If a claim for reimbursement is filed pursuant to Regulation **3512**.1, the form is to become an attachment to the claim file.

EC 1019.5

Page 2 of 1. Adopted: July 1, 1999

Business Exhibit #3512.1a

TEMPORARY USE OF PERSONAL PROPERTY ON SCHOOL PREMISES

Requested by:	Title:	Date:
Complete description of po Model Serial Purchase Dat Quantity Description/Cond		model and serial numbers:
Total Actual Cash Value \$ (must be greater than \$50) Proposed use of personal p		
Reason why this personal	property is needed:	
Period of time required:month/day/year month/day	toto	(not to exceed
owner of above property:	per of legal (School/District	Facility Rm#)
Owner s insurance carried	by: Address:	
In course of Commonwide Specific		
Insurance Company/Agent		#:
Policy #:	Date of	expiration:
Policy deductible: \$ Approved:		(Principal) Date:
	Asst. S	Supt. Date:
(required for employee pro		

Page 1 of 1. Adopted: July 1, 1999

Regulation #3512.2

Business

LOSS OR DAMAGE OF PERSONAL PROPERTY

A. General:

- 1. Suggestions or questions concerning this procedure should be directed to the Business Office.
- 2. "Personal property" is any personal property, with value of no less than \$50 (fifty dollars), other than apparel, on the school premises for a general or specific school use, pursuant to Regulation 3512.1.
- 3. District reimbursement for loss or damage to such personal property will be made only when prior approval for its use has been given, and only when such loss or damage occurs through no fault of the person providing the property.
- 4. District reimbursement for loss or damage to personal property thus approved and in school use at the time of such an occurrence is in effect limited to the lesser of actual cash value or any insurance deductible applicable to the loss, up to a maximum of \$1,000 (one thousand dollars).
- 5. The administrator approving the school use of personal property is responsible for assisting in the submission of any claim by the person providing the property.
- 6. The Assistant Superintendent for Business Services, or designee, is responsible to act as the District claims representative/adjuster.

B. Procedure:

- 1. In the event that a personal property damage or loss occurs through no fault of the owner, the owner of the property shall complete a loss report (Exhibit 3512.2b) and submit report per the instructions contained therein. NOTE: Such personal property loss or damage should be reported along with any District property loss of damage report for a given incident.
- 2. The Business Office is to be notified immediately of damage or loss to personal property approved for school use in a written claim to be submitted as follows:
 - a. Personal property loss report (Exhibit 3512.2b) with applicable attachments.
 - b. The approved Exhibit 3512.1a form is to be referenced, indicating its date, period of time authorized, and District facility authorizing use.
- 3. The Assistant Superintendent of Business Services is to investigate the claim and prepare a recommendation for any required Board action.
- 4. The person submitted the claim is to be informed in writing of final Board disposition of any such claim.

Page 1 of

Business Exhibit #3512.2b

PERSONAL PROPERTY REIMBURSEMENT CLAIM

Request is hereby made to the District for reimbursement for my property loss.				
Position:				
Home Phone:				
Work Phone:				
ctual loss, place, date, time, and other pertinent details):				
Police Other				
one numbers):				
(attach copy of approved Exhibit 3512 .1a)				
e and claim the above amount as full reimbursement. I further certify means of reimbursement reasonably available to me. If the claim is the District any right to recover compensation for such damaged				
Date:				
elieve the above to be a true and accurate statement of facts: Signature Date:				

Business Policy #3513.3

TOBACCO-FREE SCHOOLS/SMOKING

Mandated Policy

The Governing Board recognizes that the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, are inconsistent with its goal to provide a healthy environment for students and staff.

The Board further prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (*Health and Safety Code* 104420 and 104559; *Labor Code* 6404.5; 20 USC 6083). This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity or athletic event on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

"Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form and includes the use of an electronic smoking device that creates an aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code 48901)

Tobacco products include: (Business and Professions Code 22950.5; Education Code 48901)

- 1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff
- 2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah
- 3. Any component, part, or accessory of a tobacco product, whether or not sold separately

This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited. (Health and Safety Code 104495)

Legal Reference

BUSINESS AND PROFESSIONS CODE
22950.5 Stop Tobacco Access to Kids Enforcement Act
EDUCATION CODE

Business Policy #3513.3

TOBACCO-FREE SCHOOLS/SMOKING

Mandated Policy

Adopted: July 16, 1998

Revised: June 4, 2020

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

HEALTH AND SAFETY CODE

39002 Control of air pollution from nonvehicular sources

104350-104495 Tobacco use prevention, especially:

104495 Prohibition of smoking and tobacco waste on playgrounds

PENAL CODE

308 Unlawful to sell or furnish tobacco products to minors

LABOR CODE

3300 Employer, definition

6304 Safe and healthful workplace

6404.5 Occupational safety and health; use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

7111-7122 Student Support and Academic Enrichment Grants

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

PERB RULINGS

Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Business Regulation #3513.3

TOBACCO-FREE SCHOOLS/NONINSTRUCTIONAL OPERATIONS

Notifications

The Superintendent or designee may disseminate this information through annual written notifications, district and school web sites, student and parent handbooks, and/or other appropriate methods of communication.

Signs stating "Tobacco use is prohibited" shall be prominently displayed at all entrances to school property. (Health and Safety Code 104420)

Enforcement/Discipline

Pursuant to Labor Code 6404.5, no employer shall knowingly or intentionally permit the smoking of tobacco products in an enclosed space at a place of employment. The effects of the district's tobacco policy, including any disciplinary action taken against employees resulting from the enforcement of the policy, may be subjects of negotiation between the Governing Board and employee organizations. Pursuant to Education Code 48900(h), a student may be subject to disciplinary action when it is determined that he/she possessed or used tobacco or nicotine products; see AR 5144.1 - Suspension and Expulsion/Due Process.

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

Labor Code 6404.5 requires the district to take "reasonable steps" to prevent smoking by nonemployees. These reasonable steps include posting clear and prominent signs as specified in the "Notifications" section above and requesting that the nonemployee refrain from smoking in the enclosed workplace. The following optional paragraph may be revised to reflect district practice.

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

- Direct the person to leave school property
- Request local law enforcement assistance in removing the person from school premises

If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time.

The Superintendent or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving a risk of physical harm to the district or any employee. (Labor Code 6404.5)

Issued: July 16, 1998

Revised March 7, 2013

Business Policy #3514

ENVIRONMENTAL SAFETY

The Governing Board believes that students and employees have the right to learn and work in a safe, clean and healthy environment. The District has an obligation to locate and reduce or eliminate potential risks to health and the environment, to use environmental resources in a responsible way, and to educate students and staff about environmental issues.

The Superintendent or designee shall establish regulations to guard against environmental hazards. Students and staff are encouraged to report any unsafe conditions they may observe.

Air Quality

The Board recognizes that clean air contributes to a favorable learning environ-ment for students, productivity for staff, and the health of all school occupants. Adequate ventilation, appropriate housekeeping and maintenance procedures, and the removal of pollution sources are all necessary to achieve good indoor air quality. The Superintendent or designee shall ensure that staff implement measures that will maintain good air quality in classrooms and offices.

Air quality shall be considered in the siting and architectural design of new or remodeled facilities and in the selection of building materials and furnishings.

Pest Management

Sanitary measures shall be enforced and buildings regularly cleaned and repaired in order to prevent infestations, minimize the use of pesticides, and eliminate routine spraying.

The Superintendent or designee shall ensure that the District follows integrated pest management procedures so as to use the most appropriate and least toxic method of control.

Lead Exposure Reduction

The Board recognizes that exposure to lead is especially damaging to young children and that hazardous levels of lead may sometimes be present in paint, soil or drinking water. In order to minimize any harmful exposure, the District shall follow guidelines recommended by the Department of Health Services and specified in administrative regulations. (EC 32240-245)

The District shall conduct an independent assessment of whether students are in danger from exposure to lead at our schools. (EC 32242)

In accordance with law, the Superintendent or designee shall inform school staff and parents/guardians of the results of any lead survey conducted by the Department of Health Services.

Legal Reference: EDUCATION CODE

Business Policy #3514

ENVIRONMENTAL SAFETY

32020 Access gates

32240-32245 Lead-Safe Schools Protection Act

39211 Legislative intent (fitness of buildings for occupancy)

39618 Deferred maintenance fund; use for determining presence and encapsulation or removal of asbestos-containing materials

39619.9 Asbestos abatement fund

49410-49410.7 Asbestos materials containment or removal

FOOD AND AGRICULTURE CODE

11401-15206.6 Pest Control Operations and Agricultural Chemicals

GOVERNMENT CODE

3543.2 Scope of representation; right to negotiate safety conditions

CALIFORNIA STATE CONSTITUTION

"Right to Safe Schools" Article 1, Section 28(c)

CODE OF REGULATIONS, TITLE 8

340-340.3 Employer's obligation to provide safety information

1532.1 Construction safety orders, lead standard

5142 Heating, ventilating and air conditioning systems; minimum ventilation

5143 Mechanical ventilating systems; inspection and maintenance

CODE OF REGULATIONS, TITLE 17

35001-35099 Accreditation in Lead Abatement Services

UNITED STATES CODE, TITLE 7

136 et seq. Insecticide, Fungicide and Rodentcide Act

UNITED STATES CODE, TITLE 15

2641-2656 Asbestos Hazard Emergency Response Act

CODE OF FEDERAL REGULATIONS. TITLE 40

763.93 Management Plans

763.94 Record keeping

Management Resources:

CDE MANAGEMENT ADVISORIES

0100.88 Final Regulations for Asbestos Hazard Emergency Response Act

0310.88 Potential Health Hazard in Drinking Water Fountains, Follow Up

0626.89 Federal Lead Contamination Control Act of 1988

1018.87 Potential Health Hazard in Drinking Water Fountains

CDE PUBLICATIONS

Indoor Air Quality, A Guide for Educators, 1995

DEPARTMENT OF HEALTH SERVICES ADVISORIES

Childhood Lead Poisoning Prevention and Public Elementary Schools, Preschools and Child Care Centers, May 1994

U.S. ENVIRONMENTAL PROTECTION AGENCY

Pest Control in the School Environment: Adopting Integrated Pest Management, 1993

Page 2 of 2. Adopted: July 16, 1998 All Rights Reserved by PGUSD. CSBA: 6/95

Regulation #3514

Business

ENVIRONMENTAL SAFETY

Air Quality

The Superintendent or designee shall ensure that the following measures are taken in order to reduce indoor air contaminants:

- 1. Heating, ventilating and air conditioning systems shall be operated, inspected and maintained in accordance with law. School buildings shall be inspected annually to ensure they have adequate ventilation systems, properly maintained so as to preclude the buildup of mold, mildew, and air contaminants. Filters shall be changed frequently.
- 2. Indoor painting of school buildings shall be limited to those weeks when school is not in session.
- 3. Low-emission cleaning products shall be used whenever possible, and custodial duties that require polluting products shall be performed after classes are dismissed for weekends or vacations.
- 4. Paints, adhesives and solvents shall be used and stored in well-ventilated areas; these items shall be purchased in small quantities to avoid storage exposure.
- 5. Exterior wall and foundation cracks and openings shall be sealed to control exposure to radon.
- 6. Water-damaged ceiling tiles, carpet, and other building materials shall be removed.
- 7. Plain water or soap and water shall be used as cleaning agents; aerosols, including air fresheners, shall be avoided.

Pest Management

In determining when to control pests and whether to use mechanical, physical, chemical, cultural or biological means, the District shall follow the principles of integrated pest management. Procedures shall include the following:

- 1. The choice of using a pesticide will be based on a review of all other available options and a determination that these options are not acceptable or not feasible. The full range of alternatives, including no action, will be considered.
- 2. Selected non-chemical pest management methods will be used whenever possible to provide the desired control. Cost or staffing considerations alone will not be adequate justification for use of chemical control agents.
- 3. The pest and the site of infestation shall be carefully identified. Strategies for managing the pest will be influenced by the pest species and whether that species poses a threat to people, property or the environment.
- 4. When it is determined that a pesticide must be used, the least hazardous material will be chosen and applied in accordance with law.
- 5. Staff, students and parents/guardians shall receive information about the District's integrated pest procedures and notification of any upcoming pesticide treatments. Notice of upcoming pesticide treatments shall also be posted in areas designated by the Superintendent or designee.
- 6. The following records shall be maintained at each school site:
 - a. Records of pesticide use at the site.
 - b. Pest surveillance data sheets that record the number of pests or other indicators of pest populations that verify the need for treatments.

Page 1 of 2. Issued: July 16, 1998 CSBA: 6/95

Business

ENVIRONMENTAL SAFETY

- 7. Pesticide purchases shall be limited to amounts authorized by the Superintendent or designee for use during the year. Pesticides shall be stored in a secure site not accessible to students or unauthorized staff; they shall be stored and disposed of in accordance with EPA-registered label directions and state regulations.
- 8. Persons applying pesticides shall follow label precautions and shall be trained in the principles and practices of integrated pest management.

Lead Exposure Reduction

The following steps shall be taken to minimize potential exposure to lead:

- 1. Painted surfaces shall not be disturbed during normal maintenance operations. To minimize lead dust when students are present, floors and painted surfaces shall be mopped with detergent rather than being swept. Paint shall not be sanded, burned or scraped unless it is known that the paint contains no lead.
- 2. Lead exposure hazards shall be evaluated before any renovation or remodeling is begun, and children shall not be allowed in or near buildings in which these activities may create lead dust. Contractors and workers shall comply with state and federal standards related to the handling and disposal of lead debris and the clean-up and containment dust within the construction area.
- 3. School drinking water fountains shall be monitored for the amount of lead in the water, and corrective action shall be taken when necessary.
- 4. The District shall provide parents/guardians and students with information about the prevention of lead poisoning and may refer parents/guardians to their children's health care providers or local health department for blood lead testing of children six months through six years of age.
- 5. Remedial action to abate existing lead hazards shall be taken only by personnel qualified in accordance with law.

Asbestos Testing and Abatement

Maintenance staff shall be trained in the location, identification, proper cleaning and ongoing maintenance of asbestos-containing materials and in the removal and decontamination of small amounts of such materials when needed to repair pipes or perform similar duties. Any more extensive asbestos abatement work shall be done by state-certified asbestos abatement contractors in compliance with state and federal standards.

The District's complete, updated management plan for material containing asbestos in school buildings shall be available for inspection in District and school offices during normal business hours. Parent, teacher and employee organizations shall annually be informed of the availability of this plan. (40 CFR 763.93)

Other Environmental Safety Precautions

Principals or their designees shall enforce school rules designed to:

- 1. Prevent the accumulation of flammable, noxious or otherwise dangerous materials unless adequate safeguards are provided.
- 2. Keep all school facilities free of debris.

Page 2 of 2. Issued: July 16, 1998 CSBA: 6/95

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ENVIRONMENTAL SAFETY

3. Keep walkways at all times open to pedestrian traffic and clear of obstructions.

Business Policy #3514.1

HAZARDOUS SUBSTANCES

The Governing Board recognizes that potentially hazardous substances are used in the daily operations of our schools. The Superintendent or designee shall ensure these substances are inventoried, used, stored and regularly disposed of in a safe and legal manner.

Insofar as possible, the Superintendent or designee shall minimize the quantities of hazardous substances stored on school property and shall substitute less dangerous materials for hazardous substances.

Hazard Communication Program

The Superintendent or designee shall develop, implement and monitor a written hazard communication program in accordance with state law. As part of this program, he/she shall ensure that employees are fully informed about the properties and potential hazards of substances to which they may be exposed and that material safety data sheets are readily accessible to them. (Code of Regs, Title 8, Section 5194)

Teachers shall instruct students about the importance of proper handling, storage, disposal and protection when using any potentially hazardous substance.

Legal Reference:

EDUCATION CODE

49341 Legislative findings

49401.5 Legislative intent; consultation services

49411 Chemical listing; compounds used in school programs; determination of shelf life; disposal

FOOD AND AGRICULTURE CODE 12981 Regulations re pesticides and worker safety

HEALTH AND SAFETY CODE

25163 Transportation of hazardous wastes; registration; exemptions; inspection

25500-25520 Hazardous materials release response plans; inventory

LABOR CODE

6360-6363 Hazardous Substances Information and Training Act

CODE OF REGULATIONS, TITLE 8 5194 Hazard Communication

Page 1 of 1. Adopted: July 16, 1998 CSBA: 2/97

Business Regulation #3514.1

HAZARDOUS SUBSTANCES

Required Program

The disposal of chemicals may be accomplished in accordance with removal and disposal systems established by the County Office of Education or by permission of the County Superintendent of Schools. (Education Code 49411)

Hazard Communication Program

The written hazard communication program shall be available upon request to all employees and their designated representatives. (Code of Regulations, Title 8, Section 5194)

The following materials are exempted from the hazard communication program and this District regulation: hazardous wastes; tobacco products; wood and wood products; manufactured articles; food, drugs and cosmetics intended for personal consumption by employees while in the workplace; and substances used in compliance with regulations issued by the Department of Pesticide Regulation pursuant to Food and Agriculture Code 12981.

1. Container Labeling

Except for consumer products, pesticides, alcoholic beverages, and food, drug and additive products that are already labeled in compliance with federal law, no container of hazardous substance shall be accepted by schools or the District unless labeled by the supplier with the following information:

- a. Identity of the hazardous substance(s)
- b. Hazard warning statements
- c. Name and address of the chemical manufacturer or importer

Whenever hazardous substances are transferred from their original containers to other containers, the secondary containers shall likewise be labeled with the identity and hazard warning statement.

2. Material Safety Data Sheets

Upon receiving a hazardous substance or mixture, the Superintendent or designee shall ensure that the manufacturer has also furnished a Material Safety Data Sheet (MSDS) as required by law. If the MSDS is missing or obviously incomplete, the Super-intendent or designee shall request a new MSDS from the manufacturer and shall notify the California Occupational Safety and Health Division (Cal/OSHA) if a complete MSDS is not received.

The Superintendent or designee shall maintain copies of the MSDS for all hazardous substances and ensure that they are kept up to date and available to all affected employees during working hours. He/she shall review each incoming MSDS for new and significant health or safety information and shall disseminate this information to affected employees.

3. Employee Information and Training

Page 1 of 3. Issued: July 16, 1998 CSBA: 2/97

Business

Regulation #3514.1

HAZARDOUS SUBSTANCES

Required Program

Employees shall receive inservice training on hazardous substances in their work area at the time of their initial assignment and whenever a new hazard is introduced into their work area. This training shall include but is not limited to: (Code of Regulations, Title 8, Section 5194)

- a. An overview of the requirements of California's Hazard Communication Regulation (Code of Regulations, Title 8, Section 5194), including employee rights described therein
- b. The location, availability and content of the District's written hazard communication program
- c. Information as to any operations in the employees' work area where hazardous substances are present
- d. The physical and health effects of the hazardous substances in the work area
- e. Techniques and methods of observation that may determine the presence or release of hazardous substances in the work area
- f. Methods by which employees can lessen or prevent exposure to these hazardous substances, such as appropriate work practices, use of personal protective equipment and engineering controls
- g. Steps the District has taken to lessen or prevent exposure to these substances
- h. Instruction on how to read labels and review the MSDS for appropriate information
- i. Emergency and first aid procedures to follow if exposed to the hazardous substance(s)

In addition, employees shall receive training on how to operate the computers or fax machines that provide access to MSDS files

4. List of Hazardous Substances

For specific information about the hazardous substances known to be present in the District and schools, employees may consult the MSDS.

5. Hazardous Non-routine Tasks

When employees are required to perform hazardous nonroutine tasks, they shall first receive information about the specific hazards to which they may be exposed during this activity and the protective/safety measures which must be used. They shall also receive information about emergency procedures and the measures the District has taken to lessen the hazards, including ventilation, respirators, and the presence of another employee.

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Business Regulation #3514.1

HAZARDOUS SUBSTANCES

Required Program

6. Hazardous Substances in Unlabeled Pipes

Before starting to work on unlabeled pipes, employees shall contact their super-visors for information as to the hazardous substance(s) contained in the pipes, the potential hazards, and safety precautions which must be taken.

7. Informing Contractors

To ensure that outside contractors and their employees work safely in District buildings and schools, the Superintendent or designee shall inform these con-tractors of hazardous substances which are present on the site and precautions that employees may take to lessen the possibility of exposure. It shall be the contractor's responsibility to disseminate this information to his/her employees and subcontractors.

Page 3 of 3. Issued: July 16, 1998 CSBA: 2/97

Business Policy #3514.3

FRAGRANCE FREE WORKPLACE AND LEARNING ENVIRONMENT

Employees, students, and visitors to our school district may have sensitivity and/or allergic reactions to various fragrant products. Therefore, in-so-much as possible Pacific Grove Unified School District is a fragrance-free workplace. The Governing Board believes that the use of fragrance-free products helps create a safe and healthy workplace and learning environment. Fragrances from perfumes, lotions, air fresheners, candles and other personal care products that are not fragrance-free have been associated with adverse health effects including headaches, asthma, allergies, sinus problems, and skin rashes. The use of scented products has also been associated with difficulty in concentration, which can affect student learning. In order to promote the health and comfort of District students and staff, and to promote a healthy learning environment, the Governing Board establishes the following fragrance free policy to protect indoor air quality.

The use of air fresheners, candles, plug-ins, potpourri, and incense is prohibited in any District facility, including District owned vehicles.

The use of scented cleaning products other than those purchased by the District is prohibited for cleaning classrooms and District offices.

Employees should refrain from using and wearing personal care products that are perceptible and cause health problems to others. Personal care products include, but are not limited to, cologne, perfume, aftershave lotions, scented lotions, fragranced hair products, body sprays, scented deodorants, hand sanitizers and similar products.

Business Policy #3515

CAMPUS AND FACILITY SECURITY

The Board of Trustees is committed to providing a school environment that promotes the safety of students, employees, and visitors to school grounds. The Board also recognizes the importance of protecting District property, facilities, and equipment from vandalism and theft.

The Superintendent or designee shall develop campus security procedures that are consistent with the goals and objectives of the District's comprehensive safety plan and site-level safety plans. Such procedures shall be regularly reviewed to reflect changed circumstances and to assess their effectiveness in achieving safe school objectives.

(cf. 0450 - Comprehensive Safety Plan)

Surveillance Systems

The Board believes that reasonable use of surveillance cameras will help the district achieve its goals for security of campuses and other district facilities. In consultation with the safety planning committee and/or relevant staff, the Superintendent or designee shall identify appropriate locations for the placement of surveillance cameras, including on school buses. The Superintendent or designee may add, remove or relocate cameras based upon district need. Cameras shall not be placed in areas where students, staff, or community members have a reasonable expectation of privacy. Cameras placed on school buses may have both audio and video capabilities. Audio capability in other surveillance locations shall be enabled so that sounds are recorded.

Surveillance footage may be viewed at any time, as needed, by employees so authorized by the Superintendent. Surveillance footage may be shared with law enforcement at the discretion of district administration. Data shall be available for up to thirty days, unless maintained as a student or personnel record.

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(cf. <u>5131.1</u> - Bus Conduct)
(cf. <u>5145.12</u> - Search and Seizure)
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Prior to the operation of the surveillance system, the Superintendent or designee shall ensure that signs are posted at conspicuous locations at affected school buildings and grounds. These signs shall inform students, staff, and visitors that surveillance may occur. The Superintendent or designee shall also provide written notice to students and parents/guardians about the district's surveillance system, including the general locations where surveillance may occur, explaining that the recordings may be used in disciplinary proceedings, and that matters captured by the camera may be referred to local law enforcement, as appropriate.

Adopted: November 3, 1994

Revised: June 6, 2019

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(cf. <u>5144</u> - Discipline)
(cf. <u>5144</u>.1 - Suspension and Expulsion/Due Process)
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Business Policy #3515

CAMPUS AND FACILITY SECURITY

To the extent that any images from the district's surveillance system are preserved or maintained as to create a student record as defined under the federal Family Educational Rights and Privacy Act ("FERPA") and other applicable law, the Superintendent or designee shall ensure that the images are accessed, retained, and disclosed only in accordance with applicable law. For example, an image may become a student record if it is maintained and used in a student discipline hearing.

To the extent that any images from the district's surveillance system create a personnel record, the Superintendent or designee shall ensure that the images are accessed, retained, and disclosed in accordance with law, Board policy, administrative regulation, and any applicable collective bargaining agreements.

Legal Reference:

EDUCATION CODE

32020 Access gates

32211 Threatened disruption or interference with classes

32280-32288 School safety plans

35160 Authority of governing boards

35160.1 Broad authority of school Districts

38000-38005 Security patrols

49050-49051 Searches by school employees

49060-49079 Student records

PENAL CODE

469 Unauthorized making, duplicating or possession of key to public building

626-626.10 Disruption of schools

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 257 (2000)

75 Ops.Cal.Atty.Gen. 155 (1992)

Management Resources:

CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

Schools and Law Enforcement Agencies, 1999

WEB SITES

CSBA: http://www.csba.org

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

Adopted: November 3, 1994

Revised: June 6, 2019

National Institute of Justice: http://www.ojp.usdoj.gov/nij

Page 2 of 2. All Rights Reserved by PGUSD. Business Regulation #3515

CAMPUS SECURITY

The Superintendent or designee shall ensure that campus security procedures are developed which are consistent with the goals and objectives of the District's comprehensive safety plan and site-level safety plans.

These procedures shall include strategies and methods to:

- Secure the campus perimeter and school facilities in order to prevent criminal activity. These
 strategies shall include an analysis of the building security system, lighting system, and campus
 fencing. Procedures to ensure unobstructed views and eliminate blind spots caused by doorways
 and landscaping shall also be considered. In addition, parking lot design may be studied,
 including methods to discourage through traffic.
- 2. Secure buildings from outsiders and discourage trespassing. These procedures may include requiring visitor registration, requiring staff and student identification tags, and patrolling places used for congregating and loitering.
- 3. Discourage vandalism and graffiti. These methods may include plans to immediately cover graffiti as well as campus beautification projects and shall also include students and the community in these projects.
- 4. Control access to keys and other school inventory.
- 5. Detect and intervene with school crime. These procedures may include the creation of a school watch program, an anonymous crime reporting system, analysis of school crime incidents, and collaboration and communication with local law enforcement agencies.

All staff shall receive training in building and grounds security procedures.

These procedures shall be regularly reviewed and updated in order to reflect changed circumstances and to assess progress in achieving safe school objectives.

Facilities Security

Incidents of illegal entry, theft of school property, vandalism or damage to school property from other causes must be reported by telephone to the office of the Superintendent as soon after discovery as possible. A written report of the incident must be within 24 hours of discovery.

Keys

All keys used in a school shall be the responsibility of the principal or designee. Keys shall be issued only to those employees who regularly need a key in order to carry out normal activities of their position. A receipt, showing the number of the key and rooms which it opens, shall be signed by the person to whom the key is issued. This receipt shall be filed in lieu of the key and shall be returned to the employee upon return of the key.

Business Regulation #3515

CAMPUS SECURITY

Each school principal shall establish a key control system with a record of the number of each key filed.

The person issued a key shall be responsible for its safekeeping. If a key is lost, the person responsible shall report the loss to the principal or designee immediately and shall pay for a replacement key.

Keys shall be used only by authorized employees and shall never be loaned to students or non-employees.

The master key shall not be loaned and the duplication of school keys is prohibited.

Business Policy #3515.2

DISRUPTIONS

The Governing Board is committed to keeping the schools free from disruptions.

The principal or designee shall promptly expel from school premises any individual he/she thinks might disrupt normal school operations, threaten the health and safety of students or staff, or cause property damage.

Under the right circumstances, failure to register or identify oneself may be considered to be disruptive.

The principal or designee shall ensure that all staff members know what action to take when they observe strangers on school grounds and when and how to get help from law enforcement authorities.

School safety plans shall specify staff responsibilities to be followed when intruders appear on campus.

Legal Reference:

EDUCATION CODE

- 32210 Willful disturbance of public school or meeting: misdemeanor
- 32211 Threatened disruption or interference with classes; misdemeanor
- 35160 Authority of governing boards
- 44810 Willful interference with classroom conduct
- 44811 Disruption of classwork or extracurricular activities
- 51512 Prohibited use of electronic listening or recording device

PENAL CODE

- 243.5 Assault or battery on school property
- 415.5 Disturbance of peace of school
- 626 Definitions
- 626.4 Notice of withdrawal or consent; report; action on report; reinstatement of consent; hearing; unlawful entry upon campus or facility; punishment
- 626.7 Failure to leave campus or facility; wrongful return; penalties; notice; exceptions
- 626.8 Disruptive presence at schools
- 626.85 Drug offenders; presence on school grounds
- 626.9-626.10 Gun Free School Zone Act
- 627-627.10 Access to school premises
- 653g Loitering about schools or public places
- In Re Jimmy A., (1989) 209 Cal. 3d 42
- In Re Oscar R., (1984) 161 Cal. App. 3d 770

Regulation # 3515.2

DISRUPTIONS

Business

The Superintendent or designee shall post at every entrance to each school and school grounds a notice setting forth school hours, visitor registration location and requirements, penalties for refusing to leave school grounds, and any other announcements required by the local law enforcement agency in order to pursue the arrest of persons found loitering or trespassing. (Education Code Section 32211 and Penal Code 627.6)

Immediately upon entering any school building or grounds when school is in session, any person who is not a student of the school or a district officer or employee shall report his/her presence and the reason for visiting the school to the principal or designee. (Penal Code Section 626.6 and 627.2)

The principal or designee may refuse to register an individual or may revoke an individual's registration if he/she has a reasonable basis for concluding that the person's presence or acts would disrupt the school, its students, its teachers, or its other employees; would result in damage to property; would interfere or is interfering with the peaceful conduct of school activities, or would result in the distribution or use of unlawful or controlled substances. (Penal Code 626.6 626.8; Education Code 32210, 32211 and District policy #1250 re Visitors)

Any individual who fails to register within a reasonable time after entering the school grounds, who fails to leave upon request of the principal or designee, or who returns after leaving pursuant to such a request has committed an unlawful act and may be prosecuted according to law. (Penal Code 627.2 and 627.7)

When asking an individual to leave school grounds, the principal or designee shall state that the outsider will be guilty of a crime if he/she reenters school premises within seven days. (Penal Code Sections 626.6 and 627.7)

If an individual refuses to leave upon request or returns within seven days, the principal or designee shall notify the police.

Action leading to the penalty of a fine, imprisonment or both may be taken against anyone whose conduct materially disrupts classwork or extracurricular activities or causes a disturbance on school grounds. (EC 44811, Penal Code 415.5)

Possession of unauthorized dangerous instruments, weapons or devices is prohibited on school premises, on any public right-of-way immediately adjacent to school property, or any other place where a teacher and student(s) are required to be in connection with assigned school activities. (Penal Code 626, 626.9, 626.10)

Appeal Procedure

Any person the principal or designee asks to leave school-grounds shall promptly comply. Any person who so complies may appeal to the Superintendent or principal by submitting a written request for a hearing. This request must be made within five (5) days after the person's departure from school and must state why the request to depart was improper and shall be delivered to either the principal or the Superintendent. The request must also provide an address to which a hearing notice may be sent. Upon receipt of the request for a hearing, the Superintendent or principal shall mail a notice of the

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Business Regulation # 3515.2

DISRUPTIONS

hearing to the person requesting it. The hearing shall be held within seven (7) days after receipt of the request.

The decision of the Superintendent or principal may be appealed to the Governing Board. The Board shall consider and decide the matter at its next regular public meeting for which it can be placed on the agenda. The Board's decision shall be final. (Education Code 32211)

Business Policy #3515.4

RECOVERY FOR PROPERTY LOSS OR DAMAGE

The Governing Board shall seek reimbursement of damages and rewards from any individual or from the custodial parent/guardian of any minor who commits any act of theft or vandalism.

Rewards

If law enforcement officials are unable to fix responsibility for the theft or vandalism, the Superintendent or designee is authorized to offer a reward in any amount he/she deems appropriate, not exceeding \$10,000, for information leading to the identification and apprehension of the guilty party. A reward in excess of \$10,000 must be authorized in advance by the Board.

A reward shall be paid only when the guilt of the person responsible for the crime has been established by a criminal conviction or other appropriate judicial procedures.

Legal Reference:

EDUCATION CODE

19910 Libraries, malicious cutting, tearing, defacing, breaking or injuring

19911 Libraries, willful detention of property

44810 Willful interference with classroom conduct

48904 Liability of parent or guardian for willful misconduct; withholding of grades, diplomas and transcripts

CIVIL CODE

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

GOVERNMENT CODE

53069.5 Reward for information concerning person causing death, injury, or property damage; liability for reward

53069.6 Actions to recover damages

54951 Local agency, definition

61601.1 Graffiti abatement District

PENAL CODE

484 Theft defined

594 Vandalism

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

Regulation #3515.4

RECOVERY FOR PROPERTY LOSS OR DAMAGE

Reports

Business

District employees shall report all damage or loss of school property to the principal or designee immediately after such damage or loss is discovered. In those instances in which insurance reimbursement may be involved, the principal or designee shall contact the appropriate District official.

Investigation

The Superintendent or designee shall ensure that a complete investigation is conducted at the site where the vandalism occurred.

The principal or designee shall conduct a complete investigation of any instance of damage or loss of school property. The investigation shall be carried out in cooperation with law enforcement officials when appropriate.

Recovery of Damages

When the person causing the damage or loss has been identified and the costs of repair, replacement or cleanup determined, the Superintendent or designee shall take all practical and reasonable steps to recover these costs, including consulting District's legal counsel if necessary. Reasonable steps may include the filing of a civil complaint in a court of competent jurisdiction to recover damages from the responsible person.

If the responsible person is a minor, recovery may be sought from the minor's custodial parent/guardian in accordance with Education Code 48904.

Damages may include the cost of repair or replacement of the property, the payment of any reward, interest, court costs, and all other damages as provided by law.

Payment of Reward

When authorized according to Governing Board policy, the reward shall be paid to the party who provides information sufficient to identify and apprehend the person or persons subsequently found responsible for the damage or loss. If more than one informant provides information, the reward shall be divided among the informants. The Superintendent or designee shall determine who is entitled to what portion of the reward. The identity of the informant shall be considered confidential and shall not be made public by the District.

Page 1 of 1. Issued: July 16, 1998 CSBA:

Business Policy #3515.5

SEX OFFENDER NOTIFICATION

In order to protect students while they are traveling to and from school, attending school or at a school-related activity, the Governing Board believes it is important that the District respond appropriately when a law enforcement agency contacts the District about registered sex offenders who may reside or work within District boundaries.

The Superintendent or designee shall establish an ongoing relationship with law enforcement officials to coordinate the receipt and dissemination of such information. To the extent authorized by law, the Superintendent or designee also shall establish procedures for notifying appropriate staff as necessary.

To protect the district and its employees from liability, employees shall disseminate sex offender information in good faith, and only in the manner and to the extent authorized by the law enforcement agency.

The Superintendent or designee shall annually notify parents/guardians of the availability of information about registered sex offenders on the Department of Justice's Internet website.

Legal Reference:

EDUCATION CODE

32211 Threatened disruption or interference with classes; offense

35160 Authority of boards

35160.1 Board authority of school districts

PENAL CODE

290 Registration of sex offenders

290.4 Sex offender registration; compilation of information

290.45 Release of sex offender information

290.46 Making information about certain sex offenders available via the Internet

290.9 Addresses of persons who violate duty to register

290.95 Disclosure by person required to register as sex offender

626.8 Disruptive entry or entry of sex offender upon school grounds

830.32 School district and community college police

3003 Parole, geographic placement

UNITED STATES CODE, TITLE 42

14071 Jacob Wetterling Crimes Against Children and Sexually Violent Offender

Registration Program Act

ATTORNEY GENERAL OPINIONS

82 Ops.Cal.Atty.Gen. 20 (1999)

Management Resources:

WEB SITES

California Department of Justice, Megan's Law mapping: http://www.meganslaw.ca.gov

SEX OFFENDER NOTIFICATION

The Superintendent or designee shall develop a plan for receiving and communicating information about registered sex offenders residing within District boundaries. He/she shall ensure, at a minimum, that the following components are part of the plan:

- 1. The Superintendent or designee shall appoint a staff member to serve as liaison with law enforcement regarding these matters.
- 2. The Superintendent or designee shall, at the beginning of each school year, contact local law enforcement to coordinate the receipt of information. Law enforcement shall be informed that all notifications and correspondence should be directed to the District liaison as well as the individual school sites. A letter shall be sent annually to local law enforcement, identifying the name, phone number and address of the District liaison.
- 3. The Superintendent or designee and the District liaison shall collaborate with law enforcement in order to alert children to the dangers of sex offenders, develop a system for distributing information about sex offenders, and train school staff and parents/guardians about the roles and responsibilities of both the District and law enforcement.
- 4. The Superintendent or designee shall, at the beginning of each school year, notify parents/guardians of the District's willingness and intention to work with law enforcement on this matter and shall explain the appropriate roles and responsibilities of both the District and law enforcement.

This communication shall also explain:

- a. The reporting requirements pursuant to Penal Code 290 and 290.45, including the fact that law enforcement is the agency best able to assess the relative danger of an offender
- b. The ability of the parents/guardians to contact law enforcement for additional information and to view the information on the Megan's Law Internet website
- 5. When law enforcement notifies the District of the residency or employment of a sex offender within District boundaries, the Superintendent or designee shall consult with law enforcement about the appropriate scope of the disclosure. When authorized by law enforcement, the Superintendent or liaison may disclose information about a sex offender to the following staff:
 - a. The principal of the school which is in the attendance area of the sex offender's residence or place of employment
 - b. Teachers and classified personnel at that school, including staff responsible for visitor registration
 - c. Principals and staff at adjacent schools, as appropriate
 - d. Security staff
 - e. Bus drivers
 - f. Yard supervisors
- 6. Any staff member who receives information directly from law enforcement regarding registered sex offenders shall immediately contact the Superintendent or designee in order to help ensure that the District is able to respond appropriately.

Issued: July 16, 1998

Revised: May 2, 2013

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SEX OFFENDER NOTIFICATION

7. If an identified sex offender is seen on or nearby school grounds or around any student, staff shall immediately contact the District liaison. A staff member may also inform local law enforcement.

Notification to Parents/Guardians

When law enforcement has determined that parents/guardians should be notified regarding the presence of a sex offender in the community, the Superintendent or district liaison shall collaborate with local law enforcement in order to determine an appropriate response. This response may include:

- 1. An article in a school or parent council newsletter notifying parents/ guardians that law enforcement information about registered sex offenders is available at the local law enforcement agency headquarters and/or at the school office. This article shall encourage parents/guardians to contact local law enforcement and access the Department of Justice's Megan's Law Internet website for additional information.
- 2. A mailing, at law enforcement's expense, prepared by law enforcement, and printed on law enforcement letterhead and envelopes, notifying parents/ guardians of the presence of registered sex offenders. This notification shall encourage parents/guardians to contact local law enforcement and access the Department of Justice's Megan's Law Internet website for additional information.
- 3. A mailing of a letter, at District expense, prepared by law enforcement and printed on law enforcement letterhead and envelopes, notifying parents/ guardians of the presence of registered sex offenders. This notification shall encourage parents/guardians to contact local law enforcement and access the Department of Justice's Megan's Law Internet website for additional information.

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Business

Regulation #3515.6

CRIMINAL BACKGROUND CHECKS FOR CONTRACTORS

Whenever the District contracts for janitorial, administrative, landscape, transportation, food-related or other similar services, the Superintendent or designee shall ensure that the contracting entity certifies in writing to the Governing Board that any employees who may come into contact with students have not been convicted of a violent or serious felony. (Education Code 45125.1)

The Superintendent or designee shall present the Board with a list, prepared by the contracting entity, of the names of any employees who may come into contact with students. The Superintendent or designee shall then distribute these lists to the appropriate school sites. (Education Code 45125.1)

These requirements shall not apply if the Superintendent or designee determines that the contracting entity is providing services in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed to make school facilities safe and habitable. (Education Code 45125.1)

In addition, these requirements shall not apply if the Superintendent or designee determines that the employees of the contracting entity will have limited contact with students. In determining whether a contract employee has limited contact with students, the Superintendent or designee shall consider the totality of the circumstances, including the following factors: (Education Code 45125.1)

- 1. The length of time the contractors will be on school grounds
- 2. Whether students will be in proximity with the site where the contractors will

be working

3. Whether the contractors will be working by themselves or with others

Upon a determination that an employee shall have limited contact with students, the Superintendent or designee shall take appropriate steps to protect the safety of any student who may come in contact with this employee. (EC 45125.1)

These steps may include, but not be limited to, ensuring that the employee is working during non-school hours, providing for regular patrols or supervision of the site from District security or personnel, ensuring that the employee is not working alone when students are present, limiting the employee's access to school grounds, and/or providing the employee with a visible means of identification.

Legal Reference:

EDUCATION CODE

41302.5 School Districts, definition

45122.1 Classified employees, conviction of a violent or serious felony

45125.1 Criminal background checks for contractors

45125.2 Criminal background checks for construction

PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

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Business Policy #3516

EMERGENCIES AND DISASTER PREPAREDNESS PLAN

Mandated Policy

The Board of Education recognizes that all district staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster.

School employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

The Superintendent or designee shall develop and maintain a disaster preparedness plan which details provisions for handling all emergencies and disasters and which shall be included in the comprehensive school safety plan.

In the event of a federally declared emergency, salaried employees of the school district shall be entitled to overtime pay if/as documented from the start and throughout the duration of said emergency.

Legal Reference:

EDUCATION CODE

32001 Fire alarms and drills

32040 Duty to equip school with first aid kit

32280-32289 School safety plans

32290 Safety devices

39834 Operating overloaded bus

46390-46392 Emergency average daily attendance in case of disaster

49505 Natural disaster: meals for homeless students; reimbursement

GOVERNMENT CODE

3100 Public employees as disaster service workers

8607 Standardized emergency management system

CODE OF REGULATIONS, TITLE 5

550 Fire drills

560 Civil defense and disaster preparedness plans

CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized emergency management system

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Management Resources:

CSBA PUBLICATIONS

Avian Influenza, Governance and Policy Services Fact Sheet, April 2006

911! A Manual for Schools and the Media During a Campus Crisis, 2001

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Pandemic Influenza Planning Checklist, 2006

CONTRA COSTA COUNTY OFFICE OF EDUCATION

Pandemic Flu School Action Kit, June 2006

GOVERNOR'S OFFICE OF EMERGENCY SERVICES

School Emergency Response: Using SEMS at Districts and Sites, June 1998

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, May 2003

WEB SITES

CSBA: http://www.csba.org

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Business Policy #3516

EMERGENCIES AND DISASTER PREPAREDNESS PLAN

Mandated Policy

American Red Cross: http://www.redcross.org

California Department of Education, Crisis Preparedness: http://www.cde.ca.gov/ls/ss/cp

California Emergency Management Agency: http://www.calema.ca.gov California Seismic Safety Commission: http://www.seismic.ca.gov Centers for Disease Control and Prevention: http://www.cdc.gov Contra Costa County Office of Education, Pandemic influenza

resources:http://www.cccoe.k12.ca.us/about/flu/resources_flu_action_kit

Federal Emergency Management Agency: http://www.fema.gov

U.S. Department of Education, Emergency Planning: http://www.ed.gov/admins/lead/safety/emergencyplan

U.S. Department of Homeland Security: http://www.dhs.gov

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Business Regulation #3516

EMERGENCIES AND DISASTER PREPAREDNESS PLAN

Components of the Plan

Routine and emergency disaster procedures shall be included in the comprehensive school safety plan in accordance with Education Code 32282.

In addition, the Superintendent or designee shall ensure that district and school site procedures address, at a minimum, the following types of emergencies and disasters:

- 1. Fire on or off school grounds which endangers students and staff
- 2. Earthquake or other natural disasters
- 3. Environmental hazards
- 4. Attack or disturbance, or threat of attack or disturbance, by an individual or group
- 5. Bomb threat or actual detonation
- 6. Biological, radiological, chemical and other terrorist activities, or heightened warning of such activities

The Superintendent or designee shall also ensure that the district's procedures include strategies and actions for prevention/mitigation, preparedness, response, and recovery, including, but not limited to the following:

- 1. Regular inspection of school facilities and equipment and identification of risks
- 2. Instruction and practice for students and employees regarding emergency plans
- 3. The roles and responsibilities of staff during a disaster or other emergency
- 4. Personal safety and security, including the supervision, evacuation, and release of students, the administration of first aid, and the closure of the school if necessary
- 5. Communications among staff, parents/guardians, the Board of Education, other governmental agencies, and the media during an emergency
- 6. Cooperation with other agencies, including guidelines for law enforcement involvement and intervention
- 7. Steps to be taken following the disaster or emergency, including inspection of school facilities and provision of mental health services for students and staff as needed

The Superintendent or designee shall use state-approved Standardized Emergency Management System guidelines when updating district and site-level emergency and disaster preparedness plans.

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Business Regulation #3516

EMERGENCIES AND DISASTER PREPAREDNESS PLAN

The Superintendent or designee may provide a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety. (Education Code 39834)

School Response to an Emergency

The principal or designee shall assume overall control and supervision of activities at the school site during an emergency. He/she may use his/her discretion in emergency situations which do not permit execution of prearranged plans.

Students may be released to the custody of a parent/guardian or other adult in accordance with Board policy and administrative regulation. When reference to the emergency card is impossible, individual students shall be released to parents/guardians, persons authorized by the parents/guardians, or authorized persons representing public agencies that may take responsibility, when necessary, for the safety of the student. All such persons shall present identification before a student is released to their custody.

The Board encourages all employees to become proficient in first aid and cardiopulmonary resuscitation (CPR). The Superintendent or designee shall ascertain that at least one staff member at each school holds a valid certificate in these areas. The Superintendent or designee shall provide for CPR in-service training to be offered at least once a year for district staff.

All staff, students, and parents/guardians shall receive information about district and school site procedures to be followed in the event of an emergency. Procedures shall be regularly reviewed and practiced. Evacuation routes shall be posted in classrooms, multipurpose rooms, and other school facilities as appropriate.

FIRE DRILLS AND FIRES

Fire Drills

The principal shall cause the fire alarm signal to be sounded at least once every month. (Education Code 32001)

The principal shall also hold fire drills at least once a month at the elementary level, four times every school year at the intermediate level, and not less than twice every school year at the secondary level. (Education Code 32001)

- 1. The principal shall notify staff as to the schedule for fire drills.
- 2. Whenever a fire drill is held, all students, teachers and other employees shall be directed to leave the building. (5 CCR 550)
- 3. Teachers shall ascertain that no student remains in the building.
- 4. Teachers shall be prepared to select alternate exits and shall direct their classes to these exits whenever the designated escape route is blocked.
- 5. The principal or designee shall keep a record of each fire drill conducted and file a copy of this record with the office of the Superintendent or designee.

Fires

When a fire is discovered in any part of the school, the following actions shall be taken:

- 1. The principal or designee shall sound fire signals, unless the school and/or building is equipped with an automatic fire detection and alarm system. (Education Code 32001)
- 2. The principal or designee shall call 911.
- 3. All persons shall be directed to leave the building and shall proceed outside to designated assembly areas.
- 4. Staff shall give students clear direction and supervision and help maintain a calm and orderly response.
- 5. In outside assembly areas, teachers shall take roll, report missing students, and provide assistance to any injured students.
- 6. In outside assembly areas, the principal, designee and/or each department head shall account for their staff, report missing staff, and provide assistance to any injured staff.
- 7. If the fire is extensive, students shall be taken to an alternate location for protective custody until parents/guardians can pick them up or until they can be safely transported to their homes.

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Issued: July 16, 1998 Revised May 2, 2013

Business Regulation #3516.1

FIRE DRILLS AND FIRES

Legal Reference:

EDUCATION CODE

17074.50-17074.56 Automatic fire detection, alarm and sprinkler systems

32001 Uniform fire signals

32040 Duty to equip school with first aid kit

CODE OF REGULATIONS, TITLE 5

550 Fire drills

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Issued: July 16, 1998
Revised May 2, 2013

BOMB THREATS

Receiving Threats

Any staff member receiving a telephoned bomb threat shall try to keep the caller on the line so as to gather information about the location and timing of the bomb and the person(s) responsible. He/she should also try to determine the caller's gender and age and should take note of any distinctive features of voice or speech and any background noises such as music, traffic, machinery or other voices.

Staff members who customarily receive telephone calls or handle packages shall receive training related to bomb threats.

Procedures

- 1. Any employee who receives a bomb threat shall immediately call 911 and also report the threat to the principal or designee. If the threat is in writing, he/she shall place the message in an envelope and take note of where and by whom it was found.
- Any student or employee seeing a suspicious package shall promptly notify the principal or designee.
- 3. The principal or designee shall immediately use fire drill signals and institute standard evacuation procedures as specified in the emergency plan.
- 4. The principal or designee shall turn off any two-way radio equipment, which is located in a threatened building.

Law enforcement and/or fire department staff shall conduct the bomb search. School police officers may assist in this search. No other school staff shall search for or handle any explosive or incendiary device.

Except for school police officers, no staff or students shall reenter the threatened building(s) until the law enforcement and/or fire department staff advises the principal or designee that reentry is safe.

Any student who makes a bomb threat shall be subject to disciplinary procedures.

Legal Reference:

EDUCATION CODE

44810 Willful interference with classroom conduct

48900 Grounds for suspension or expulsion

51202 Instruction in personal and public health and safety

PENAL CODE

17 Felony, misdemeanor, classification of offenses

148.1 False report of explosive or facsimile bomb

245 Assault with deadly weapon or force likely to produce great bodily injury; punishment

594 Vandalism; penalty

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EARTHQUAKE EMERGENCY PROCEDURE SYSTEM

Mandated Procedure

Earthquake emergency procedures shall be incorporated into the comprehensive safety plan. The procedures shall include, but not be limited to, all of the following: (Education Code 32282)

- 1. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staff
- 2. A drop procedure whereby each student and staff member takes cover under a table or desk, dropping to his/her knees, with the head protected by the arms and the back to the windows
- 3. Protective measures to be taken before, during, and following an earthquake
- 4. A program to ensure that students and certificated and classified staff are aware of and properly trained in the earthquake emergency procedure system

The Superintendent or designee may work with the California Office of Emergency Services (renamed the California Emergency Management Agency) and the Seismic Safety Commission to develop and establish the earthquake emergency procedures. (Education Code 32282)

Earthquake emergency procedures shall identify and address potential earthquake hazards in classrooms and other district facilities. Equipment and furniture, such as bookshelves, cabinets, computers, and laboratory equipment, shall be secured to the extent possible, and heavy objects moved from high shelves, in order to minimize hazards in the event of an earthquake.

Earthquake emergency procedures also shall outline roles and responsibilities of students and staff during and after an earthquake.

Earthquake Education

Students shall be informed of the dangers to expect in an earthquake and procedures to be followed. Students shall be instructed to remain silent and follow directions given by teachers or other staff in such an emergency.

Drop procedures shall be practiced at least once each school quarter in elementary schools and at least once each semester in secondary schools. (Education Code 32282)

Students also shall be taught safety precautions to take if they are in the open or on the way to and from school when an earthquake occurs and an adult is not present to give specific directions.

Earthquake While Indoors at School

When an earthquake occurs, the following actions shall be taken inside buildings and classrooms:

- 1. Staff shall have students perform the drop procedure. Students should stay in the drop position until the emergency is over or until further instructions are given.
- 2. In laboratories, burners should be extinguished if possible before taking cover.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM

Mandated Procedure

3. As soon as possible, teachers shall move the students away from windows, shelves, and heavy objects and furniture that may fall.

4. Teachers shall have students evacuate the building in an orderly manner when the earthquake is over.

Earthquake While Outdoors on School Grounds

When an earthquake occurs, the following actions shall be taken by staff or other persons in authority who are outdoors on school grounds:

- 1. Staff shall direct students to walk away from buildings, trees, overhead power lines, power poles, or exposed wires.
- 2. Staff shall have students stay in the open until the earthquake is over or until further directions are given.

Earthquake While on the Bus

If students are on the school bus when an earthquake occurs:

- 1. The bus driver shall pull to the side of the road away from any buildings, poles, wires, overhead structures, or bridges if possible, set the brakes, and turn off the ignition.
- 2. The driver shall have students remain at their seats.
- 3. The driver shall wait until the earthquake is over before proceeding on the route.
- 4. As soon as possible, the driver shall contact the director of transportation for instructions.

Subsequent Emergency Procedures

After the earthquake has subsided, the following actions shall be taken:

- 1. Small fires shall be extinguished if possible.
- 2. In outside assembly areas, staff shall provide assistance to any injured students, take roll, and report missing students to the principal or designee.
- 3. The principal shall request assistance as needed from the county or city civil defense office or fire and police departments and shall confer with them regarding the advisability of closing the school. He/she shall also contact the Superintendent or designee for further instructions.
- 4. The principal shall post staff at a safe distance from all building entrances to see that no one reenters until the buildings are declared safe.
- 5. All buildings shall be inspected for water and gas leaks, electrical breakages, and large cracks or earth slippage affecting buildings. The principal shall notify utility companies of any break or

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM

Mandated Procedure

suspected break in lines which may present an additional hazard. If damage has occurred, the custodian shall shut off all utilities.

- 6. Staff and students shall not light any stoves or burners until the area is declared safe.
- 7. If the principal or designee believes the school is damaged sufficiently to be a hazard, he/she shall notify the Superintendent or designee and ask that the county or city building inspector check for structural failure and equipment adequacy. Until this is done, the building shall not be occupied.

Legal Reference:

EDUCATION CODE

32280-32289 School safety plans

GOVERNMENT CODE

3100 Public employees as disaster service workers

8607 Standardized Emergency Management System (SEMS)

CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized Emergency Management System

Management Resources:

FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

Guidebook for Developing a School Earthquake Safety Program, 1990

OFFICE OF EMERGENCY SERVICES PUBLICATIONS

The ABCs of Post-Earthquake Evacuation: A Checklist for School Administrators and Faculty Guide and Checklist for Nonstructural Earthquake Hazards in California Schools, January 2003

School Emergency Response: Using SEMS at Districts and Sites, June 1998

WEB SITES

CSBA: http://www.csba.org

American Red Cross: http://www.redcross.org

California Emergency Management Agency: http://www.calema.ca.gov California Seismic Safety Commission: http://www.seismic.ca.gov

Federal Emergency Management Agency (FEMA): http://www.fema.gov/hazards/earthquakes

National Incident Management System (NIMS): http://www.fema.gov/emergency/nims

Business Policy #3516.5

EMERGENCY SCHEDULES

In order to provide for the safety of students and staff, the Governing Board authorizes the Superintendent or designee to close a school site, to change the regular school day schedule, or to take any necessary action when adverse weather conditions or other emergencies warrant.

The Superintendent or designee shall establish a system for informing students and parents/guardians when school buses are not operating or when the school day schedule is changed or the school is closed.

In the event that students arrive at school when the school day schedule changes or the schedule changes after school has begun, the Superintendent or designee shall ensure that supervision is provided in accordance with the procedures specified in the District's emergency and disaster preparedness plan.

The Superintendent or designee may provide a means to compensate for lost instructional time later during the year. Students and parents/guardians shall receive timely advanced notice of any resulting changes in the school calendar or school day schedule.

Legal Reference:
EDUCATION CODE
41422 Schools not maintained for 175 days
46010 Total days of attendance
46100-46192 Attendance; maximum credit; minimum day
46390 Calculation of ADA in emergency
46392 Decreased attendance in emergency situation
VEHICLE CODE
34501.6 School buses; reduced visibility

Business Policy #3530

RISK MANAGEMENT/ INSURANCE

The Governing Board strongly supports a risk management program that protects District resources and promotes the safety of students, staff and the public.

The Superintendent or designee shall establish a risk management program that uses effective safety and loss control practices. The District shall strive to keep its liability at a minimum and its insurance premiums as low as possible while maintaining adequate protection. To determine the most economical means of insuring the District consistent with required services, the Superintendent or designee shall annually review the District's options for obtaining coverage, including qualified insurance agents, a joint powers agency, self-insurance, or a combination of these means.

The Board reserves the right to remove an insurance agent-of-record or a participating agent whenever, in the judgment of the Board, such action becomes desirable for the best interests of the District.

To attempt to minimize the District's exposure to liability, the Board shall adopt clear policies related to discrimination, harassment, safety procedures, and the timely handling of claims. The Superintendent or designee shall ensure that these policies and related procedures are enforced fairly and consistently.

Legal Reference:

EDUCATION CODE

17729.5 Contract funding; board liability

32350 Liability on equipment loaned to District

35162 Power to sue, be sued, hold and convey property

35200-35214 Liabilities, especially:

35208 Liability insurance

35211 Driver training civil liability insurance

35213 Reimbursement for loss, destruction or damage of personal property

35214 Liability self-insurance

35331 Medical or hospital service for students on field trip

39601-39621 Board duties re property maintenance and control

39837 Transportation of pupils to places of summer employment

41021 Requirement for employees' indemnity bonds

44873 Qualifications for physician (liability coverage)

49470-49474 District medical services and insurance

GOVERNMENT CODE

820.9 Board members not vicariously liable for injuries caused by District

989-991.2 Local public entity insurance

LABOR CODE

3200-4855 Workers' compensation

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Business Regulation #3530

RISK MANAGEMENT/ INSURANCE

Risk Management

The Superintendent or designee shall take action to:

- 1. Identify the risks inherent in the operation of District programs
- 2. Assess the above risks and keep records of accidents, losses and damage
- 3. Mitigate risks through loss control and safety-related activities
- 4. Determine the extent to which risks should be assumed by the District or covered by the purchase of insurance or pooling with other Districts

Employees are expected to take reasonable precautions for the care and safety of the school equipment with which they have been entrusted. Employees may be held responsible for recurring damage or losses that occur due to their negligence or lack of supervision. Responsibilities related to safety and loss control shall be included in employee job descriptions.

Insurance

Insurance coverage shall include, but may not be limited to:

- 1. Liability insurance (Education Code 35200-35214)
- 2. Fire insurance for buildings, equipment and vehicles (Education Code 39601)
- 3. Workers' compensation insurance (Labor Code 3700)
- 4. Fidelity bond insurance (Education Code 41021)

A suitable bond indemnifying the District against loss shall be purchased for employees responsible for handling District funds and may be purchased for employees responsible for handling District property. The District shall bear the cost of this bonding. (Education Code 41021)

Page 1 of 1. Issued: July 16, 1998 CSBA: 10/95

Business Policy #3533

SOFTWARE COPYRIGHT POLICY

The Pacific Grove Unified School District recognizes that computer software piracy is a major problem for the computer software industry and that such piracy contributes to higher costs and greater efforts to prevent copying and/or lessen incentives for the development of effective educational uses of micro-computers.

In order to prevent the unauthorized copying of computer software by employees or students of the District, the following activities shall be incorporated with the District computer program:

- 1. The ethical and practical implications of software piracy will be taught in all schools in the
- 2. When software is to be used on a disk sharing system, efforts will be made to secure this software from unauthorized copying.
- 3. Illegal copies of copyrighted programs may not be made or used on school equipment.
- 4. The District shall not defend or indemnify employees who knowingly and intentionally violate copyright laws.
- 5. The Superintendent and Assistant Superintendent for Business are hereby designated as the only individuals who may sign software license agreements for schools in the District. Each school using licensed software should have a signed copy of the applicable software licensing agreement for local control.
- 6. The principal of each school site is responsible for establishing practices that will enforce this software copying policy at the school level.

Legal Reference: **EDUCATION CODE** 35182 Computer Software UNITED STATES CODE, TITLE 17

Page 1 of 1. Adopted: October 5, 1989 CSBA: BP/AR 6162.6 6/88

Business Policy #3540

TRANSPORTATION

The Governing Board desires to provide for the safe and efficient transportation of students to and from school as necessary to ensure student access to the educational program, promote regular attendance and reduce tardiness. The extent to which the District provides for transportation services shall depend upon student and community needs and a continuing assessment of financial resources.

The Superintendent or designee shall recommend to the Board the most economical and appropriate means of providing transportation services.

The Superintendent or designee shall develop procedures to promote safety for students traveling on school buses.

The Superintendent or designee shall ensure the qualifications of bus drivers and related staff employed by the District, provide for the maintenance and operation of District-owned school buses and other equipment, and ensure adequate facilities for equipment storage and maintenance.

Legal Reference:

EDUCATION CODE

- 35330 Excursions and field trips
- 35350 Authority to transport pupils
- 38020-38065 Transportation, especially:
- 38021 Contract with County Superintendent of Schools to provide transportation
- 38023-38024 Bids and contracts for transportation services
- 38026 Payments to parents in lieu of transportation
- 38027 Food and lodging payments in lieu of transportation
- 38028 Transportation fees
- 38029 District transportation of private school students
- 41850-41854 Allowances for transportation
- 41860-41862 Supplemental allowances for transportation
- 45125.1 Criminal background checks for contractors
- 38020 Powers of governing board to provide transportation for pupils to and from school; definition of "municipally owned transit system"

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

CODE OF REGULATIONS. TITLE 5

- 14100-14103 Use of school buses and school pupil activity buses
- 15240-15343 Allowances for student transportation, especially:
- 15253-15272 District records related to transportation

VEHICLE CODE

2807 School bus inspection

Arcadia Unified School District et. al. v. State Department of Education, 2 Cal. 4th 251 (1992)

Business Regulation #3540

TRANSPORTATION

No student shall be required to be transported for any reason without the written permission of the student's parent/guardian, except in emergency situations involving illness or injury to the student. (Education Code 35350)

Means of Transportation

To provide transportation services, the Governing Board may purchase, rent or lease vehicles; contract with a common carrier or municipally owned transit system; contract with responsible private parties including the parent/guardian of the student being transported; and/or contract with the County Superintendent of Schools. (Education Code 35330, 38020, 38021)

In contracting for transportation services, the District shall comply with all applicable laws related to bids and contracts. (Education Code 38023-38024)

In lieu of providing transportation in whole or in part, the District may pay the student's parents/guardians either their actual and necessary expenses in transporting the student or the cost of the student's food and lodging at a place convenient to the school. In either case, the amount of the payment shall not exceed the cost that would be incurred by the District to provide for the transportation of the student to and from school. (Education Code 38026-38027)

Business Regulation #3541

TRANSPORTATION ROUTES AND SERVICES

Routes and Bus Stops

The Superintendent or designee shall design transportation routes and stops to promote the safety of students and maximum efficiency in the use of buses. <u>Parents who have their child(ren) enrolled in a before and/or after school daycare program may request that their child(ren) be transported from or to a bus stop near that location, as long as it is within the district's boundaries.</u>

Students who reside beyond the minimum transportation distances listed below shall be eligible for transportation service to the school of their attendance area:

For elementary school students:

Grades K-3: one mile Grades 4-8: one mile

The Superintendent or designee may authorize transportation within the walking distance when safety problems or hazards exist.

Students who attend a school outside their attendance area may be eligible for transportation services in accordance with Governing Board policy.

The Superintendent or designee shall communicate in writing to parents/guardians regarding bus routes, schedules and stops and/or shall arrange for local media to publish such information.

Transportation Services

With the Board's authorization, transportation services may be provided or arranged by the District for:

- 1. Students traveling to and from school during the regular school day (Education Code 38020)
- 2. Field trips and excursions (Education Code 35330)
- 3. School activities, expositions or fairs, or other activities determined to be for the benefit of students (Education Code 38065)
- 4. District employees or parents/guardians traveling to and from educational activities authorized by the District (Education Code 38055)
- 5. Preschool or nursery school students (Education Code 38020)
- 6. Students traveling to full-time occupational classes provided by a Regional Occupational Program or Center (Education Code 38028, 41850)
- 7. Private school students, in the same manner and on the same routes provided for District students (Education Code 38029)
- 8. Non-school purposes as allowed by law, such as:
 - a. Community recreation (Education Code 38052)
 - b. Public transportation (Education Code 38059)

The District shall provide home-to-school transportation and additional transportation services as needed for students with disabilities as specified in their individualized education programs or 504

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Business

Regulation #3541

TRANSPORTATION ROUTES AND SERVICES

plans. For parents requesting transportation to or from parent-provided daycare programs, these must be within the District's boundaries. (Education Code 41850, 20 USC 1400 - 1491, 34 CFR 104.4)

If a homeless student attending school in this District moves to a shelter that is in another District, the Superintendent or designee may arrange transportation that enables the student to continue attending the same school in this District. This transportation may be achieved through the transportation services of this District, the new District or an outside agency.

Legal Reference:

EDUCATION CODE

10900.5 Use of school buses for community recreation

35330 Excursions and field trips

35350 Authority to transport pupils

38020-38065 Transportation, especially:

38020 Powers of governing board to provide transportation to and from school

38022 Transportation for adults

38029 Transportation for private school students

38052 Use of school buses for community recreation

38054 Transportation to summer employment program

38055 Transportation of employees and parents/guardians to school activities

38058 Transportation of government employees

38059 Use of school buses for public transportation

38065 Transportation to school activities

41850 Transportation to ROP/C occupational classes

41851-41863 Allowances and supplemental allowances for transportation

CODE OF REGULATIONS, TITLE 5

15240-15244 Allowances for student transportation

UNITED STATES CODE, TITLE 20

1400 - 1491 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 42

11432 McKinney Homeless Assistance Act

CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 Equal opportunity under the Rehabilitation Act of 1973, Section 504

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Business Regulation #3541.1

TRANSPORTATION FOR SCHOOL-RELATED TRIPS

The District may provide transportation for students, employees and other individuals for field trips and excursions approved according to Governing Board policy and administrative regulations.

The Superintendent or designee shall determine the most appropriate and cost-effective mode of transportation for each approved trip. He/she may authorize the use of district vehicles, contract to provide transportation, or arrange transportation by the use of other vehicles.

When District transportation is provided, students may be released from using District transportation only with the advance written permission of their parent/guardian.

School-related organizations requesting transportation shall be fully responsible for the costs of their trips unless funding has been approved by the Board.

The Superintendent or designee shall ensure that the District has sufficient liability insurance when field trips or excursions involve either transportation by District vehicles or travel to and from a foreign country. When a trip to a foreign country is authorized, liability insurance shall be secured from a carrier licensed to transact insurance business in that country. (Education Code 35330)

Transportation by Private Vehicle

The Superintendent or designee may authorize the transportation of students by private vehicle when the vehicle is driven by an adult age 21 or older who possesses a valid California driver's license or, if he/she is a nonresident on active military duty in California, possesses a valid license from his/her state of residence. To be approved, the driver must certify he/she has not been convicted of reckless driving or driving under the influence of drugs or alcohol within the past 5 years at least the minimum insurance required by law. (www.dmv.ca.gov) Any person providing transportation to district students in a private vehicle shall register with the district for such purposes.

Drivers shall receive safety and emergency instructions (E#3541.1) to read and sign, a copy of which shall be kept in their vehicle.

All student passengers shall provide permission slips signed by their parents/guardians. Teachers shall ensure that drivers have a copy of the permission slip for each student riding in his/her vehicle.

The number of passengers, including the driver, shall not exceed the capacity for which the vehicle was designed. Trucks may not transport more persons than can safely sit in the passenger compartment. The driver shall ensure that the manufacturer's recommendations for his/her vehicle are followed regarding the seating of children in seats equipped with airbags.

The driver or any other person shall not smoke or have in his/her immediate possession a lighted pipe, cigar, or cigarette containing tobacco or any other plant when there is a minor in the motor vehicle, whether the motor vehicle is in motion or at rest.

Passenger Restraint Systems

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CSBA: 10/97

TRANSPORTATION FOR SCHOOL-RELATED TRIPS

A child who is under age 8 years shall be properly secured in a rear seat in an appropriate child passenger restraint system meeting federal safety standards, except under any of the following circumstances:

- 1. The child is four feet nice inches or taller, in which case a safety belt may be used.
- 2. Use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size and appropriate special needs child passenger restraint system is not available.
- 3. There is no rear seat, the rear seats are side-facing jump seats or rear-facing seats, the child passenger restraint system cannot be installed properly in the rear seat, all rear seats are already occupied by children under age 8 years, or medical reasons necessitate that the child not ride in the rear seat.
- 4. The child is otherwise exempted by law.

Legal Reference:

Business

EDUCATION CODE

35330 Excursions and field trips

35332 Transportation by air

39830 School bus

39830.1 School pupil activity bus

39860 Transportation to special activities by district

44808 Liability when students not on school property

HEALTH AND SAFETY CODE

118947-118949 Prohibition against smoking in motor vehicle with minor

PUBLIC UTILITIES CODE

5384.2 District not liable for charter-party carrier

VEHICLE CODE

545 School bus, definition

12814.6 Limitations of provisional driver's license

27315 Mandatory use of seat belts in private passenger vehicles

27360-27360.5 Child passenger restraint systems

<u>27363</u> Child passenger restraint systems, exemptions

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CSBA: 10/97

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Regulation #3541.1

Business Regulation #3541.1

TRANSPORTATION FOR SCHOOL-RELATED TRIPS

Management Resources:

WEB SITES

California Department of Motor Vehicles: http://www.dmv.ca.gov

California Highway Patrol: http://www.chp.ca.gov

California Office of Traffic Safety: http://www.ots.ca.gov

National Highway Traffic Safety Administration: http://www.nhtsa.dot.gov

(11/04 11/07) 11/11

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CSBA: 10/97

Business Exhibit #3541.1

TRANSPORTATION FOR SCHOOL-RELATED TRIPS

SCHOOL DRIVER REGISTRATION FORM

Driver (circle one): Employee Pa	arent/Guardian Volunteer
Name:	Date of Birth:
Address: Telephone : () Cell Phone: () Driver's License No	
Expiration Date:	
	CHICLE INFORMATION
Name of Owner:	Year:
Address:	Make:
License Plate No.:	<u></u>
Registration Expires:	Seating Capacity:
INS	URANCE INFORMATION
Insurance Company:	Telephone:
Policy No.:	Expiration Date:
Liability Limits of Policy:	
1	DRIVER STATEMENT
I certify that I am at least 21 years of a	ge.
alcohol within the past 5 years and that that if an accident occurs, my insuranclaims for damages. I will ensure that all children be restrain	d of reckless driving or driving under the influence of drugs of at the information given above is true and correct. I understand the coverage shall bear primary responsibility for any losses of the using the appropriate passenger restraint systems.
received and will a	iolde by the driver histractions provided by the district.
Signature	Date

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Business Exhibit #3541.1

TRANSPORTATION FOR SCHOOL-RELATED TRIPS

DRIVER INSTRUCTIONS

Please initial the following statements to indicate your compliance.

When using my vehicle to transport students on field trips or other school activity trips:

1	I will have registered with the district for such purposes. I have a valid driver's license and current liability insurance at or above the minimum amount required by law for each occurrence: \$15,000 for injury or death of one person; \$30,000 for injury or death of more than one person; \$5,000 for damage to property.
2	I will check `the safety of my vehicle prior to each trip: tires, brakes, lights, horn suspension, etc.
3	I will carry only the number of passengers for which my vehicle was designed.
4	I have appropriate child passenger restraint system (child car seat or booster seat) or safety belt in accordance with law.

Drivers shall ensure that any child who is under age 6 or under 60 pounds, unless exempted by law, is properly secured in an appropriate child passenger restraint system meeting federal safety standards. A child who is age 6 or older or weighs 60 pounds or more shall use a safety belt. (Vehicle Code 27360, 27360.5, 27363)

Business Policy #3541.2

TRANSPORTATION FOR STUDENTS WITH DISABILITIES Mandated

The Governing Board shall ensure that appropriate transportation services are provided for students with disabilities as specified in their individualized education program (IEP) or accommodation plan. The District shall make home-to-school transportation available for students at no cost to parents/guardians as specified in the student's IEP. Whenever necessary, due to the nature or severity of the student's disability, this transportation will be door-to-door.

The Superintendent or designee shall establish criteria and procedures for determining the most appropriate mode of transportation for an individual student based on identified needs as determined in the IEP or accommodation plan.

The Superintendent or designee shall arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on buses compared to other students. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

The Superintendent or designee shall establish procedures to ensure compatibility between mobile seating devices and bus securement systems. (EC 56221)

Legal Reference: EDUCATION CODE

38028 Payment of transportation cost

38057 Guide dogs, signal dogs and service dogs on bus

41850-41854 Allowances for transportation

48209-48209.16 Alternative interdistrict attendance program

48915.5 Expulsion of students with exceptional needs

56221 Adoption of policies

56327 Assessment for special education and related services

56345 Individualized education program

56366 Nonpublic nonsectarian schools or agencies

56366.1 Waiver of requirements under section 56365 and 56366

CODE OF REGULATIONS, TITLE 5

15050 Transfer of funds to child development fund and development center for handicapped pupils fund

15243 Physically handicapped minors

15271 Exclusion from report

UNITED STATES CODE, TITLE 20

1400 - 1491o Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29 794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 Equal opportunity under the Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 Federal requirements for bus securement systems

CDE MANAGEMENT ADVISORIES

0500.92 Implementation of Special Education Transportation Apportionment

CDE PROGRAM ADVISORIES

0609.95 School transportation fee exemption for handicapped children and pupils whose parents or guardians are indigent (LO: 2-95)

Business Regulation #3541.2

TRANSPORTATION FOR STUDENTS WITH DISABILITIES

When authorizing special transportation for students with disabilities, the individualized education program (IEP) team or Section 504 committee shall consider, at a minimum, all of the following:

- 1. The student's unique needs
- 2. The extent to which transportation arrangements may help the student develop independent mobility skills
- 3. The student's difficulty in using regular transportation services
- 4. The coordination of regular and special transportation

Students with disabilities who do not meet any of the above criteria may use regular home-to-school transportation. As with all students, students with disabilities, whose parents have them enrolled in before and/or after school daycare programs, may request that their child(ren) be transported from or to a bus stop near that location, as long as it is within the district's boundaries. Such transportation shall be door-to-door, when necessary, due to the nature or severity of the student's disability.

When a student with a disability is excluded from school bus transportation due to expulsion, the District shall provide alternative transportation at no cost to the student or parent/guardian. (Education Code 48915.5)

When contracting with a nonpublic, nonsectarian school or agency to provide special education services, the Superintendent or designee shall ensure that the contract includes general administrative and financial agreements related to the provision of transportation services specified in the student's IEP. (Education Code 56366)

Guide dogs, signal dogs and service dogs trained to provide assistance to students with disabilities may be transported in a school bus when accompanied by the student, his/her teachers or persons training the dog. (Education Code 38057)

Page 1 of 1. Issued: July 16, 1998 Revised Nov. 5, 2009 **Business** Policy #3541.4

TRANSPORTATION FOR OUTSIDE GROUPS

The Superintendent or designee may approve the use of school buses for non-school purposes within the limits specified by law.

The District may require the payment of a fee. (Education Code 10913)

Legal Reference: **GOVERNMENT CODE** 65088.1 Definitions 65089.1 Trip reduction plan HEALTH AND SAFETY CODE 40001 Enforcement of regulations to achieve air quality standards 40457 Trip reduction plan, south coast District 44246 School Districts required to submit trip reduction plan

CSBA: 9/88

Policy #3541.5 **Business**

ALTERNATIVE TRANSPORTATION ARRANGEMENTS

Transportation by private carrier may be provided whenever such practice is more economical than using District-owned vehicles.

In lieu of providing transportation, the Governing Board may provide for board and lodging of students or may reimburse parents/guardians whenever such practice is more economical.

Page 1 of 1. Adopted: 1994 PGUSD: 6/93

Business Regulation #3542

SCHOOL BUS DRIVERS

Mandated Rules

School Bus Drivers

Authority

Students transported in a school bus or in a student activity bus shall be under the authority of, and responsible directly to, the driver of the bus. The driver shall be held responsible for the orderly conduct of the students while they are on the bus or being escorted across a street, highway or road. (5 CCR 14103)

A bus driver shall have the authority to discontinue the operation of a school bus whenever he/she determines that it is unsafe to continue.

Administrative regulations related to bus driver authority shall be made available to parents/guardians, students, teachers and other interested parties. (5 CCR 14103)

Qualifications, Training and Monitoring

All drivers employed to operate school buses or student activity buses shall possess, at a minimum, both of the following documents issued by the state Department of Motor Vehicles: (Vehicle Code 12517)

- 1. A valid driver's license for the appropriate class of vehicle to be driven
- 2. A certificate that permits the driver to operate either school buses or student activity buses

A driver who possesses a valid certificate to drive a student activity bus shall not be entitled to drive a school bus unless he/she obtains the license and certificate required for that position. (Education Code 39830.1)

The District's electronic fingerprinting system, managed by the California Department of Justice, may be used to fingerprint an applicant for an original certificate to drive a school bus or student activity bus. (Vehicle Code 12517.3)

The Superintendent or designee shall ensure that school bus drivers receive training which includes:

- 1. Necessary first aid practices (Vehicle Code 12522)
- 2. The proper actions to be taken in the event that a school bus is hijacked (Education Code 39831)
- 3. The proper installation of mobile seating devices in the bus securement systems (Education Code 56195.8)

School bus drivers shall be subject to drug and alcohol testing in accordance with Governing Board policy and the requirements of federal law.

The Superintendent or designee shall notify the Department of Motor Vehicles within five days whenever any school bus driver has tested positive for drugs or alcohol, is dismissed for a cause related to student transportation safety, or whenever a driver so dismissed has been reinstated. (Vehicle Code 1808.8, 13376)

Page 1 of 3. Issued: February 21, 2002

CSBA: 11/99

Business Regulation #3542

SCHOOL BUS DRIVERS

Mandated Rules

Responsibilities

The school bus driver's major responsibility is to safely transport students to and from school and school activities. He/she shall follow procedures contained in the District's transportation safety plan.

Drivers shall not require any student to leave the bus en route between home and school or other destinations. (5 CCR 14103)

Drivers shall stop to load or unload students only at a school bus stop designated by the Superintendent or designee, or authorized by the Superintendent or designee for school activity trips. (Vehicle Code 22112)

Drivers shall activate the flashing amber light warning system, if the bus is so equipped, beginning 200 feet before any bus stop where students are loading or unloading. They shall operate the flashing red signal lights and stop signal arm at all times when the bus is stopped to load or unload students. The flashing amber warning lights, flashing red signal lights and stop signal arm shall not be operated at any other time, or at any place where traffic is controlled by a traffic officer. (Vehicle Code 22112)

When the bus is stopped on a highway or private road to load or unload students and traffic is not controlled by a traffic officer, the driver shall: (Vehicle Code 22112)

- 1. Check for approaching traffic in all directions and activate the flashing red light signal system and, if the bus is so equipped, the stop signal arm.
- 2. Before opening the door, ensure that the flashing red signal lights and stop signal arm are activated and that it is safe to exit the bus.
- 3. Escort all students in grades pre-kindergarten through 6 who need to cross the highway or private road, using an approved hand-held "STOP" sign while so doing.
- 4. Require all students to walk in front of the bus as they cross the road or highway.
- 5. Ensure that all students who need to cross the road or highway have crossed safely and that all other unloaded students and pedestrians are a safe distance from the bus before setting the bus in motion.

Except when loading or unloading students at a location where students must cross a highway or private road upon which the bus is stopped, the flashing red signal lights and stop signal arm requirements do not apply at any of the following locations: (Vehicle Code 22112)

- 1. School bus loading zones on or adjacent to school grounds or during an activity trip, if the school bus is lawfully parked
- 2. Where the school bus is disabled due to mechanical breakdown
- 3. Where students require assistance to board or leave the school bus
- 4. Where the roadway surface on which the bus is stopped is partially or completely covered by snow or ice and requiring traffic to stop would pose a safety hazard
- 5. On a state highway with a posted speed limit of 55 miles per hour or higher where the school bus is completely off the main traveled portion of the highway
- 6. Any location determined by the Superintendent or designee, with the approval of the California Highway Patrol, to present a traffic or safety hazard

Page 2 of 3. Issued: February 21, 2002 CSBA: 11/99

Business Regulation #3542

SCHOOL BUS DRIVERS

Mandated Rules

Drivers shall immediately report all school bus accidents to the California Highway Patrol, the Superintendent or designee, and the driver's employer. (13 CCR 1219)

School bus drivers also shall report the following to the Superintendent or designee:

- 1. Recurring and serious student misbehavior
- 2. Parental and student complaints
- 3. Traffic violations
- 4. Consistently late school dismissals which cause transportation delays
- 5. Overload runs
- 6. Mechanical or other problems with buses and equipment

Legal Reference:

EDUCATION CODE

39830.1 Drivers of school pupil activity buses

39831 Training in proper actions in event of hijacking

39831.5 Student instruction in bus safety

39833 Operating bus in violation of order or regulation or without operator's qualification

39842 School bus; unauthorized entry

40080-40090.5 Training required to obtain or renew bus driver certificate

45125.1 Criminal background checks for contractors

56195.8 Adoption of policies

PENAL CODE

241.3 Assault against school bus driver

243.3 Battery against school bus driver

VEHICLE CODE

1808.8 Dismissal for safety-related cause

2570-2575 Transportation of students

12517-12517.4 Certification requirements

12522 First aid training for school bus drivers

13376 Driver certificates; revocation or suspension; sex offense prosecution

22112 School bus signals; roadway crossings

25257 School bus; flashing light signal system

25257.2 School bus used for transportation of developmentally disabled person

34501.6 School buses; reduced visibility

34508.5 Investigation of accidents

CODE OF REGULATIONS, TITLE 5

14103 Authority of the driver

14104 School bus driver instructor

CODE OF REGULATIONS, TITLE 13

1200-1228 General provisions, school bus regulations

CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 Federal motor vehicle safety standard #222

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CSBA: 11/99

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Business

TRANSPORTATION SAFETY AND EMERGENCIES Mandated Plan

Transportation Safety Plan

The Superintendent or designee shall develop a transportation safety plan to address student safety that includes all of the following: (EC 39831.3)

- 1. Procedures for determining if students in grades pre-kindergarten through 8 require escort to cross a private road or highway at a bus stop pursuant to Vehicle Code 22112
- 2. Procedures for all students in grades pre-kindergarten through 8 to follow as they board and exit the bus at their bus stops
- 3. Procedures for boarding and exiting a school bus at a school or other trip destination

A copy of the plan shall be kept at each school site and made available upon request to the California Highway Patrol. (Education Code 39831.3)

Safe Bus Operations

School bus operations shall be limited when atmospheric conditions reduce visi-bility on the roadway to 200 feet or less during regular home-to-school trans-portation service. Bus drivers for school activity trips shall have the authority to discontinue bus operation whenever they determine that it is unsafe to continue operation because of reduced visibility. (Vehicle Code 34501.6)

School buses and school student activity buses also shall not be operated when-ever the number of passengers exceeds bus seating capacity, except when neces-sary in emergency situations which require that students be moved immediately to ensure their safety.

The Superintendent or designee may place a notice at bus entrances that warns against unauthorized entry. The driver or another school official may order any person to disembark if that person enters a bus without prior authorization and has intent to commit a crime. (13 CCR 1256.5)

Each school bus shall be equipped with at least one fire extinguisher located in the driver's compartment that meets the standards specified in law. (EC 39838)

The Superintendent or designee shall review all investigations of bus incidents and accidents to develop preventative measures.

Student Instruction

All students who are transported in a school bus or student activity bus shall receive instruction in school bus emergency procedures and passenger safety. (Education Code 39831.5)

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Regulation #3543

Business

Regulation #3543

TRANSPORTATION SAFETY AND EMERGENCIES

Mandated Plan

- 1. Each school year, the Superintendent or designee shall provide appropriate instruction in safe riding practices and emergency evacuation drills. Each student who receives home-to-school transportation in a school bus shall be required to receive this instruction. (5 CCR 14102)
- 2. At least once each school year, all students in grades pre-kindergarten through 8 who receive home-to-school transportation shall receive safety instruction which includes, but is not limited to: (EC 39831.5)
 - a. Proper loading and unloading procedures, including escorting by the driver
 - b. How to safely cross the street, highway or private road
 - c. The use of passenger restraint systems, including but not limited to the proper fastening and release of the passenger restraint system, acceptable placement of passenger restraint systems on students, times at which the passenger restraint systems should be fastened and released, and acceptable placement of the passenger restraint systems when not in use
 - d. Proper passenger conduct
 - e. Bus evacuation
 - f. Location of emergency equipment

As part of this instruction, students shall evacuate the school bus through emer-gency exit doors. Instruction also may include responsibilities of passengers seated next to an emergency exit. (EC 39831.5)

Each time the above instruction is given, the following information shall be documented: (EC 39831.5)

- a. District name
- b. School name and location
- c. Date of instruction
- d. Names of supervising adults
- e. Number of students participating
- f. Grade levels of students
- g. Subjects covered in instruction
- h. Amount of time taken for instruction
- i. Bus driver's name
- j. Bus number
- k. Additional remarks

This documentation shall be kept on file at the District office or the school for one year and shall be available for inspection by the California Highway Patrol. (EC 39831.5)

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Business

Regulation #3543

TRANSPORTATION SAFETY AND EMERGENCIES

Mandated Plan

- 3. Before departing on a school activity trip, all students riding on a school bus or student activity bus shall receive safety instruction which includes, but is not limited to: (Education Code 39831.5)
 - a. Location of emergency exits
 - b. Location and use of emergency equipment

This instruction also may include responsibilities of passengers seated next to an emergency exit. (EC 39831.5)

Notifications

The Superintendent or designee shall provide written safety information to the parents/guardians of all students in grades pre-kindergarten through 6 who have not previously been transported in a school bus or school activity bus. This information shall be provided upon registration and shall include: (EC 39831.5)

- 1. A list of school bus stops near each student's home
- 2. General rules of conduct at school bus loading zones
- 3. Red light crossing instructions
- 4. School bus danger zone
- 5. Safety while walking to and from school bus stops

Legal Reference:

EDUCATION CODE

39830-39842 Transportation, school buses, especially:

39831.5 Student instruction in bus safety; notifications

39834 Excess of seating capacity

39838 Fire extinguisher on school buses

39842 School bus; unauthorized entry

51202 Instruction in personal and public health and safety

PENAL CODE

241.3 Assault against school bus driver

243.3 Batter against school bus driver

VEHICLE CODE

27316 Passenger restrain systems

34500 California Highway Patrol responsibility to regulate safe operation of school buses

34501.6 School buses; reduced visibility

34508.5 Investigation of accidents

CODE OF REGULATIONS, TITLE 5

14102 Instruction in bus safety and evacuation

Page 3 of 3.
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Issued: February 21, 2002

CSBA:

Regulation #3543 Business

TRANSPORTATION SAFETY AND EMERGENCIES

Mandated Plan

14103 Authority of the driver CODE OF REGULATIONS, TITLE 13 1256.5 Notice warning against unauthorized entry on school buses

Policy #3550 Business

FOOD SERVICE/ CHILD NUTRITION PROGRAM

The Governing Board recognizes that students need adequate, nourishing food in order to grow, learn and maintain good health. To reinforce the District's nutrition education program, foods available on school premises shall be:

- 1. Carefully selected so as to contribute to students' nutritional well-being and the prevention of disease
- 2. Prepared in ways that will appeal to students, retain nutritive quality and foster healthful eating habits
- 3. Served in age-appropriate quantities and at reasonable prices

The Superintendent or designee shall ensure that the meals offered by the District's food service program meet all legal requirements for participation in the National School Lunch and School Breakfast Programs.

Legal Reference:

EDUCATION CODE

38080-38103 Cafeterias - establishment and use

45103.5 Contracts for management consulting services; restrictions

49490-49493 School breakfast and Lunch programs

49500-49505 School meals.

49510-49520 Nutrition

49530-49536 Child Nutrition Act

49540-49546 Child care food program

49547-48548.3 Comprehensive nutrition services

49550-49560 Meals for needy students

49570 National School Lunch Act

CODE OF REGULATIONS, TULE 5

15500-15501 Food sales by student organizations

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

CODE OF FEDERAL REGULATIONS, 77TLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

Management Resources:

WEB SITES

CDE, Nutrition Services Division: http://www.cde.ca.gov/nsd/

California Project LE.A.N.' http://www.dhs.cahwnet.gov/lean

U.S. Department of Agriculture; Child Nutrition Programs:

htip://www.fns.usdc/gov/cnd/

Adopted: July 16, 1998 Page 1 of 1 All Rights Reserved by PGUSD. Revised: September 19, 2002

CSBA: 3/01

Business Policy #3551

FOOD SERVICE OPERATIONS/ CAFETERIA FUND

Mandated Policy

The Governing Board intends that, insofar as possible, school food services shall be a self-supporting, nonprofit program. Upon recommendation of the Superintendent or designee, the Board shall review and approve meal prices. Program financial reports shall be presented regularly to the Board.

Meals may be offered to employees and Board members as a matter of convenience. Since these meals may include federally donated food commodities, their price shall be set in accordance with state and federal guidelines.

Meals may be served to adults other than employees and Board members who are on campus during meal times for a legitimate purpose, such as serving as a class-room volunteer. Since these meals may include federally donated food commodities, their price shall be set in accordance with state and federal guidelines.

Cafeteria Fund

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

The wages, salaries and benefits of food service employees shall be paid from the District general fund. At any time, the Board may order reimbursement from the cafeteria fund for these payments in amounts prescribed by the Board and not exceeding the costs actually incurred. (Education Code 38103)

To increase cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of food and supplies, the planning of menus, and the auditing of all food service accounts for the District.

Contracts with Outside Providers

With Board approval, the District may enter into a contract for management consulting services related to food service on a year-to-year basis.

With Board approval, the District may enter into a contract with a private com-pany that enables a school to operate a franchise offering fast food items for sale to students. The franchise agreement and food purchases shall be subject to the competitive bidding requirements of the National School Lunch and School Breakfast Programs.

Legal Reference:

EDUCATION CODE 38090-38095 Cafeterias, funds and accounts 38100-38103 Cafeterias, allocation of charges 42646 Alternate payroll procedure

Page 1 of 2. Adopted: February 21,

2002

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Bu sin ess Policy #3551

FOOD SERVICE OPERATIONS/ CAFETERIA FUND

Mandated Policy

45103.5 Contracts for management consulting services 49490-49493 School breakfast and lunch programs

49500-49505 School meals

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

Management Resources:

CDE MANAGEMENT ADVISORIES

0701.00 Adult and Sibling Meals in the National School Lunch and School

Breakfast Programs, No. 00-111

WEB SITES

CDE, Nutrition Services Division: http://www.cde.ca.gov/nsd

U.S. Department of Agriculture; Child Nutrition Programs:

http://www.fns.usda.gov/cnd/

Page 2 of 2. Adopted: February 21,

Regulation #3551 Business

FOOD SERVICE OPERATIONS

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the Governing Board shall be recorded as income and expenditures of the cafeteria fund. (Education Code 39890, 39891, 39892)

The cafeteria fund shall be used only for Board-authorized expenditures neces-sary for the operation of school cafeterias as defined in the California School Accounting Manual or appropriately reported to the California Department of Education. (Education Code 39891, 39900.5)

These expenditures may include, but are not limited to, expenditures for the following: (Education Code 39891)

- 1. Construction, alteration, or improvement of a central food processing plant
- 2. Lease, purchase or installation of additional cafeteria equipment of the central food processing plant
- 3. Vending machines and their installation and housing
- 4. Computer equipment and related software
- 5. Lease or purchase of vehicles used primarily in connection with the central food processing plant

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the expenditure's purpose and basis. (Education Code 39900.5)

Any funds derived from the sale of cafeteria food and deposited in a Board-established cafeteria equipment reserve shall be used only for the purchase, lease, maintenance or replacement of cafeteria equipment. (EC 39901)

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Business Policy #3553

FREE AND REDUCED-PRICE MEALS

Mandated Language

The Governing Board recognizes that adequate nutrition is essential to child development and learning and that some families may be unable to provide breakfast and lunch for their children. In accordance with law, the district shall provide free and reduced price meals for students whose families meet federal eligibility criteria.

The Superintendent or designee shall recommend for Board approval a plan that ensures that eligible students are not treated differently from other students or easily identified by their peers.

The Board authorizes designated employees to use individual records pertaining to student eligibility for any free and reduced price meal program solely for the purpose of disaggregation of academic achievement data in accordance with federal and state law and regulation.

Legal Reference:

EDUCATION CODE

48980 Notice at beginning of term

49490-49493 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition

49530-49536 Child Nutrition Act of 1974

49547-49548.3 Comprehensive nutrition service

49550-49560 Meals for needy students

CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 20

1232g Federal Educational Rights and Privacy Act

6301 - 6514 Title I programs

UNITED STATES CODE, TITLE 42

1751 - 1769 National lunch programs

1771 - 1791 Child nutrition

Management Resources:

CDE LEGAL ADVISORIES

0325.98 Education Code Section 49558 LO: 1-98

WEB SITES

CDE: http://www.cde.ca.gov

Adopted: May 27, 1999 Page 1 of 2. All Rights Reserved by PGUSD. Revised: September 19, 2002

CSBA: 2/99

Business Regulation #3553

FREE AND REDUCED-PRICE MEALS

The District's plan for students receiving free or reduced price meals shall set forth the following conditions: (Education Code 49557)

- 1. The names of the students shall not be published, posted or announced in any manner, or used for any other purpose other than the National School Lunch and School Breakfast Programs.
- 2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.
- 3. The students shall not be required to work for their meals or milk.
- 4. The students shall not be required to use a separate dining area, go through a separate entrance, or consume their meals or milk at a different time.
- 5. When more than one lunch, breakfast or type of milk is offered, the students shall have the same choice of meals or milk as is available to those students who pay the full price.

This plan shall be submitted to the California Department of Education for approval. (EC 49557)

Applications and Records

An application form for free or reduced price meals shall be distributed to all parents/guardians at the beginning of each school year, together with information about eligibility standards, application procedures and appeal procedures. This form and information shall also be provided whenever a new student is enrolled. (Education Code 49520, 48980)

Applications for free or reduced price meal programs shall be available to students at all times during the regular school day and shall contain the following statements: (Education Code 49557)

- 1. Applications for free or reduced price meals may be submitted at any time during a school day.
- 2. Children participating in the National School Lunch and School Breakfast Programs will not be overtly identified by the use of special tokens, special tickets, special serving lines, separate entrances, separate dining areas, or by any other means.

All applications and records related to eligibility for the free or reduced price meal program shall be confidential. They shall be open to examination only for purposes of this program or for any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any free and reduced price meal program. (Education Code 49558)

The Governing Board designates the following District employees to use individual records pertaining to student participation in the free or reduced price meal program solely for the purpose of disaggregation of academic achievement data: (EC 49558)

Superintendent
Assistant Superintendent
School Principals
Director of Curriculum and Special Projects
Director of Technology
Director of Education Technology

In using these records for that purpose, the following conditions shall be satisfied: (EC 49558)

Business Regulation #3553

FREE AND REDUCED-PRICE MEALS

1. No individual indicators of participation in the free or reduced price meal program shall be maintained in the permanent records of any students if not otherwise allowed by law.

- 2. Information regarding individual student participation in the free or reduced price meal program shall not be publicly released.
- 3. All other confidentiality provisions required by law shall be met.

Business Policy #3554

OTHER FOOD SALES

Mandated Policy (2)

The Governing Board shall ensure that food sales by school-related groups and the use of vending machines are in compliance with state and federal law and do not impair student participation in the District's food service program. Sanitation and safety procedures shall comply with the requirements of the California Uniform Retail Food Facilities Law as set forth in Health and Safety Code 113700-114455.

The Board authorizes the principal at each school site to approve the sale of food items by:

- 1. Student organizations in accordance with 5 CCR 15500 and 15501
- 2. Nonprofit groups not under the direct control of school authorities pursuant to Education Code 51520
- 3. All other school-related groups

A minimum of 50% of the items offered for sale by any organization on school grounds shall be from the nutritious foods listed in Education Code 38085.

No foods of minimal nutritional value shall be sold in food service areas during breakfast and lunch periods. (7 CFR 210.11, 220.12)

Fund-Raisers

When desiring to raise money for district schools or student groups by selling food items, organizations are encouraged to select items of good nutritional quality. All profits from such fundraisers shall benefit the school or student groups sponsoring the sale.

Legal Reference:

EDUCATION CODE

38085 Sale of specified food items

48931 Authorization and sale of food

51520 School premises; prohibited solicitations

CODE F REGULATIONS, TITLE

15500 Food sales in elementary schools

15501 Sales in high schools and junior high schools

HEALTH AND SAFETY C

113700-114455 California Uniform Retail Food Facilities Law

UNITED STATES CODE. TITLE 4

1751-1769h National School Lunch Act

1771-1791 Child Nutrition

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

WEB SITES

CDE, Nutrition Services Division: http://www.cde.ca.gov/nsd/

California Project L.E.A.N. http://www.dhs.cahwnet.gov/lean

U. S. Department of Agriculture; Child Nutrition Programs:

http://www.fns.usd.gov/cnd/

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Revised: September 19, 2002

CSBA: 3/01

Regulation 3554

Business

OTHER FOOD SALES

The sale of foods during meal periods in food service areas shall be allowed only if all income from the sale, including the sale of approved foods or drinks from vending machines, accrues to the benefit of the school, the school food service program, or the student organization(s) sponsoring the sale. (7 CFR 210.11, 220.12)

In order to be eligible to conduct food sales during school hours and within one hour before and one hour after school hours, organizations not under the control of school authorities (e.g., a parent/guardian group or outside group) must be legally organized for charitable and nonpartisan purposes pursuant to Education Code 51520.

Additional Requirements for the Sale of Food Items by Student Organizations

Student organizations may sell nutritious food items approved by the Governing Board only if such sales are conducted in compliance with 5 CCR 15500-15501. Items sold during the regular school day must not be food items prepared on school premises or sold in the food service program at school during that day. (5 CCR 15500-15501)

In schools with any of grades kindergarten through 8, a student organization may sell not more than one food item per sale. The food item sold shall be a dessert-type food such as pastry, ice cream or fruit, and there shall be no more than four such sales per year per school. In addition, these sales shall not begin until after the close of the regularly scheduled midday food service period. (5 CCR 15500)

In high schools and junior high schools, a student organization may be approved to sell food at any time during the school day, including the regularly scheduled food service periods. Only one organization each school day may sell no more than three types of food or beverage items at anytime during the school day. In addition, up to four days during the school year may be designated on which any number of organizations may conduct the sale of any food items. (5 CCR 15501)

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CSBA: 3/01

Business Exhibit #3554

OTHER FOOD SALES

EXHIBIT A Education Code 39876

Sale of Specified Food Items

Other than foods reimbursed under 42 U.S.C. 1751 et seq. and 42 U.S.C. 1771 et seq. a minimum of 50 percent of the items, offered for sale each school day at any school site by any entity or organization during regular school hours shall be selected from the following list:

- 1. Milk and dairy products, including cheese, yogurt, frozen yogurt and ice cream
- 2. Full-strength fruit and vegetable juices and fruit drinks containing 50 percent or more full-strength fruit juice, and fruit nectars containing 35 percent or more full-strength fruit juice
- 3. Fresh, frozen, canned and dried fruits and vegetables
- 4. Nuts, seeds and nut butters
- 5. Non-confection grain products, as defined by regulation of the United States Food and Drug Administration, including crackers, bread sticks, tortillas, pizza, pretzels, bagels, muffins and popcorn
- 6. Meat, poultry and fish, and their products, including beef jerky, tacos, meat turnovers, pizza, chili and sandwiches
- 7. Legumes and legume products, including bean burritos, chili beans, bean dip, roasted soy beans and soups
- 8. Any foods which would qualify as one of the required food components of the Type A lunch which is defined in and reimbursable under the National School Lunch Act (42 U.S.C. 1751 et seq.)

For the purposes of this section, "item" shall be defined as each separate kind of food offered for sale as a separate unit.

Page 1 of 3. Issued: July 16, 1998 CSBA: 6/96

Business Exhibit #3554

OTHER FOOD SALES

OTHER FOOD SALES

EXHIBIT B

Code Of Federal Regulations, Title 7 Appendix B To Part 210

Categories of Foods of Minimal Nutritional Value

- 1. Soda Water: A class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 60 degrees Fahrenheit. It either contains no alcohol or only such alcohol, not in excess of 0.5 percent by weight of the finished beverage, as is contributed by the flavoring ingredient used. No product shall be excluded from this definition because it contains artificial sweeteners or discrete nutrients added to the food such as vitamins, minerals and protein.
- 2. Water Ices: As defined by 21 CFR 135.160 Food and Drug Administration Regulations except that water ices which contain fruit or fruit juices are not included in this definition
- 3. Chewing Gum: Flavored products from natural or synthetic gums and other ingredients which form an insoluble mass for chewing
- 4. Certain Candies: Processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients which characterize the following types:
- a. Hard Candy: A product made predominantly from sugar (sucrose) and corn syrup which may be flavored and colored, is characterized by a hard, brittle texture, and includes such items as sour balls, fruit balls, candy sticks, lollipops, starlight mints, after dinner mints, sugar wafers, rock candy, cinnamon candies, breath mints, jaw breakers, and cough drops
- b. Jellies and Gums: A mixture of carbohydrates which are combined to form a stable gelatinous system of jelly-like character, and are generally flavored and colored, and include gum drops, jelly beans, jellied and fruit-flavored slices
- c. Marshmallow Candies: An aerated confection composed of sugar, corn syrup, invert sugar, 20 percent water, and gelatin or egg white to which flavors and colors may be added
- d. Fondant: A product consisting of microscopic-sized sugar crystals which are separated by a thin film of sugar and/or invert sugar in solution such as candy corn, soft mints
- e. Licorice: A product made predominantly from sugar and corn syrup which is flavored with an extract made from the licorice root
- f. Spun Candy: A product that is made from sugar that has been boiled at high temperature and spun at a high speed on a special machine
- g. Candy Coated Popcorn: Popcorn which is coated with a mixture made predominantly from sugar and corn syrup

Business Exhibit #3554

OTHER FOOD SALES

EXHIBIT C

Code Of Regulations, Title 5 - Food Sales By Student Organizations

15500. Food Sales in Elementary Schools

- Except as provided in subsection (b) and Section 15501, no school providing kindergarten or (a) any grades one through eight shall permit the sale of food by pupil organizations if such school is participating in the National School Lunch, School Breakfast or Food Distribution program.
- (b) The Governing Board of a school district or a County Superintendent of Schools may permit a student organization to sell not more than one food item per sale when all of the following conditions are met:
 - (1) The specific nutritious food item is approved by the Governing Board.
 - (2) The food sales do not begin until after the close of the regularly scheduled midday food service period.
 - The sales during the regular school day are not of food items prepared on the premises.
 - There are no more than four such sales per year per school. (4)
 - (5) The food item sold is a dessert type food, such as pastry, ice cream or fruit.
 - The food item sold is not one sold in the food service program at that school during (6) that school day.

Policy #3580 Business

DISTRICT RECORDS

District records shall be developed, maintained and disposed of in accordance with law and California Department of Education regulations.

The Superintendent or designee shall establish regulations that define records which are permanent, optional and disposable and specify how each type of record is to be maintained or destroyed. Any microfilm or electronic copies of original records shall be permanently retained.

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage or loss.

District public records shall not include the actual addresses of students, parents/ guardians or employees when a substitute address is designated by the Secretary of State for victims of domestic violence or stalking. (Government Code 6207)

Legal Reference:

EDUCATION CODE

35145 Public meetings

35163 Official actions, minutes and journal

35250-35255 Records and reports

44031 Personnel file contents and inspection

49065 Reasonable charge for transcripts

GOVERNMENT CODE

6205-6211 Confidentiality of addresses for victims of domestic violence

6252-6265 Inspection of public records

12946 Retention of employment applications and records for two years

CODE OF REGULATIONS. TITLE 5

432 Varieties of pupil records

16020-16022 Records-general provisions

16023-16027 Retention of records

Management Resources:

SECRETARY OF STATE

Letter re: California Confidential Address Program Implementation (SB 489), August 27,

1999 WEB SITE

California Secretary of State: http://www.ss.ca.gov

Adopted: July 16, 1998 Page 1 of 1 Reviewed and Adopted: September 19, 2002

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CSBA: 10/96

DISTRICT RECORDS

The Superintendent or designee shall ensure that appropriate computer software is used to safeguard any data stored on computers, including computers connected to networks. To further prevent the damage or theft of data, computers and related equipment, he/she shall maintain complete and accurate inventories, specify user responsibilities for damages, and provide appropriate supervision in areas where computers are used. (Title 5, Section 16023)

Classification of Records

Before January 1, the Superintendent or designee shall review documents and papers originating during the prior school year and classify them as Class 1 (Permanent), Class 2 (Optional), or Class 3 (Disposable). Records of continuing nature (active and useful for administrative, legal, fiscal or other purposes over a period of years) shall not be classified until such usefulness has ceased. A student's cumulative record is a continuing record until the student ceases to be enrolled in the District. (Title 5, Section 16022)

Class 1 - Permanent Record (Title 5, Section 16023)

The original of each of the following records, or one exact copy of it when the original is required by law to be filed with another agency, is a Class 1 (Permanent) Record and shall be retained indefinitely unless microfilmed in accordance with the Code or Regulations, Title 5, Section 16022:

1. Annual Reports

- a. Official budget
- b. Financial reports of all funds, including cafeteria and student body funds
- c. Audit of all funds
- d. Average daily attendance, including Period 1 and Period 2 reports
- e. Other major annual reports, including:
 - (1) Those containing information relating to property, activities, financial condition or transactions
 - (2) Those declared by Governing Board minutes to be permanent

2. Official Actions

- a. Minutes of the Board or Board committees, including the text of rules, regulations, policies or resolutions included by reference only
- b. The call for and the result of any elections called, conducted or canvassed by the Board
- c. Records transmitted by another agency pertaining to its action with respect to District reorganization

3. Personnel Records

a. Employees

Business

Regulation #3580

DISTRICT RECORDS

All detailed records relating to employment, assignment, amounts and dates of service rendered, termination or dismissal of an employee in any position, sick leave record, rate of compensation, salaries or wages paid, deductions or withholdings made and the person or agency to whom such amounts were paid. In lieu of the detailed records, a complete proven summary payroll record for each employee containing the same data may be classified as Class 1 (Permanent), and the detailed records may then be classified as Class 3 (Disposable).

Information of a derogatory nature as defined in Education Code 44031 shall be Class 1 (Permanent) only when the time for filing a grievance has passed or the document has been sustained by the grievance process.

b. Students

The records of enrollment and scholarship for each student required by Title 5, Section 432, and all records pertaining to any accident or injury involving a minor for which a claim for damages had been filed as required by law. This includes any related policy of liability insurance except that these records cease to be Class 1 (Permanent) one year after the claim has been settled or the statute of limitations has run.

4. Property Records

All detailed records relating to land, buildings, and equipment. In lieu of detailed records, a complete property ledger may be classified as Class 1 (Permanent). The detailed records may then be classified as Class 3 (Disposable) if the property ledger includes all fixed assets, an equipment inventory and, for each piece of property, the date of acquisition, name of previous owner, a legal description, the amount paid, and comparable data if the unit is disposed of.

Class 2 - Optional Records (Title 5, Section 16024)

Any record considered worth keeping, but which is not a Class 1 record, may be classified as Class 2 (Optional) and shall be retained until it is reclassified as Class 3 (Disposable). If by agreement of the Board and Superintendent or designee, classification of the prior year records has not been made before January 1, all records of the prior year may be classified Class 2 (Optional) until they are classified as required by Title 5, Section 16022. Such classification must occur within one year.

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Business Regulation #3580

DISTRICT RECORDS

Class 3 - Disposable Records (Title 5, Section 16025, 16026, 16027)

All records not classified as Class 1 (Permanent) or as Class 2 (Optional) shall be classified as Class 3 (Disposable). These include but are not limited to: detailed records basic to audit, including those relating to attendance, average daily attendance, or business or financial transactions; detailed records used in preparing another report; teachers' registers if all information required by Title 5, Section 432 is retained in other records or if the General Records pages are removed from the register and classified as Class 1 (Permanent); and periodic reports, including daily, weekly and monthly reports, bulletins and instructions.

Class 3 (Disposable) records shall be destroyed during the third school year after the later of the following:

- 1. The completion of any legally required audit
- 2. The retention period required by any agency other than the State of California
- 3. The school year in which the records originated

Policy #3600 Business

CONSULTANTS

The Governing Board authorizes the use of consultants to provide expert professional advice or specialized technical or training services which are not needed on a continuing basis and which cannot be provided by District staff because of limitations of time, experience or knowledge. Individuals, firms or organizations employed as consultants may assist management with decisions and/or project development related to financial, economic, accounting, engineering, legal, administrative, instructional or other matters.

As part of the contract process, the Superintendent or designee shall determine, in accordance with Internal Revenue Service guidelines, that the consultant is properly classified as an independent contractor. District employees who perform extra-duty consultant services shall not be retained as independent contractors. They shall be considered employees for all purposes, even if the additional services are not related to their regular duties.

All consultant contracts shall be approved by the Superintendent or designee. All contracts shall be brought to the Board for approval. Contracts may be approved by the Superintendent or designee, on an emergency basis, followed by Board ratification.

The District shall not contract for consulting services that can be performed without charge by a public agency or official unless these services are unavailable from the public source for reasons beyond the District's control.

All qualified firms or resource persons shall be accorded equal opportunity for consultant contracts regardless of race, creed, color, gender, national or ethnic origin, age or disability.

Legal Reference:

EDUCATION CODE

10400-10407 Cooperative improvement programs

17596 Limit on continuing contracts

35010 Control of Districts; prescription and enforcement of rules

35172(a) Promotional activities

35204 Contract with attorney

44925 Part-time readers employed as independent contractors

45103 Classified services in Districts not incorporating the merit system

45103.5 Contracts for food service consulting services

45134-45135 Employment of retired classified employee

45256 Merit system Districts; classified service; positions established for professional experts on a temporary basis

GOVERNMENT CODE

53060 Contract for special services and advice

Management Resources:

INTERNAL REVENUE SERVICE PUBLICATIONS

15-A Employer's Supplemental Tax Guide

CSBA: 10/96

PERSONNEL

Regulation #4012.3

OATH OR AFFIRMATION

All public employees are disaster service workers. As such, before beginning employment with the District, employees must take the oath or affirmation required by law. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, all District employees are subject to disaster service activities as assigned to them by their supervisors. (Government Code 3100-3102)

The Superintendent or designee shall administer the above oath when District employees are hired.

Legally employed non-citizens shall be exempt from taking this oath. (Govern-ment Code 3101)

•••Note: To receive their credentials, all certificated employees must affirm that they support the Constitution of the United States of America, the Constitution of the State of California, and the laws of the United States and the State of California. This oath or affirmation is a licensing requirement of Education Code 44334 and must be filed with the Commission on Teacher Credentialing. This oath is somewhat different from the oath required by Government Code 3102 for all public employees; thus Districts may wish to require all employees to take the Government Code oath. •••

At the advice of legal counsel, the Superintendent or designee may exempt a prospective employee

, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon

(Signature)		
Certified by:		
<i>y</i> ====	(Person who administers the oath)	

from taking the above oath if he/she raises a valid religious objection.

Legal Reference: EDUCATION CODE

60 Persons authorized to administer and certify oaths

which I am about to enter.

44334 Oath or affirmation

44354 Administration of oath

GOVERNMENT CODE

3100-3109 Oath or affirmation of allegiance

CONSTITUTION OF THE STATE OF CALIFORNIA

Article 20. Section 3 Oath of office

Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18, 22

Chilton v. Contra Costa Community College District 55 Cal. App. 3d 544 (1976)

Issued: July 16, 1998 Page 1 of 1. CSBA: 10/95

All Personnel Policy #4012.4

HEALTH EXAMINATIONS

New Employees

The Superintendent or designee shall ensure that new District employees comply with all the health examination requirements of California law.

In addition, the Superintendent or designee may require applicants for employ-ment in classified positions to undergo a pre-employment physical examination to show that they are physically able to perform the duties of specific jobs. (Education Code 45122)

Continuing Employees

Continuing employees shall undergo periodic tuberculosis tests in accordance with law at least once every four years or more often if directed by the Governing Board upon recommendation of a local health officer. (Education Code 49406)

Employees may be required to pass a physical examination any time such an examination appears necessary to preserve the health and welfare of District students and employees, or to furnish medical proof of physical ability to perform satisfactorily the assigned duties of an individual's position. (Education Code 44839, 45122)

Legal Reference:

EDUCATION CODE

44839 Medical certificate; periodic medical examination

44839.5 Requirements for employment of retirant

44932 Grounds for dismissal of permanent employee

44942 Suspension or transfer of certificated employee

45122 Physical examinations

49406 Examination for tuberculosis

CODE OF REGULATIONS, TITLE 5

5502-5504 Physical examination for retirants employed as substitute teacher, etc.

Page 1 of 1. Adopted: January 4, 1996 CSBA: 3/93

All Personnel

Regulation #4012.4

HEALTH EXAMINATIONS

New Employees

1. No person shall be initially employed unless he/she has placed on file with the District a certificate from a physician licensed under the Business and Professions Code indicating that a tuberculosis examination within the past 60 days shows that he/she is free from active tuberculosis. The tuberculosis examination shall consist of an approved intra-dermal tuberculin test. An X-ray of the lungs shall be required only if the intra-dermal test is positive. (Education Code 49406)

Persons transferring from another District may fulfill tuberculosis examination requirements in either of the following ways: (Education Code 49406)

- a. By producing a certificate showing that the employee was examined within the last four years and found free of active tuberculosis, or
- b. By having the last employing school verify that it has on file a current certificate which contains that showing.
- 2. When a new employee in a position requiring certification has not previously been employed in such a position in California, he/she must have a medical certificate on file with the District. The certificate will state that the employee is free from any disabling disease which would render him/her unfit to instruct or associate with children. The certificate form may be obtained from the personnel services office. It must be filled out by a licensed physician and returned to the personnel services office by the physician. The medical examination referred to in the certificate must have been conducted within six months of the time when the certificate is filed. (Education Code 44839)

The cost of pre-employment examinations shall be borne by the applicant. (Education Code 44839, 45122, 49406)

When an employee's religious belief prevents him/her from undergoing a physical examination, the District shall follow provisions of Education Code 49406.

3. In summary, (1) certificated employees are required to have a certificate on file to show they are free from tuberculosis and if a new employee in California, a medical certificate on file to show he/she is free from any disabling disease. (2) classified employees are required to have the certificate to show they are free from tuberculosis. (3) bus drivers are required to have the classified certification and are required to take a physical examination every two years.

Continuing Employees

Continuing employees who test negative on tuberculin skin tests shall undergo a tuberculosis examination at least once every four years. (Education Code 49406)

The Board may require continuing employees to undergo tuberculosis tests when warranted upon the recommendation of the local health officer.

Page 1 of 2. Issued: January 4, 1996 CSBA: 9/91

All Personnel

Regulation #4012.4

HEALTH EXAMINATIONS

Bus Drivers

Bus drivers are required to have a physical examination every two years until the age of 65 and thereon every year. T.B. requirements are the same as other employees.

Tuberculosis tests and other medical examinations required by the Superintendent or designee shall be administered by a licensed medical professional under the Business and Professions Code and shall be provided by the District. (Education Code 44839, 45122. 49406)

Food Service Workers

All food service workers who cook, serve or handle food are required to obtain a health certificate before being assigned to work in any District cafeteria or kitchen. If a disease is suspected, a blood test or periodic health examinations may be required.

Page 2 of 2. Issued: January 4, 1996 CSBA: 9/91

All Personnel Policy #4012.6

PERSONNEL FILES

The Governing Board recognizes the importance of keeping accurate personnel files.

The Superintendent or designee shall establish and maintain files for all employees and ensure confidentiality in accordance with law and collective bar-gaining agreements.

Legal Reference:

EDUCATION CODE

35253 Regulations to destroy records

44031 Personnel file contents and inspection

44663 Performance appraisals and related materials

GOVERNMENT CODE

6254.3 Disclosure of home address and phone number

PENAL CODE

11165.14 Report of investigation of child abuse complaint

CODE OF REGULATIONS, TITLE 5

16020-16022 Records-general provisions

16023-16027 Retention of records

Cal. Atty. Gen., Indexed Letter, no. IL 75-73 (June 6, 1975)

Page 1 of 1. Adopted: July 16, 1998

Regulation #4012.6

PERSONNEL FILES

The Superintendent or designee shall maintain personnel files for all current employees. All personnel files are confidential and shall be available only to the employee, persons authorized by the employee and those authorized by the Superintendent or designee. Employee files shall be maintained at the District's central office. The Superintendent or designee shall determine the types of information to be included and shall process all material to be placed in a personnel file.

Ratings, reports, or records shall not be available for inspection by employees if they were obtained prior to the employment of the person involved, prepared by identifiable examination committee members or obtained in connection with a promotional examination. However, non-credentialed employees shall have access to any numerical scores obtained as result of written examinations. (Education Code 44031)

Placement of Material in Personnel Files

Any person who places written material or drafts written material for placement in an employee's file shall sign the material and signify the date of placement.

When an employee is asked to sign any material that is to be placed in his/her file, it is with the understanding that his/her signature signifies only that he/she has read the material and does not necessarily indicate agreement with its contents.

Derogatory Information

Except for the ratings, reports or records specified above as not open to inspection, employees shall be notified whenever derogatory information is to be placed in their personnel files. Any employee so notified may ask to review and comment on the contents. Such a review shall take place during normal school hours. The employee shall be released from duty for this purpose without a salary reduction. (Education Code 44031)

- 1. Derogatory material must be signed and dated by the originating person. Anonymous documents, letters or other materials shall not be filed.
- 2. The notice shall inform the employee that he/she should respond within 10 working days from the receipt of the notice. The inspection shall take place in the presence of the Superintendent or designee.
- 3. After the employee has reviewed and made written comments on the derogatory material, it shall be entered into the personnel file and shall become a part of the employee's record.

File Review by Employee

- 1. Except for ratings, reports or records specified above as not open to inspection, all other written materials placed in personnel files shall be made available for inspection by the employee at an off-duty time. Inspection shall take place in the presence of the Superintendent or designee.
- 2. Employees wishing to inspect their personnel file shall contact the Superintendent or designee. The employee may be accompanied by a representative of the employee's choice while reviewing the file.

Page 1 of 2. Issued: July 16, 1998 CSBA: 2/98

All Personnel

Regulation #4012.6

PERSONNEL FILES

- 3. All reviews of personnel files shall be recorded, including notation of date and time reviewed, and name and title of the person(s) present during the review.
- 4. In no instance shall any material be removed from the file. Requests for copies of material in a personnel file must be made in writing.
- 5. Any request by an employee to include any materials in the file must be approved by the Superintendent or designee.

File Review by Management and Board

- 1. Personnel files are confidential and access shall be strictly controlled by the Superintendent or designee.
- 2. Personnel files shall be reviewed in the office where the files are maintained unless otherwise approved in writing by the Superintendent or designee.
- 3. Personnel files shall be reviewed and replaced within the shortest time possible. In no case should a personnel file be left unattended or left unfiled overnight.
- 4. Management personnel or District legal counsel with a valid "right to know" or "need to know" may, with the Superintendent or designee's authorization, review an employee's personnel file.
- 5. Board members are not allowed access to personnel files but may request pertinent information from an employee's file in cases of personnel action. The contents of all personnel files shall be kept in strict confidence.

Page 2 of 2. Issued: July 16, 1998 CSBA: 2/98

All Personnel

Regulation #4012.62

MAINTENANCE OF CRIMINAL OFFENDER RECORDS

All information received from the Department of Justice is confidential. (EC 44830.1, 45125)

The Superintendent shall designate an employee as record custodian of all confidential fingerprint and criminal record history who shall be responsible for the administration of the information. Any questions regarding Criminal Offender Record Information shall be resolved by the record custodian.

Criminal Offender Record Information shall be accessible only to the record custodian and shall be kept in a locked file separate from other files. The contents of these records shall not be disclosed and shall not be reproduced. (Education Code 44830.1, 45125)

The record custodian shall be fingerprinted and processed through the California Department of Justice. He/she shall sign an Employee Statement Form, acknowledging an understanding of the laws regarding Criminal Offender Record Information.

These records shall be used only for the purpose for which they were requested.

Upon a hiring determination, the records shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

Violation of this administrative regulation may result in suspension, dismissal and/or criminal or civil prosecution.

The record custodian shall ensure that the District complies with destruction, storage, dissemination, auditing, backgrounding and training requirements as set forth in 11 CCR 700-708 and the rules regarding use and security of these records as set forth in Penal Code 11077. (EC 44830.1, 45125)

Interagency Agreements

Upon receipt from the Department of Justice of a criminal history record or report of subsequent arrest for any person on a common list of persons eligible for employment, the designated District shall give notice to the Superintendent or any participating District, or the person designated in writing by that Superintendent, that the report is available for inspection on a confidential basis by the Superintendent or the written designee. The report shall be made available at the office of the designated District for 30 days following the receipt of the notice. (Education Code 44830.2, 45125.01)

The designated District shall not release a copy of that information to any participating District or any other person. In addition, the designated District shall retain or dispose of the information in the manner specified in law and in this administrative regulation after all participating Districts have had an opportunity to inspect it in accordance with law. (Education Code 44830.2, 45125.01)

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All Personnel

Regulation #4012.62

MAINTENANCE OF CRIMINAL OFFENDER RECORDS

The designated District shall maintain a record of all persons to whom the information has been shown. This record shall be available to the Department of Justice. (EC 44830.2, 45125.01)

The designated District shall submit an interagency agreement to the Department of Justice to establish authorization to submit and receive this information. (Education Code 44830.2, 45125.01)

Issued: May 27, 1999

All Personnel

Regulation #4012.62

MAINTENANCE OF CRIMINAL OFFENDER RECORDS

Legal Reference:

EDUCATION CODE

44332 Temporary certificate

44332.6 Criminal record check, county board of education

44346.1 Applicants for credential, conviction of a violent or serious felony

44830.1 Certificated employees, conviction of a violent or serious felony

44830.2 Interagency agreements

45122.1 Classified employees, conviction of a violent or serious felony

45125 Use of personal identification cards to ascertain conviction of crime

45125.01 Interagency agreements

45125.5 Automated records check

45126 Duty of Department of Justice to furnish information

PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

11075-11081 Criminal record dissemination

11105 State criminal history information; furnishing to authorized persons

11105.3 Record of conviction involving sex crimes, drug crimes or crimes of violence; availability to employer for applicants for positions with supervisory or disciplinary power over minors

11140-11144 Furnishing of state criminal history information

13300-13305 Local summary criminal history information

CODE OF REGULATIONS, TITLE 11

700-708 Criminal offender record information

Issued: May 27, 1999

All Personnel Exhibit #4012.62

MAINTENANCE OF CRIMINAL OFFENDER RECORDS

EMPLOYEE STATEMENT FORM USE OF CRIMINAL JUSTICE INFORMATION

As an employee of the Pacific Grove Unified School District, you may have access to confidential criminal record information that is controlled by statute. Misuse of such information may adversely affect the individual's civil rights and violates the law. Penal Code 502 prescribes the penalties related to computer crimes. Penal Code 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be released. Penal Code 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code 6200 prescribes the felony penalties for misuse of public record and CLETS (California Law Enforcement Telecommunication System) information. Penal Code 11142 and 13303 state:

Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor.

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may also result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature	:	 	
Date:		 	

All Personnel Policy #4012.8

EMPLOYMENT OF RELATIVES

In order to preclude situations that could bring about a conflict of interest for members of the administrative staff, an employee shall not be appointed to a position where a member of his/her immediate family maintains supervisory or evaluation responsibilities for the position.

Immediate family members may be employed at the same department or work location with the approval of the Superintendent or designee.

Legal Reference: GOVERNMENT CODE 12940 Unlawful employment practices, exceptions

All Personnel Policy #4013.4

TEMPORARY MODIFIED/ LIGHT-DUTY ASSIGNMENT

The Governing Board recognizes that when employees suffer work-related injuries, modified or light-duty assignments minimize lost time and may serve to facilitate the transition back to the employee's regular duties or full-time work. Whenever possible, the Superintendent or designee shall offer such employees this kind of temporary assignment.

Modified or light-duty assignments shall be designed to accommodate medical restrictions specified by the employee's physician. They may include work in the same job classification or a different job classification at the employee's regular salary rate.

Modified or light-duty assignments are intended to address short-term medical restrictions and will normally extend for less than eight weeks' duration. These assignments shall not be used as a means to establish new assignments or displace other employees.

Legal Reference: EDUCATION CODE

44984 Required rules for industrial accident and illness leave

45192 Industrial accident and illness leave for classified employees

All Personnel

Regulation #4013.4

TEMPORARY MODIFIED/ LIGHT DUTY ASSIGNMENT

Any employee who suffers a work-related injury shall provide the District with medical verification of his/her physical condition. Unless the treating physician provides a full release from work, the employee may be considered eligible for a temporary modified or light-duty assignment. If the treating physician does not specify work restrictions, the Superintendent or designee may contact the physician to see if modified or light-duty work might be appropriate.

The Superintendent or designee shall meet with the employee and his/her supervisor to determine whether the employee can return to his/her regular job with the medical restrictions specified by the physician.

If the employee is not able to return to his/her regular job with restrictions, the Superintendent or designee shall seek a temporary modified or light-duty assignment for the employee. Employees who are given such assignments shall receive written notification of the assignment.

If no temporary modified or light-duty assignment can be found, the employee will be placed on temporary disability, sick leave, or other available leave to the extent available until an appropriate position within the medical restrictions is found, or until the medical restrictions are lifted. The Superintendent or designee shall also monitor the status of any employee for whom the physician provided a full release from work to see if the employee could return to a temporary modified or light-duty assignment at a later date.

If an employee rejects a temporary modified or light-duty assignment, this refu-sal may provide a basis for terminating temporary disability benefits.

The Superintendent or designee shall monitor all modified and light-duty assign-ments and may contact the physician for assistance in determining when the employee is ready to resume his/her regular duties.

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All Personnel Policy #4017.2

RESIGNATION

Any District employee who desires to resign his/her position shall submit, in writing, a letter of resignation that indicates the date that the employee intends as his/her last day at work. The Governing Board encourages employees to provide advance notice that is appropriate for the position they hold.

An employee's resignation shall become effective on the date set by the Super-intendent or designee and may not be withdrawn by the employee. The Board authorizes the Superintendent or designee to accept this written resignation and to set its effective date.

An employee and the Board may agree that a resignation will be accepted at a mutually agreed upon date not later than two years beyond the close of the school year during which the resignation is received by the Board. (EC 44930, 45201)

The effective date of the resignation shall be a date not later than the close of the school year during which the resignation is received. (EC 44930, 45201)

If a certificated employee leaves District service during the school year without obtaining acceptance of his/her resignation, or if he/she leaves before the effective date of the resignation, the Superintendent or designee shall report this fact, with supporting evidence, to the Commission on Teacher Credentialing.

Classified Employees

Ample notice of intention to resign should be given by an employee who plans to leave the District. Normally, no less than two (2) weeks notice should be given.

Legal Reference:

EDUCATION CODE

35161 Board delegation of any powers or duties

44420 Failure to fulfill contract as ground for suspension of diplomas and certificates

44433 Unauthorized departure from service as unprofessional conduct

44930 Acceptance and date of resignation

45201 Power to accept resignation

COURT DECISIONS

American Federation of Teachers, Local #1050 v. Board of Education of Pasadena Unified School District, (1980) 107 Cal. App. 3d 829, 166 Cal. Rptr. 89

Page 1 of 1. Adopted: July 16, 1998 Revised: 12/4/03

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All Personnel Policy #4019.11

SEXUAL HARASSMENT

Mandated Policy

The Governing Board desires to provide District employees with a working environment that is free from harassment. In order to achieve this end, the Board prohibits sexual harassment of District employees by anyone, in any manner, and shall not tolerate retaliatory action or behavior against a District employee or other person who complains, testifies or otherwise participates in the complaint process pursuant to Board policy and administrative regulations.

This policy shall apply to District employees, and when applicable, to interns, volunteers, and job applicants.

Any District employee who permits, engages in or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment of another District employee or student shall be in violation of this policy and is subject to disciplinary action, up to and including dismissal. An employee shall be deemed to have permitted sexual harassment where he/she has knowledge that a student or an employee has engaged in sexual harassment and fails to report such student or employee to the appropriate authorities, whether or not the victim makes a complaint

A supervisor, principal or District administrator other than the Superintendent or designee who receives a harassment complaint shall promptly notify the Superintendent or designee.

Any employee or applicant for employment who feels that he/she or another individual in the District is being sexually harassed should immediately contact his/her supervisor, principal, other District administrator or the Superintendent or designee in order to obtain procedures for reporting a complaint.

Complaints of sexual harassment can be filed in accordance with AR 4030 - Nondiscrimination in Employment.

Any District employee who feels that he/she has been sexually harassed or who has knowledge of any instance of sexual harassment by another employee or a student, shall immediately contact his/her supervisor, principal, Superintendent or designee, or other District administrator, to obtain procedures for reporting a complaint. However, an employee may bypass his/her supervisor in registering a complaint where the supervisor is the alleged perpetrator of the sexual harassment.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation and correction of sexual harassment, including but not limited to:

- 1. Providing periodic training to all employees in accordance with law and administrative regulation.
- 2. Publicizing and disseminating the District's sexual harassment policy to staff
- 3. Ensuring prompt, thorough and fair investigation of complaints in a way that respects the privacy of all parties concerned, to the extent necessary
- 4. Taking timely and appropriate corrective/remedial actions after completion of investigation. This may require subsequent monitoring of developments.

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All Personnel Policy #4019.11

SEXUAL HARASSMENT

Mandated Policy

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex, especially:

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

LABOR CODE

1101 Political activities of employees

UNITED STATES CODE, TITLE 42

2000d - 2000d-7 Title VI, Civil Rights Act of 1964

2000e - 2000e-17 Title VII, Civil Rights Act of 1964 as amended

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

CODE OF REGULATIONS, TITLE 2

11009 Employment Discrimination

11021 Retaliation

11023 Harassment and Discrimination Prevention and Correction

11024 Sexual Harassment Training and Education

11034 Terms, Conditions, and Privilege of Employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in Elementary and Secondary Education Programs Receiving State Financial Assistance

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Juarez v. Ameritech Mobile Systems, (N.D. Ill.) 746 F.Supp. 798

Dornhecker v. Malibu Grand Prix Corp., (5th Cir. 1987) 828 F.2d. 307

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

EEOC: http://www.eeoc.gov

OCR: http://www.ed.gov/offices/OCR

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SEXUAL HARASSMENT

This administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors or other unwanted verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite gender, in the work or educational setting, when (Education Code 212.5; Government Code 12940, 2 CCR 11034):

- 1. Submission to the conduct is made either expressly or by implication, a term or condition of the other's employment
- 2. Submission to or rejection of such conduct by the other individual is used as the basis for an employment decision affecting him/her
- 3. The conduct has the purpose or effect of unreasonably interfering with the other individual's work or academic performance; creating an intimidating, hostile or offensive work or educational environment; or of adversely affecting the other individual's evaluation, advancement, assigned duties, or any other condition of education, employment or career development
- 4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs or activities available at or through the District

Other examples of sexual harassment, whether committed by a supervisor or any other employee, include but are not limited to:

- 1. Unwelcome leering, sexual flirtations or propositions
- 2. Unwelcome sexual slurs, epithets, threats, innuendos, verbal abuse, derogatory comments or sexually degrading descriptions
- 3. Graphic verbal comments about an individual's body, or overly personal conversation
- 4. Sexual jokes, stories, drawings, pictures, graffiti or gestures
- 5. Spreading sexual rumors
- 6. Touching an individual's body or clothes in a sexual way
- 7. Cornering or blocking of normal movements
- 8. Displaying sexually suggestive objects in the educational or work environment
- 9. Any act of retaliation against an individual who reports a violation of the District's sexual harassment policy or who participates in the investigation of a sexual harassment complaint
- 10. Sexually explicit emails
- 11. Unwelcomed physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body

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Adopted: January 4, 1996

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Revised: April 26, 2018

SEXUAL HARASSMENT

Training

The Superintendent or designee shall ensure that all employees receive training regarding the District's sexual harassment policies when hired and periodically thereafter. Such training shall include the procedures for reporting and/or filing complaints involving an employee, employee's duty to use the District's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All such newly hired or promoted employees shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee with the authority to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or to effectively recommend such action.

The District's sexual harassment training and education program for supervisory employees shall be aimed at assisting them in preventing and effectively responding to incidents of sexual harassment, as well as implementing mechanisms to promptly address and correct wrongful behavior. The training shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

- 1. Information and practical guidance regarding federal and state laws on the prohibition, prevention, and correction of sexual harassment, the remedies available to sexual harassment victims in civil actions, and potential District and/or individual exposure or liability
- 2. The types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
- 3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment
- 4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint

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Adopted: January 4, 1996

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Revised: April 26, 2018

SEXUAL HARASSMENT

- 5. The essential elements of the District's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed
- 6. A copy of the District's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received
- 7. The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11024)

Notifications

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

- 1. Be displayed in a prominent location in the main administrative building or other area of the school
- 2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired
- 3. Appear in any school or District publication that sets forth the school's or District's comprehensive rules, regulations, procedures and standards of conduct

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing or a copy of District information sheets that contain, at a minimum, components on: (Government Code 12950)

- 1. The illegality of sexual harassment
- 2. The definition of sexual harassment under applicable state and federal law
- 3. A description of sexual harassment, with examples
- 4. The District's complaint process available to the employee
- 5. The legal remedies and complaint process available through the Fair Employment and Housing Department and Commission and the Equal Employment Opportunity Commission

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Adopted: January 4, 1996

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Revised: April 26, 2018

All Personnel

Regulation #4019.11

SEXUAL HARASSMENT

- 6. Directions on how to contact the Fair Employment and Housing Department and Commission and the Equal Employment Opportunity Commission
- 7. The protection against retaliation provided by Title 2 of the California Code of Regulations for opposing the practices prohibited by law or for filing a complaint with, or otherwise participating in an investigation, proceeding, or hearing conducted by the Fair Employment and Housing Department and Commission and the Equal Employment Opportunity Commission

In addition, the District shall post, in a prominent and accessible location, the Fair Employment and Housing Department and Commission's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

Revised: December 4, 2003 Revised: April 26, 2018

All Personnel Policy #4019.25

POLITICAL ACTIVITIES OF EMPLOYEES

The Governing Board respects the right of school employees to engage in political discussions and activities on their own time and at their own expense. On such occasions, employees shall make it clear that they are acting as individuals and not as representatives of the District.

Like other community members, employees may use school facilities for meetings under the Civic Center Act.

Employees shall refrain from prohibited activities identified in law and administrative regulations. Employees who engage in these activities shall be subject to disciplinary action and/or criminal penalties.

EDUCATION CODE

7050-7057 Political activities of school officers and employees

38130-38139 Civic Center Act

51520 Prohibited solicitations on school premises

GOVERNMENT CODE

3543.1 Rights of employee organizations

COURT DECISIONS

Downs v. Los Angeles Unified School District, (9th Cir. 2000) 228 F.3d 1003

California Teachers Association v. Governing Board of San Diego Unified School District,

(1996) 45 Cal.App. 4th 1333

L.A. Teachers Union v. L.A. City board of Education, (1969) 71 Cal.2d 551

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 106 (2001)

84 Ops.Cal.Atty.Gen. 52 (2001)

77 Ops.Cal.Atty.Gen. 56 (1994)

PERB RULINGS

California Federation of Teachers, Local 1931 v. San Diego Community College District

(2001) PERB Order #1467 (26PERC 33014)

Management Resources:

CSBA PUBLICATIONS

Political Activities of School District: Legal Issues, 1998, revised 2001

WEB SITES

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

Office of the Attorney General, Dept. of Justice: http://caag.state.ca.us/

Public Employment Relations Board

Page 1 of 1. Adopted: May 27, 1999 Revised December 4, 2003

POLITICAL ACTIVITIES OF EMPLOYEES

District employees shall not:

- 1. Use District funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including any candidate for election to the Governing Board. (Education Code 7054)
- 2. During working hours and on District property, solicit or receive any political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service or other working conditions. (Education Code 7056)
- 3. During working hours and on District property, solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures.
- 4. Use District time to urge the passage or defeat of any ballot measure or candidate.
- 5. Use District equipment for the preparation or reproduction of political campaign materials, even if the District is reimbursed.
- 6. Post or distribute political campaign materials on District property.
- 7. Disseminate political campaign materials through the District's mail service, e-mail or staff mailboxes.
- 8. Use students to write, address or distribute political campaign materials.
- 9. Present viewpoints on particular candidates or ballot measures in the classroom without giving equal time to the presentation of opposing views.
- 10. Wear buttons or articles of clothing that express political opinions on ballot measures or candidates during instructional time.

However, teachers shall not be prohibited from wearing political buttons during noninstructional time, such as Back-to-School Night.

Nothing in Board policy or administrative regulation shall be construed to prevent employees from soliciting or receiving funds or contributions for political purposes during nonworking time, including before and after school, the lunch period or other scheduled work intermittency during the school day. (Education Code 7056)

Employee Organizations

Employee organizations may use District mailboxes and other means to communicate with employees, subject to reasonable regulation. Employee organizations may have access at reasonable times to areas in which employees work; may use institutional bulletin boards, mailboxes, and other means of communication and may use District facilities at reasonable times for the purpose of meetings. (Government Code 3543.1)

Page 1 of 2. Issued: May 27, 1999 All Rights Reserved by PGUSD. Revised: May 4, 2003

All Personnel Regulation #4019.25

POLITICAL ACTIVITIES OF EMPLOYEES

However, employee organizations shall not use District funds, services, supplies or equipment, such as the District mail system, to urge the passage or defeat of any ballot measure or candidate, including any candidate for election to the Board (EC 7054)

Access to District communication channels shall be limited in cases where such access would be disruptive to District operations.

In the event of a concerted action or work stoppage, political activities by employee organizations and individual employees shall be restricted to peaceful informational picketing and other activities allowed by law.

Page 2 of 2. Issued: May 27, 1999 All Rights Reserved by PGUSD. Revised: May 4, 2003

All Personnel Policy #4019.3

DUTIES OF PERSONNEL

The Governing Board recognizes the importance of having adequate job descriptions for every District employee. Student safety, the District's fiscal stability, and the success of the educational program all depend on employees' fully under-standing their responsibilities and duties.

The Superintendent or designee shall prepare and regularly update job descriptions for all positions. Job descriptions shall clearly specify all essential and peripheral/marginal functions and duties of the position, the degree of responsibility the position entails, the type and extent of training required, and the position of the person to whom the employee reports.

All employees shall fulfill the duties and responsibilities set forth in their job descriptions and shall comply with Board policies, administrative regulations, applicable employee agreements, and local, state and federal laws.

See Employee Contracts - Evaluation/Supervision)

Legal Reference:

EDUCATION CODE

35020 Duties of employees fixed by governing board

35035 Further powers and duties of superintendent

44014 Report of assault

44662 Job responsibilities for certificated non-management personnel

44805 Enforcement of course of studies, use of textbooks, rules and regulations

44806 Duty concerning instruction in morals, manners, citizenship

44807 Duty concerning conduct of pupils

44809 School register

44816 Annual report of teacher

45100.5-45108.7 Senior management of the classified service

45109 Fixing of duties

45110 Inconsistent duties, compensation

45256.5 Senior management of classified service

GOVERNMENT CODE

7293 Local public agencies bilingual employees

CODE OF REGULATIONS, TITLE 5

5530-5531 Duties of all certificated personnel

5550-5552 Duties of principals

5570 Duties of teachers

5590 Duties of temporary athletic team coaches

11256 Duties and responsibilities of mentor teachers

12067 Teacher aide duties under supervision of classroom teacher

12068 Teacher aide duties not under direct supervision of classroom teacher

13003 Duties of team leader

16043 Duties of media center personnel

AMERICANS WITH DISABILITIES ACT, P.L. 101-336 42 U.S.C.12101 et seq.

Page 1 of 1. Adopted: January 4, 1996
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Policy #4019.41 All Personnel

EMPLOYEES WITH INFECTIOUS DISEASE

Policy Statement

The Governing Board encourages employees to inform the District of any illness that represents a disability as soon as the employee learns of his/her condition. No employee who is otherwise qualified to work may be discriminated against because of his/her disability. Legal protection established for disabled persons extend to individuals significantly impaired by infectious diseases, including Section 504 of the Rehabilitation Act of 1973.

The Board desires to accommodate the needs of such individuals. The Board may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or whose illness endangers his/her health or the health of others.

Medical Review

When informed that an employee has a contagious disease, the Superintendent shall request that the employee sign a release form to provide confidential medical information pertinent to his/her ability to work. With the employee's consent, the records will be provided to a medical review panel.

The Superintendent shall then convene the medical review panel, which shall consist of a public health physician who possesses expertise in the diagnosis and treatment of infectious disease, the employee's physician, the employee and/or employee representative, and the Superintendent or designee. No exclusion from or modification in the employee's job duties or assignments shall be made without an assessment on a case-by-case basis, by the medical review panel.

To determine whether the employee should continue working in his/her present capacity, including whether the employee can perform the essential requirements of the job with reasonable accommodation and without posing a significant health risk to others, the panel shall weigh the following factors:

- 1. The most current medical information regarding the condition of the employee.
- 2. The nature of the disease and the probability of its being transmitted, including the duration and severity of the risk.
- 3. The physical condition of the employee, including diagnosis, treatment and prognosis of the
- 4. The requirements of the job and the expected type of interaction with others in the school setting.

A report containing the panel's assessment shall be forwarded to the Board for review and final action.

The condition and job assignment of the employee shall be reevaluated on a regular basis. The review panel shall reconvene whenever there are changes in the state of medical knowledge about the disease or changes in the employee's medical regimen or health status which might affect his/her assignment.

Confidentiality

Page 1 of 2. Adopted: January 4, 1996 CSBA: 12/91

All Personnel Policy #4019.41

EMPLOYEES WITH INFECTIOUS DISEASE

Unless the employee's consent to disclose medical information has been obtained, confidentiality of the employee's condition and identity shall be strictly maintained. No employee shall be compelled to disclose medical information protected by Health and Safety Code section 199.20-199.21, which prohibit unauthorized disclosure of any information which would identify an individual as one who has or is subject to a blood test for the probable causative agent of AIDS.

Legal Reference:
CIVIL CODE
56-56.37 Confidentiality of Medical Information
GOVERNMENT CODE
12900-12996 Fair Employment and Housing Act
HEALTH AND SAFETY CODE
199.20 - 199.27 Mandated blood testing and confidentiality to protect public health
CODE OF REGULATIONS, TITLE 2, 7293.5 et seq.
REHABILITATION ACT OF 1983, 29 U.S.C. 701 et seq.
AMERICANS WITH DISABILITIES ACT, 42 U.S.C. 12101 et seq.
School Board of Nassau County, Fla. v. Arline, 408 U.S. 273 (1987)

Page 2 of 2. Adopted: January 4, 1996
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All Personnel

Policy #4019.42

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

As part of its commitment to provide a safe and healthful work environment, the Governing Board recognizes the importance of developing an exposure control plan. The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace to protect employees from possible infection due to contact with bloodborne pathogens, including but not limited to hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV).

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the District's exposure control plan, employees having occupational exposure shall be offered the hepatitis B vaccination.

The Superintendent or designee may exempt designated first aid providers from pre-exposure hepatitis B vaccination under the conditions specified by state regulations. (8 CCR 5193(f))

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training and hepatitis B vaccination program. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

Legal Reference:

LABOR CODE

142.3 Authority of Cal/OSHA to adopt standards

144.7 Requirement to amend standards

CODE OF REGULATIONS, TITLE 8

3204 Access to employee exposure and medical records

5193 California bloodborne pathogens standards

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards

Management Resources:

CDE PROGRAM ADVISORIES

1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings

WEB SITES

OSHA: http://www.osha.gov

Cal/OSHA: http://www.dir.ca.gov/occupational safety.html Centers for Disease Control and Prevention: http://www.cdc.gov

Page 1 of 1. Adopted: June 3, 1993 Revised: 12/04/03

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CSBA: 7/99

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

Definitions

Occupational exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. (8 CCR 5193(b))

Exposure incident means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that result from the performance of an employee's duties. (8 CCR 5193 (b))

Parenteral contact means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions. (8 CCR 5193(b))

A sharp is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193(b))

A sharps injury is any injury caused by a sharp, including but not limited to cuts, abrasions or needlesticks. (8 CCR 5193(b))

Work practice controls are controls that reduce the likelihood of exposure by defining the manner in which a task is performed. (8 CCR 5193(b))

Engineering controls are controls, such as sharps disposal containers, needleless systems, and sharps with engineered sharps injury protection, that isolate or remove the bloodborne pathogens hazard from the workplace. (8 CCR 5193(b))

Engineered sharps injury protection is a physical attribute built into a needle device or into a nonneedle sharp which effectively reduces the risk of an exposure incident. (8 CCR 5193(b))

Exposure Control Plan

The District's exposure control plan shall contain at least one of the following components: (8 CCR 5193(c))

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials

The District's exposure determination shall be made without regard to the use of personal protective equipment and shall include a list of:

- a. All job classifications in which all employees have occupational exposure
- b. Job classifications in which some employees have occupational exposure
- c. All tasks and procedures, or groups of closely related tasks and procedures, in which occupational exposure occurs and which are performed by employees listed in item #b above

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Regulation #4019.42

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

- 2. The schedule and method of implementing:
 - a. Methods of compliance required by 8 CCR 5193(d), such as universal precautions, general and specific engineering and work practice controls, and personal protective equipment
 - b. Hepatitis B vaccination
 - c. Bloodborne pathogen post-exposure evaluation and follow-up
 - d. Communication of hazards to employees, including labels, signs, information and training
 - e. Recordkeeping
- 3. The District's procedure for evaluating circumstances surrounding exposure incidents
- 4. An effective procedure for gathering information about each exposure incident involving a sharp, as required for the log of sharps injuries
- 5. An effective procedure for periodically determining the frequency of use of the types and brands of sharps involved in exposure incidents documented in the sharps injury log
- 6. An effective procedure for identifying currently available engineering controls and selecting such controls as appropriate for the procedures per-formed by employees in their work areas or departments
- 7. An effective procedure for documenting instances when a licensed healthcare professional directly involved in a patient's care determines, in the reasonable exercise of clinical judgment, that the use of an engineering control would jeopardize an individual's safety or the success of a medical, dental or nursing procedure involving the individual
- 8. An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed by employees in their respective work areas or departments

The exposure control plan shall be reviewed and updated at least annually and whenever necessary to: (8 CCR 5193(c))

- 1. Reflect new or modified tasks and procedures affecting occupational exposure
- 2. To the extent that sharps are used in the District, reflect progress in implementing the use of needleless systems and sharps with engineered sharps injury protection
- 3. Include new or revised employee positions with occupational exposure
- 4. Review and evaluate the exposure incidents which occurred since the previous update
- 5. Review and respond to information indicating that the exposure control plan is deficient in any area

The District's exposure control plan shall be accessible to employees upon request. (8 CCR 3204(e))

Preventive Measures

The Superintendent or designee shall use engineering and work practice controls to eliminate or minimize employee exposure, and shall regularly examine and update controls to ensure their effectiveness. (8 CCR 5193(d))

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CSBA: 7/99

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

Hepatitis B Vaccination

The hepatitis B vaccination and vaccination series shall be made available at no cost to all employees who have occupational exposure. The hepatitis B vaccination shall be made available after an employee with occupational exposure has received the required training and within 10 working days of initial assignment, unless the employee has previously received the complete hepatitis B vaccination series, or antibody testing has revealed that the employee is immune, or vaccination is contraindicated by medical reasons. (8 CCR 5193(f))

Employees who decline to accept the vaccination shall sign the hepatitis B declination statement. (8 CCR 5193(f))

The Superintendent or designee may exempt designated first aid providers from the pre-exposure hepatitis B vaccine in accordance with 8 CCR 5193 (f).

Information and Training

The Superintendent or designee shall ensure that all employees with occupational exposure participate in a training program containing the elements required by state regulations, during working hours and at no cost to the employee. This program shall be offered at the time of initial assignment to tasks where occupational exposure may take place, at least annually thereafter, and whenever a change of tasks or procedures affects the employee's exposure. (8 CCR 5193(g))

Designated first aid providers shall receive training that includes the specifics of reporting first-aid incidents which involve blood or body fluids which are potentially infectious. (8 CCR 5193(g))

Reporting Incidents

All exposure incidents shall be reported as soon as possible to the Superintendent or designee.

Unvaccinated designated first aid providers must report any first aid incident involving the presence of blood or other potentially infectious material, regard-less of whether an exposure incident occurred, by the end of the work shift. The full hepatitis B vaccination series shall be made available to such employees no later than 24 hours after the first aid incident. (8 CCR 5193(f))

Sharps Injury Log

The Superintendent or designee shall establish and maintain a log recording each exposure incident involving a sharp. The exposure incident shall be recorded within 14 working days of the date the incident is reported to the District. (8 CCR 5193(c))

The information recorded shall include the following, if known or reasonably available: (8 CCR 5193(c))

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Issued: January 4, 1996
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CSBA: 7/99

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

- 1. Date and time of the exposure incident.
- 2. Type and brand of sharp involved in the exposure incident
- A description of the exposure incident, including 3.
 - Job classification of the exposed employee
 - Department or work area where the exposure incident occurred
 - The procedure that the exposed employee was performing at the time of the incident
 - d How the incident occurred
 - The body part involved in the incident
 - If the sharp had engineered sharps injury protection, whether the protective mechanism was activated and whether the injury occurred before, during or after the protective mechanism was activated
 - If the sharp had no engineered sharps injury protection, the injured employee's opinion as to whether and how such a mechanism could have prevented the injury
 - The employee's opinion about whether any other engineering, administrative or work practice could have prevented the injury

Post-Exposure Evaluation and Follow-up

Following a report of an exposure incident, the Superintendent or designee shall immediately make available to the exposed employee, at no cost, a confidential medical evaluation, post-exposure evaluation and follow-up. The Superintendent or designee shall, at a minimum: (8 CCR 5193(f))

- 1. Document the route(s) of exposure and the circumstances under which the exposure incident occurred
- 2. Identify and document the source individual, unless that identification is infeasible or prohibited by law
- 3. Provide for the collection and testing of the employee's blood for hepatitis B, hepatitis C and HIV serological status
- 4. Provide for post-exposure prophylaxis, when medically indicated, as recom-mended by the U.S. Public Health Service
- 5. Provide for counseling and evaluation of reported illnesses

The District shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation. (8 CCR 5193(f))

Records

Upon an employee's initial employment and at least annually thereafter, the Superintendent or designee shall inform employees with occupational exposure of the existence, location and availability of related records; the person responsible for maintaining and providing access to records; and the employee's right of access to these records. (8 CCR 3204)

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All Personnel

Regulation #4019.42

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

Medical records for each employee with occupational exposure shall be kept confidential and not disclosed or reported without the employee's written consent to any person within or outside the workplace except as required by law. (8 CCR 5193(h))

Upon request by an employee, or a designated representative with the employee's written consent, the Superintendent or designee shall provide access to a record in a reasonable time, place and manner, no later than 15 days after the request is made. (8 CCR 3204(e))

Records shall be maintained as follows: (8 CCR 3204(d), 5193(h))

- 1. Medical records shall be maintained for the duration of employment plus 30 years.
- 2. Training records shall be maintained for three years from the date of training.
- 3. The sharps injury log shall be maintained five years from the date the expo-sure incident occurred.
- 4. Exposure records shall be maintained for at least 30 years.
- 5. Each analysis using medical or exposure records shall be maintained for at least 30 years.

CSBA: 7/99

All Personnel

Policy #4019.43

UNIVERSAL PRECAUTIONS

In order to protect employees from contact with potentially infectious blood or other body fluids, the Governing Board requires that universal precautions be observed throughout the District.

Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether bloodborne pathogens are known to be present.

Employees shall immediately report any exposure incident or first aid incident in accordance with the District's exposure control plan or other safety procedures.

Legal Reference

HEALTH AND SAFETY CODE

117600-118360 Handling and disposal of regulated waste

120875 Providing information to school Districts on AIDS, AIDS-related conditions and Hepatitis B 120880 Information to employees of school District

CODE OF REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard

5193 California bloodborne pathogens standard

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards

Management Resources:

CDE PROGRAM ADVISORIES

1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings

WEB SITES

Centers for Disease Control and Prevention: http://www.cdc.gov

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Revised: 12/4/03

UNIVERSAL PRECAUTIONS

Definitions

Universal precautions are an approach to infection control. All human blood and certain human body fluids, including but not limited to semen, vaginal secretions and any body fluid that is visibly contaminated with blood, are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), hepatitis C virus (HCV) and other bloodborne pathogens. (8 CCR 5193(b))

Personal protective equipment includes specialized clothing or equipment worn or used for protection against a hazard. General work clothes such as uniforms, pants, shirts or blouses not intended to function as protection against a hazard are not considered to be personal protective equipment. (8 CCR 5193(b))

A sharp is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193(b))

Engineered sharps injury protection is a physical attribute built into a needle device or into a nonneedle sharp that effectively reduces the risk of an exposure incident. (8 CCR 5193(b))

Employee Information

The Superintendent or designee shall distribute to employees information provided by the California Department of Education regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B. This information shall include, but not be limited to, any appropriate methods employees may use to prevent exposure to AIDS and hepatitis B, including information concerning the availability of a vaccine to prevent contraction of hepatitis B, and that the cost of this vaccination may be covered by the health plan benefits of the employees. Information shall be distributed at least annually, or more frequently if there is new information supplied by the California Department of Education. (Health and Safety Code 120875, 120880)

Infection Control Practices

The Superintendent or designee shall ensure that the worksite is effectively maintained in a clean and sanitary condition, and shall implement an appropriate written schedule for cleaning and decontamination of the worksite. (8 CCR 5193(d))

Where occupational exposure remains after the institution of engineering and work practice controls, the Superintendent or designee shall provide appropriate personal protective equipment at no cost to the employee. Such equipment may include gloves, gowns, masks, eye protection, and other devices that do not permit blood or other potentially infectious materials to pass through or reach the employee's clothes, skin, eyes, mouth or other mucous membranes under normal conditions of use. The Superintendent or designee shall maintain, repair, make accessible and require employees to use and properly handle protective equipment. (8 CCR 5193(d))

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CSBA: 7/99

UNIVERSAL PRECAUTIONS

The Superintendent or designee shall provide hand washing facilities which are readily accessible to employees. When provision of hand washing facilities is not feasible, the Superintendent or designee shall provide an appropriate antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. (8 CCR 5193(d))

For the prevention of infectious disease, employees shall routinely: (8 CCR 5193(d))

- 1. Perform all procedures involving blood or other potentially infectious materials in such a manner as to minimize splashing, spraying, spattering, and generating droplets of these substances.
- 2. Use personal protective equipment as appropriate.
 - a. Appropriate clothing, including but not limited to, gowns, aprons, lab coats, clinic jackets or similar outer garments, shall be worn in occupational exposure situations.

If a garment becomes penetrated by blood or other potentially infectious materials, the employee shall remove the garment immediately or as soon as feasible. All personal protective equipment shall be removed prior to leaving the work area. When removed, it shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal.

b. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes and nonintact skin, and when handling or touching contaminated items or surfaces.

Disposable gloves shall be replaced as soon as practical when contaminated, or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised. They shall not be washed or decontaminated for reuse. Utility gloves may be decontaminated for reuse if the integrity of the gloves is not compromised, but must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a bar-rier is compromised.

- c. Masks in combination with eye protection devices or face shields shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated.
- 3. Wash hands and other skin surfaces thoroughly with soap and running water:
 - a. Immediately or as soon as feasible following contact of hands or any other skin or mucous membranes with blood or other potentially infectious materials
 - b. Immediately after removing gloves or other personal protective equipment

When hand washing facilities are not available, the employee shall use antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. In such instances, hands shall be washed with soap and running water as soon as feasible.

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CSBA: 7/99

UNIVERSAL PRECAUTIONS

- 4. Refrain from eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses in work areas with a reasonable likelihood of occupational exposure.
- 5. Clean and decontaminate all equipment and environmental and work surfaces after contact with blood or other potentially infectious material, no later than the end of the shift or more frequently as required by state regulations.
- 6. Rather than using the hands directly, use mechanical means such as a brush and dust pan, tongs or forceps to clean up broken glassware which may be contaminated.
- 7. Use effective patient-handling techniques and other methods designed to minimize the risk of a sharps injury in all procedures involving the use of sharps in patient care.
 - a. Needleless systems shall be used to administer medication or fluids, with-draw body fluids after initial venous or arterial access is established, and conduct any other procedure involving the potential for an exposure incident for which a needleless system is available as an alternative to the use of needle devices. If needleless systems are not used, needles or non-needle sharps with engineered sharps injury protection shall be used.
 - b. Contaminated needles or other sharps shall not be broken, bent, recapped, removed from devices, or stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.
 - c. Disposable sharps shall not be reused.
- 8. Handle, store, treat and dispose of regulated waste in accordance with Health and Safety Code 117600-118360 and other applicable state and federal regulations.
 - a. Immediately or as soon as possible after use, contaminated sharps shall be placed in containers meeting the requirements of 8 CCR 5193(d)(3)(D). Containers shall be easily accessible, maintained upright throughout use where feasible, and replaced as necessary to avoid overfilling.
 - b. Specimens of blood or other potentially infectious material shall be placed in a container that prevents leakage during collection, handling, processing, storage, transport or shipping.

CSBA: 7/99

All Personnel Policy #4020

DRUG AND ALCOHOL-FREE WORKPLACE

The Governing Board believes that the maintenance of drug- and alcohol-free workplaces is essential to school and District operations.

No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in 21 USC 81 at any school District workplace. These prohibitions apply before, during and after school hours. A school District workplace is any place where school District work is performed, any school-owned or schoolapproved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school- approved activity or function where students are under District jurisdiction; or during any period of time when an employee is supervising students on behalf of the District or otherwise engaged in District business.

The Superintendent or designee shall notify employees of these prohibitions. (Government Code 8355; 41 USC 702)

An employee shall abide by the terms of this policy and notify the District, within five days, of any criminal drug or alcohol statute conviction that he/she receives for a violation occurring in the workplace. (41 USC 702)

The Superintendent or designee shall notify the appropriate federal granting or contracting agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 701)

The Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited. A plea or verdict of guilty, a finding of guilt by a court in a trial without a jury, or a conviction following a plea of nolo contendere shall be deemed to be a conviction. (Education Code 44836, 45123)

A classified employee may be reemployed after conviction of such an offense if the Board determines, from the evidence presented, that the person has been rehabilitated for at least five years. (Education Code 45123).

The Board may take appropriate disciplinary action, up to and including termination, or require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency.

The Superintendent or designee shall establish a drug-and alcohol-free awareness program to inform employees about: (Government code 8355).

- 1. The dangers of drug and alcohol abuse in the workplace
- 2. The District policy of maintaining drug and alcohol-free workplaces
- 3. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs
- 4. The penalties that may be imposed on employees for drug and alcohol abuse violations.

Page 1 of 2. Adopted: January 4, 1996 Revised: 12/4/03

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All Personnel Policy #4020

DRUG AND ALCOHOL-FREE WORKPLACE

Legal Reference:

EDUCATION CODE

44425 Conviction of controlled substance offenses as grounds for revocation of credential

44836 Employment of certificated persons convicted of controlled substance offenses

44940 Compulsory leave of absence for certificated persons

44940.5 Procedures when employees are placed on compulsory leave of absence

45123 Employment after conviction of controlled substance offense

45304 Compulsory leave of absence for classified persons

GOVERNMENT CODE

8350-8357 Drug-free workplace

UNITED STATES CODE, TITLE 20

7101-7165 Safe and Drug-Free Schools and Communities

UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances

PUBLIC LAW 107-110

4111-4117 Safe and Drug Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

CSBA: 7/02

Policy #4030 All Personnel

NON DISCRIMINATION IN EMPLOYMENT

The Governing Board prohibits unlawful discrimination against and/or harassment of District employees and job applicants on the basis of actual or perceived race, color, national origin, ancestry, religion, age, marital status, pregnancy, physical or mental disability, medical condition, veteran status, gender or sexual orientation at any District site and/or activity. The Board also prohibits retaliation against any District employee or job applicant who complains, testifies or in any way participates in the District's complaint procedures instituted pursuant to this policy.

Any District employee who engages or participates in unlawful discrimination, or who aids, abets, incites, compels or coerces another to discriminate, is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

Any District employee who observes or has knowledge of an incident of unlawful discrimination or harassment shall report the incident to the principal, District administrator or Superintendent as soon as practical after the incident. Failure of a District employee to report discrimination or harassment may result in disciplinary action.

The Superintendent or designee shall regularly publicize, within the District and in the community, the District's nondiscrimination policy and the availability of complaint procedures. (34 CFR 100.6)

The District's policy shall be posted in all schools and offices including staff lounges and student government meeting rooms. (5 CCR 4960)

The Board designates the following position(s) as Coordinator(s) for Nondiscrimination in Employment:

Superintendent 555 Sinex Avenue Telephone: 831-646-6520 Pacific Grove, CA 93950

Other Remedies

An employee may, in addition to filing a discrimination complaint with the District, file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

- 1. To file a valid complaint with DFEH, the employee must file his/her complaint within one year of the alleged discriminatory act(s). (Government Code 12960).
- 2. To file a valid complaint directly with EEOC, the employee must file his/her complaint within 180 days of the alleged discriminatory act(s). To file a valid complaint with EEOC after filing a complaint with DFEH, the employee must file the complaint within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier. (42 USC 200e-5).

Page 1 of 2. Adopted: 12/4/03 CSBA: 11/01

All Personnel Policy #4030

NON DISCRIMINATION IN EMPLOYMENT

Employees wishing to file complaints with the DFEH and EEOC should contact the nondiscrimination coordinator for more information.

Legal Reference:

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

CODE OF REGULATIONS, TITLE 5

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

financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

UNITED STATES CODE, TITLE 42

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

UNITED STATES CODE, TITLE 42

2000h-2-2006-6 Title IX, 1972 Education Act Amendments

UNITED STATES CODE, TITLE 42

12101-12213 Americans With Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 American with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

Management Resources

EQUAL EMPLOYMENT OF OPPORTUNITY COMMISSION

Enforcement Guidance; Vicarious Employer Liability for Unlawful Harassment by Supervisors, June

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with

Disabilities Act, March 1999 OFFICE OF CIVIL RIGHTS

Notice of Non-Discrimination, January, 1999

WEBSITES

EEOC: http://www.eeoc.gov/

OCR: http://ww.ed.gov/offices/OCR DFEH: http://www.dfeh.ca.gov/

Page 2 of 2. Adopted: 12/4/03 CSBA: 11/01

All Personnel Policy #4035

SOLICITING AND SELLING

Soliciting Funds From School Personnel

There shall be no solicitation of funds for commercial purposes from school personnel during working hours.

Agents shall be forbidden from soliciting funds or offering for sale any wares, articles, stocks, insurance, or other items on school premises at any time. This policy does not prohibit an employee or staff from inviting a sales representative to meet with the employee or staff for the purposes of presenting information regarding materials or services that pertain to the educational program or the welfare of students or employees.

Teachers approached by solicitors or salespersons during working hours are directed to refer to policy and deny interviews. Each such incident should be reported to the Principal.

Soliciting by School Personnel

Employees shall not solicit District staff, students or their families with the intent to sell general merchandise, books, equipment or services without the approval of the Superintendent.

Staff shall not distribute promotional, political, controversial or other non-instructional materials unless approved by the Superintendent or designee.

Staff members shall not use their status as District employees to secure infor-mation such as names, addresses and telephone numbers for use in profit-making ventures.

Educational tours may be promoted on school premises only if they are sponsored by the District. Employees engaged in planning, organizing or leading tours as a private business shall make it clear that they do not represent the school or District. All activities related to such tours must be carried on outside of school hours and off school premises.

Any classroom activity requiring students to bring money to school for any purpose must have the principal's approval.

Staff participation in "flower funds," "sickness and bereavement funds," "anni-versary funds" and the like shall be a matter of individual discretion.

Legal Reference: **Education Code** 51520 Prohibited solicitations on school premises All Personnel Policy #4040

EMPLOYEE USE OF TECHNOLOGY

The Governing Board recognizes that technological resources can enhance employee performance by improving access to and exchange of information, offering effective tools to assist in providing a quality instructional program, and facilitating District and school operations. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive training in the appropriate use of these resources.

Employees shall be responsible for the appropriate use of technology and shall use the District's technological resources predominately for purposes related to their employment. Such use is a privilege which may be revoked at any time.

Employees should be aware that computer files and communications over electronic networks, including e-mail and voice mail, are not private. These technologies shall not be used to transmit confidential information about students, employees or District operations without authority.

The Superintendent or designee shall ensure that all District computers with Internet access have a technology protection measure that prevents access to visual depictions that are obscene or child pornography, and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 700 1; 47 USC 254)

To ensure proper use of the system, the Superintendent or designee may monitor the District's technological resources, including e-mail and voice mail systems, at any time without advance notice or consent. If passwords are used, they must be known to the Superintendent or designee so that he/she may have system access.

The Superintendent or designee shall establish administrative regulations that outline employee obligations and responsibilities related to the use of District technology. He/she also may establish guidelines and limits on the use of technological resources. Inappropriate use shall result in cancellation of the employee's user privileges, disciplinary action and/or legal action in accordance with law, Board policy and administrative regulations.

The Superintendent or designee shall provide copies of related policies, regulations and guidelines to all employees who use the District's technological resources. Employees shall be asked to acknowledge in writing that they have read and understood these policies, regulations and guidelines.

In the event that the use of an electronic resource affects the working conditions of one or more employees, the Superintendent or designee shall notify the employees' exclusive representative.

Legal Reference:
EDUCATION CODE
51870-51874 Education technology
GOVERNMENT CODE
3543.1 Rights of employee organizations

Page 1 of 2. All Rights Reserved for PGUSD. CSBA: 7/01 Adopted: February 21, 2002 Revised: April 26, 2007

All Personnel Policy #4040

EMPLOYEE USE OF TECHNOLOGY

PENAL CODE

502 Computer crimes, remedies

632 Eavesdropping on or recording confidential communications

UNITED STATES CODE, TITLE 20

6801-6979 Technology for Education Act

7001 Internet safety policy and technology protection measures, Title III funds

UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

Management Resources:

CDE PUBLICATIONS

K- 12 Network Technology Planning Guide: Building the Future, 1994

CDE PROGRAM ADVISORIES

1223.94 Acceptable Use of Electronic Information Resources

WEB SITES

CDE: http://www.cde.ca.gov CSBA: http://www.csbc/org

Federal Communications Commission: http://www.jcc.gov

U.S. Department of Education: http://www.ed.gov American Library Association: http://www.ala.org

Page 2 of 2. Adopted: February 21, 2002 All Rights Reserved for PGUSD. Revised: April 26, 2007

CSBA: 7/01

All Personnel

Regulation #4040

EMPLOYEE USE OF TECHNOLOGY

User Obligations and Responsibilities

Employees are authorized to use the District's on-line services in accordance with user obligations and responsibilities specified below.

- 1. The employee in whose name an on-line services account is issued is responsible for its proper use at all times. Users shall keep personal account numbers, home addresses and telephone numbers private. They shall use the system only under their own account number.
- 2. Employees shall use the system predominately for purposes related to their employment with the District. Commercial, political and/or personal use of the system is strictly prohibited. Excessive use is that which adversely impacts any employee in fulfilling their employment responsibilities and completion of their assigned duties. The District reserves the right to monitor any on-line communications, network or internet access, for improper use.
- 3. Users shall not use the system to promote unethical practices or any activity prohibited by law or District policy.
- 4. Users shall not transmit material that is threatening, obscene, disruptive or sexually explicit, or that could be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religion or political beliefs.
- 5. Copyrighted material may not be placed on the system without the author's permission. Users may download copyrighted material for their own use only and only in accordance with copyright laws.
- 6. Vandalism will result in the cancellation of user privileges. Vandalism includes uploading, downloading or creating computer viruses and/or any malicious attempt to harm or destroy District equipment or materials or the data of any other user.
- 7. Users shall not read other users' mail or files; they shall not attempt to interfere with other users' ability to send or receive electronic mail, nor shall they attempt to read, delete, copy, modify or forge other users' mail.
- 8. Users are encouraged to keep messages brief.
- 9. Users shall report any security problem or misuse of the network to the Superintendent or designee.

I have read technology.	and	understand	the	policies,	regulations	and	guidelines	regarding	employee	use	of
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Page 1 of 1.
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CSBA: 6/96

Personnel Policy #4044

COMPLAINTS

The Governing Board recognizes the need for providing employees with a complaint process.

The Board expects that employees and supervisors will make every effort to resolve employee complaints and disagreements informally before resorting to formal complaint procedures.

The Superintendent or designee shall establish complaint procedures which allow employees to appeal to the Board.

Complaints shall be resolved in accordance with Administrative Regulation 4044.

Legal Reference:

EDUCATION CODE

220-221.1 Prohibition of discrimination on the basis of sex

35186 Williams Uniform Complaint Procedures

44110-44114 Reporting by school employees of improper governmental activity

GOVERNMENT CODE

3543 Public school employees' rights

3543.1 Rights of employee organizations

53296 Definitions

53297 Filing a complaint

53298 Reprisals

53298.5 Violations; punishment

LABOR CODE

1102.5-1106 Whistleblower protections

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in district programs and activities

Page 1 of 1. Revised: December 7, 2017

Adopted: April 6, 2000

CSBA: 6/92

Personnel Regulation #4044

COMPLAINTS

Procedures for the resolution of employee complaints provide a route of appeal through administrative channels and to the Board, if necessary.

The following guidelines shall prescribe the manner in which employee complaints are handled:

- 1. A "complaint" shall be defined as an alleged misapplication of the District's policies, regulations, rules or procedures.
- 2. For "whistleblower" complaints filed pursuant to Government Code section 53296 *et seq.*, see **Whistleblower Complaints**, below.
- Complaints alleging unlawful discrimination on any basis specified in the District's
 nondiscrimination policies including complaints of sexual harassment, shall be resolved in
 accordance with the District's procedures for complaints regarding discrimination in
 employment.
- 4. Complaints regarding the sufficiency of textbook materials, teacher vacancy or misassignment, or an urgent or emergency facility condition shall be resolved in accordance with the District's Williams Uniform Complaint Procedures. (Education Code 35186)
- 5. Complaints regarding unlawful discrimination in District programs or the District's failure to comply with state or federal laws regarding educational programs shall be resolved in accordance with the District's Uniform Complaint Procedures.
- 6. For complaints regarding working conditions or other subjects of negotiation, the employee shall use the grievance procedure specified in the applicable collective bargaining agreement.
- 7. So as not to interfere with school schedules, meetings related to a complaint shall be held before or after the complainant's regular working hours.
- 8. With the exception of whistleblower complaints filed pursuant to Government Code section 53296 *et seq.* (see **Whistleblower Complaints**, below), the District will investigate anonymous complaints so long as there is sufficient information to proceed and it is appropriate under the circumstances.
- 9. All matters related to a complaint shall be kept confidential. Only those individuals directly involved in resolving the complaint shall be informed of the complaint.
- 10. All documents, communications and records dealing with the complaint shall be placed in a District complaint file. No such material shall be placed in an employee's personnel file.
- 11. No reprisals shall be taken against any participant in a complaint procedure by reason of such participation.

Page 1 of 4. Revised: December 7, 2017

CSBA: 6/90

COMPLAINTS

- 12. In all cases, the complainant is strongly encouraged to prepare the complaint in writing, but if he/she is unable or unwilling to do so, administrative staff may assist the complainant in preparing a written complaint.
- 13. Time limits specified in these procedures may be reduced or extended in any specific instance by written mutual agreement of the parties involved. If specified or adjusted time limits expire, the complaint may proceed to the next step.
- 14. Any complaint not taken to the next step within prescribed time limits shall be considered settled on the basis of the answer given at the preceding step.

Whistleblower Complaints Pursuant to Government Code § 53296 et seq.

Complaints filed pursuant to this Regulation include "whistleblower" complaints made by an employee or job applicant regarding an improper District activity including, but not limited to, an allegation of gross mismanagement a significant waste of funds, an abuse of authority, or a specific danger to public health or safety. (Government Code 53296)

Complaints made pursuant to Government Code section 53296 *et seq.* must be filed within 60 days of the date of the act or event which is the subject of the complaint. (Government Code 53297) Whistleblower complaints shall be investigated and resolved in accordance with the timelines set forth in this Regulation.

Whistleblower complaints brought by employees may not be anonymous and shall be filed under penalty of perjury. (Government Code 53297)

Informal and Formal Complaint Procedures

Informal Complaints

Every effort should be made to resolve a complaint informally at the earliest possible stage. Whenever possible, the complainant should communicate directly to the person(s) involved in order to resolve concerns. If a complainant is unable or unwilling to resolve the complaint directly with the person(s) involved, then the complainant shall follow the process set forth below.

Formal Complaint Procedure - Step 1

If a complaint has not been satisfactorily resolved informally, the complainant may file a written complaint with his/her immediate supervisor or principal. The written complaint should include a description of efforts to resolve the complaint informally and should specify the nature of the problem, including names, locations, witnesses, and the remedy sought by the employee.

Page 2 of 4. Revised: December 7, 2017

CSBA: 6/90

Personnel

Regulation #4044

COMPLAINTS

Within five working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The immediate supervisor or principal shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

Formal Complaint Procedure - Step 2

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint, and the immediate supervisor or principal shall submit to the Superintendent or designee a report describing attempts to resolve the complaint at Step 1.

Within five working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The Superintendent or designee shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

Formal Complaint Procedure - Step 3

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the Governing Board within five working days of receiving the answer at Step 2. All information presented at Steps 1 and 2 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a report describing attempts to resolve the complaint at Step 2.

An appeal hearing shall be held at the next regularly scheduled Board meeting after the appeal is filed.

All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available information.

Complaints concerning an employee shall be heard in closed session of the Board unless the employee requests that the issue be addressed in open session. Before the Board holds a closed session to hear complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session rather than in closed session.

Following the hearing of a complaint, the Board may choose to uphold the Superintendent or designee's decision and take no further action, adopt the Superintendent or designee's decision as its own, or modify the Superintendent's or designee's decision as it determines.

Page 3 of 4. Revised: December 7, 2017

Personnel Regulation #4044

COMPLAINTS

The decision of the Board shall be final. A copy of the Board's written decision will be provided to all concerned parties within 30 working days following the meeting at which the Board heard the complaint.

Issued: April 6, 2000 CSBA: 6/90

EMPLOYEE COMPLAINT PROCESS

Exhibit 4044

This checklist/timeline provides information regarding the process for filing employee complaints. For additional information regarding employee complaints, please consult Board Policy and Regulation 4044 available on the District website, as well as the front office of every school site.

CHECKLIST

- For complaints alleging discrimination, please contact Human Resources for further information
- Complaints alleging sexual harassment should be filed with the offending employee's immediate supervisor. An employee is not required to attempt to resolve sexual harassment complaints directly with the offending employee.
- For complaints regarding the sufficiency of textbook materials, teacher vacancy or misassignment, or an urgent or emergency facility condition, please consult Board Policy and Regulation 1312.4.
- For complaints regarding working conditions or other subjects of negotiation, please use the grievance procedure specified in the applicable collective bargaining agreement.
- For "whistleblower complaints" filed pursuant to Government Code section 53296 et seq., please consult Board Policy and Regulation 4044.
- Every effort should be made to resolve the complaint informally at the earliest possible stage. If a complaint is not satisfactorily resolved informally, complainant may file a written complaint with the employee's immediate supervisor or principal. District will investigate complaint in accordance with timeline for Formal Complaint Procedures, below.

TIMELINE FOR FORMAL COMPLAINT PROCEDURES STEP 1:

	WITHIN 5 WORKING DAYS OF RECEIPT OF COMPLAINT: Immediate supervisor/principal conducts any necessary investigation and meets with complainant.
	WITHIN 10 WORKING DAYS OF MEETING : Immediate supervisor/principal presents parties with written answer.
	If not satisfactorily resolved at Step 1, complainant may proceed to Step 2.
STEP	2:
	WITHIN 5 WORKING DAYS OF ANSWER AT STEP 1: Complainant files written complaint with Superintendent/designee.
	WITHIN 5 WORKING DAYS OF RECEIPT OF COMPLAINT:
	Superintendent/designee conducts any necessary investigation and meets with complainant.

Page 1 of 2. Adopted: December 7, 2017

EMPLOYEE COMPLAINT PROCESS

Exhibit 4044

	WITHIN 10 WORKING DAYS AFTER MEETING: Superintendent/designee presents parties with written answer.				
	If not satisfactorily resolved at Step 2, complainant may proceed to Step 3.				
STEP 3:					
	WITHIN 5 WORKING DAYS OF ANSWER AT STEP 2: Complainant files written appeal to Governing Board				
	NEXT REGULARLY SCHEDULED BOARD MEETING AFTER APPEAL FILED: Appeal hearing held by Board				
	WITHIN 30 WORKING DAYS OF APPEAL HEARING: Board provides written decision to parties. Decision of Board is final.				

All Personnel Policy #4056.2

AWARDS AND RECOGNITION

•••Note: Education Code 44015 authorizes the Board to make awards to employees for reasons listed below and mandates the Board to first adopt rules and regulations to implement its awards program. The Board may authorize a merit awards committee to grant awards of \$200 or less. The awards committee may consist of District officers, employees and/or private citizens. (Education Code 44015) •••

The Governing Board believes the District's employees are its most valuable resource and encourages recognition of the services they provide. The Superintendent or designee may issue service pins, certificates, plaques or other mementos in accordance with Board policy and administrative regulations.

The Board authorizes awards to employees who:

- 1. Propose ideas or procedures that eliminate or reduce District expenditures or improve District operations.
- 2. Perform special acts or services in the public interest.
- 3. By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in District operations (EC 44015)

The Superintendent or designee shall recommend individuals to the Board for such awards.

Legal Reference:
EDUCATION CODE
35160 Authority of governing boards
35160.1 Broad authority of school Districts
35161 Powers and duties generally
44015 Awards to Employees

Page 1 of 1.. Adopted: July 16, 1998
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All Personnel Policy #4057.1

WORK-RELATED INJURIES

District employees may be insured for on-the-job specific or cumulative injuries in accordance with law. In order to reduce costs and facilitate employee recovery, the Governing Board desires to have an efficient claims handling process. Employees are required to report any work-related injuries or illnesses to their supervisor as soon as practicable.

Legal Reference:

EDUCATION CODE

44984 Industrial accident and illness leaves, certificated employees

45192 Industrial accident and illness leaves, classified employees

GOVERNMENT CODE

21023.5 Employer not to separate for disability members eligible to retire

LABOR CODE

3200-4855 Workers' compensation, especially:

3550 Posting of notice re workers' compensation insurance carrier

3551 Written notice to new employees

3552 Indication of employee's personal physician

3600-3605 Conditions of liability

3760 Report of injury to insurer

4600 Provision of medical and hospital treatment by employer

4906 Disclosures and statements

5400-5404 Notice of injury or death

6409.1 Reports

6409.2

Page 1 of 1. Adopted: July 16, 1998
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All Personnel

Regulation #4057.1

WORK-RELATED INJURIES

Notifications

The Superintendent or designee shall post a notice of employee rights related to workers' compensation and shall provide this information in writing to new employees. (Labor Code 3550-3551)

This notice shall also include a statement of the District's policy requiring employees to report work-related injuries as soon as practicable.

Employees shall also be informed that pursuant to Labor Code 4906, it is a felony for an employee to make a false workers' compensation claim.

District Responsibilities

Supervisors receiving reports of a work-related employee injury shall gather appropriate information, including but not limited to:

- 1. The date, time and place of the injury
- 2. The name, occupation and signature of the injured employee
- 3. Details of how the injury occurred
- 4. The names of any witnesses

Supervisors shall promptly remit information about work-related injuries to the Superintendent or designee.

Whenever a work-related injury results in lost work time beyond the date of the injury or requires medical treatment beyond first aid, the employee shall be given a workers' compensation claim form and a notice of potential eligibility for benefits within one working day of the injury. (Labor Code 5401) In the case of stress claims, the claim form shall be provided only if the employee indicates that he/she is going to a physician or is unable to work.

Within five working days of obtaining knowledge of any injury which results in lost time beyond the date of the injury or which requires medical treatment beyond first aid, the Superintendent or designee shall file a complete report of the injury with the District's insurer. (Labor Code 6409.1)

Employee Responsibilities

Upon receiving treatment for a work-related injury, the employee shall obtain a medical verification of his/her condition, indicating any limitations on the employee's ability to work, the anticipated time needed for recovery from these limitations, and the type of work modification needed.

To qualify for workers' compensation, employees must notify their supervisor of a work-related injury within 30 days. (Labor Code 5400)

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All Personnel

Regulation #4061.2

PERSONNEL LEAVES

Whenever possible, employees shall request personal leaves in advance and prepare suitable lesson plans or instructions for a substitute employee.

Bereavement

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

At the employee's request, bereavement leave may be extended under personal necessity leave provisions. (Education Code 44981, 45207)

Members of the immediate family shall include: the mother, father, grandmother, grandfather, or grandchild of the employee or the employee's spouse; the employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister; or any relative living in the employee's immediate household. (Education Code 44985, 45194)

At his/her discretion, the Superintendent or designee may grant additional unpaid bereavement leave.

Personal Necessity

Employees may use up to seven days of their accrued sick leave during each contract year for reasons of personal necessity. (Education Code 44981, 45207)

Acceptable reasons for the use of personal necessity leave include:

- 1. Death of a member of the immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions. (EC 44981, 45207)
- 2. An accident involving the employee's person or property or the person or property of a member of the immediate family. (Education Code 44981, 45207)
- 3. A serious illness of a member of the employee's immediate family. (EC 44981)
- 4. Required court appearance. (Education Code 45207)
- 5. Fire, flood, or other immediate danger to the home of the employee.
- 6. Personal business of a serious nature which the employee cannot disregard.

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, no such leave shall be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters that can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects true personal necessity.

The employee shall request advance permission for personal necessity leave, except in urgent situations such as the death or serious illness of a member of the immediate family or an accident

Page 1 of 3. Issued: July 16, 1998 CSBA: 2/95

All Personnel

Regulation #4061.2

PERSONNEL LEAVES

involving the employee's person or property or the person or property of a member of the immediate family.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed District absence form to his/her immediate supervisor. (EC 44981 & 45207)

Personal Leave for School Activities

Any employee who is a parent, guardian or grandparent having custody of one or more children in grades K-12 may use up to 40 hours of personal leave, vacation or compensatory time off each school year in order to participate in school activities. Such leave shall not exceed eight hours in any month of the school year, and the employee shall give reasonable advance notice of the absence. If both parents of a child are employed at the same work site, this leave shall be allowed for the first parent who applies; simultaneous absence by the second parent may be granted by the Superintendent or designee. (Labor Code 230.8)

The employee shall use existing vacation, personal leave or compensatory time off for purposes of this leave and shall provide documentation from the school upon request to prove that he/she participated in school activities at the time of the leave. (Labor Code 230.8)

In lieu of using vacation, personal leave or compensatory time off, eligible employees giving reasonable advance notice may take up to 40 hours without pay each school year for this purpose, not to exceed eight hours in any month.

Legal and Civic Duties

Employees shall be granted leave with pay to appear in court as jurors and may be granted leave to appear in court as witnesses other than litigants. (Education Code 44036, 44037)

The employee shall turn over to the District any jury or witness fees received. (Education Code 44036)

Notices, summons and subpoenas for court appearances shall be submitted to the District office when requesting leave.

Employees shall be granted up to 20 days of paid leave per year for service performed within the state on any boards, commissions, committees or groups authorized by Education Code 44987.3, provided the organization informs the District of the service and reimburses the District upon request for compensation paid to the employee's substitute and for actual related administrative costs. (Education Code 44987.3)

Legal Reference:

EDUCATION CODE

44036-44037 Leaves of absence for judicial and official appearances 44963 Power to grant leaves of absence (certificated)

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All Personnel

Regulation #4061.2

Issued: July 16, 1998

CSBA: 2/95

PERSONNEL LEAVES

44981 Leaves of absence for personal necessity (certificated)

44985 Leave of absence due to death in immediate family (certificated)

44987.3 Leave of absence to serve on certain boards, commissions, etc.

45190 Leaves of absence and vacations (classified)

45194 Bereavement leave of absence (classified)

45198 Effect of provisions authorizing leaves of absence

45207 Personal necessity (classified)

FAMILY CODE

6211 Domestic violence

LABOR CODE

230 Time off to appear in court

230.1 Time off for victims of domestic violence

230.3 Volunteer firefighters; discrimination

230.4 Volunteer firefighters

230.8 Leave to visit child's school

233 Illness of child, parent or spouse

CALIFORNIA CONSTITUTION

Article 1, Section 8 Religious discrimination

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VII, Civil Rights Act of 1964

COURT DECISIONS

Rankin v. Commission on Professional Competence (1988) 24 Cal.3d 167

Policy #4100

POSITIVE SCHOOL CLIMATE

The Governing Board is committed to providing and maintaining a positive learning environment for all students. As a means for achieving this goal, the Governing Board expects all staff to:

Create an environment which engenders safety and respect and does not expose students to embarrassment, or disparagement, verbal abuse, ridicule, or humiliation.

The Superintendent is directed to inform the school community of the Board's intent to create a positive school climate and to establish a procedure in which parents or students can inform the school administration if they believe there have been violations.

BP/AR 1312.1 Complaints concerning district employees

Uniform complaint procedure BP/AR 1312.3

BP/AR 4019.11 Sexual Harassment

BP/AR 4044 Complaints

Ed Code 233-233.8

Page 1 of 1. Adopted: November 18, 2004 Revised: June 6, 2019

Certificated Personnel Policy #4111

RECRUITMENT AND SELECTION

Because an important factor in student achievement is the quality of the teaching staff, the Governing Board desires to employ the most highly qualified and appropriate person available for each open position.

The Superintendent or designee shall recruit candidates for open positions based on an assessment of the District's needs for specific skills, knowledge and abilities. He/she shall develop job descriptions that accurately describe all essential and marginal functions and duties of each position, and shall disseminate job announcements to ensure a wide range of candidates.

The Superintendent or designee shall develop selection procedures that identify the best possible candidate for each position based on screening processes, interviews, observations, and recommendations from previous employers.

No inquiry shall be made with regard to the age, gender, race, ethnicity, religion, national origin, medical condition, disability or sexual orientation of a person seeking employment. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job.

District employment practices shall not discriminate against legal non-citizen residents. Inquiries to assure employment eligibility shall be made in accordance with law, Board policy and administrative regulation.

For each position, the Superintendent or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

44066 Limitations on certification requirement

44259 Teaching credential; exception; designated subjects; minimum requirements

44735 Incentive grants for recruiting teachers for low-performing schools

44750-44754.5 Regional teacher recruitment centers

44830-44831 Employment of certificated persons

44858 Age or marital status in certificated positions

44859 Prohibition against certain rules and regulations re residency

52051 Academic Performance Index

GOVERNMENT CODE 12900 Unlawful employment practices

12940-12956 Discrimination prohibited; unlawful practices

UNITED STATES CODE. TITLE 8 1324(a)(b) Immigration and Nationality Act

UNITED STATES CODE. TITLE 42

20OOd-20OOd-7 Title V7, Civil Rights Act of 1964

2000e-2000e-I 7 Title VII, Civil Rights Act of 1964 as amended

20OOh-2-20OOh-6 Title LX. 1972 Education Act Amendments

12101-12213 Americans With Disabilities

Policy #4112.2

CERTIFICATION

The Superintendent or designee shall ensure that persons employed in positions requiring certification qualifications have the appropriate credential or permit authorizing their employment in such positions.

When fully credentialed individuals are not available, the District may employ persons with emergency permits, intern permits, pre-intern certificates or credential waivers in accordance with law.

The Superintendent or designee shall develop a plan to facilitate and support the professional development of persons with emergency permits so that they may become fully qualified teachers.

Legal Reference:

EDUCATION CODE

8360-8370 Qualifications of child care personnel

32340-32341 Unlawful issuance of a credential

44066 Limitations on certification requirements

44200-44405 Teacher credentialing, especially:

44225.6 CTC annual report on credentials, internships and emergency permits

44225.7 Priorities for recruitment when fully prepared teacher not available

44227 Teacher education courses for out-of-state applicants

44251 Period of credentials

44252 Standards and procedures for issuance; proficiency testing of basic skills

44252.5 State basic skills assessment required for certificated personnel

44259 Minimum requirements for teaching credential

44259.5 Standards for teachers of all students, including English language learners

44259.8 Alternative means of entering teaching profession; District recommendation for credential

44274-44274.5 Out-of-state credentials

44275.3 Employment of teachers with out-of-state credentials

44277 Requirements for maintaining valid credentials

44278 Credential appeal

44300-44301 Emergency permits

44302 CTC notification re District options when fully qualified teacher not available

44305-44308 Pre-internship teaching certificates

44325-44329 District interns

44330-44355 Certificates and credentials

44395-44397 National Board for Professional Teaching Standards certification incentive program

44400-44405 California Mathematics Initiative for Teaching

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

56060-56063 Substitute teachers in special education

CODE OF REGULATIONS, TITLE 5

80001-80690.1 Commission on Teacher Credentialing

COURT DECISIONS

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Adopted: July 16, 1998

Revised: December 4, 2003

Certificated Personnel

Policy #4112.2

CERTIFICATION

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

Management Resources:

CTC ADVISORIES

1227.99 CTC Memo #99-9931 Amendments pertaining to emergency permits

CTC memo 394-9414, August 15, 1994

WEB SITES

CDE: http://www.cde.ca.gov/
CTC: http://www.ctc.ca.gov/

Adopted: July 16, 1998 Revised: December 4, 2003

CERTIFICATION

Registration

Each person employed by the District for a position requiring certification qualifications shall, within 60 days after beginning employment, register with the county office of education a valid credential authorizing the person to work in that position. Certificated employees also shall register renewed credentials within 60 days after the renewal. (Education Code 44330, 44857)

Basic Skills Proficiency Test

Prior to being hired by the Governing Board, all certificated persons, whether hired on a permanent, temporary or substitute basis, shall demonstrate basic skills proficiency in reading, writing and mathematics unless exempted from this requirement by the provisions of law. (Education Code 44830)

The state basic skills proficiency test shall not be required of the following: (Education Code 44830)

- 1. A certificated person who was employed in a position requiring certification in another school District within 39 months of his/her employment in this District
- 2. A person employed solely for purposes of teaching adults in an approved apprenticeship program
- 3. The holder of an adult education designated subject credential for nonaca-demic subjects employed in an instructional setting for 20 hours or less per week
- 4. The holder of a child care permit or a permit authorizing service in a develop-ment center for the disabled, as long as the permit holder is not required to have a baccalaureate degree
- 5. The holder of a credential to provide service in the health profession, as long as this person does not teach in the public schools
- 6. The holder of a vocational designated subject credential when the proficiency test is not administered at the time of hiring, on the condition that he/she will take the test at its next local administration
- 7. The holder of a vocational designated subject credential who does not pass the basic skills proficiency test, as long as he/she retakes and passes the test within one year
- 8. A credential holder who seeks an additional credential or authorization to teach
- 9. For a maximum period of one year, a certificated person employed under a foreign exchange program
- 10. A certificated teacher who has not yet been afforded the opportunity to take the test, in which case the person shall then take the test at the earliest opportunity and may remain employed by the District pending the receipt of his/her test results

Certificated persons who have not held a position requiring certification within 39 months of employment and who have not taken the state basic skills proficiency test may be hired as temporary employees, provided they pass a basic skills proficiency test developed and administered by the District. Such employees shall subsequently take the state test within one year of employment. (Education Code 44830)

Persons holding a designated subjects special subjects credential or vocational designated subject credential shall not be required to take the state basic skills proficiency test unless their specific credential requires the possession of a baccalaureate degree. Instead, these persons shall be assessed with District proficiency criteria established by the Board for these credentials, which shall be at least

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CERTIFICATION

equivalent to the District test required for graduation from high school. (Education Code 44252, 44830)

Persons holding a designated subjects special subjects credential or a vocational designated subject credential shall be charged a fee to take the District profi-ciency test. (Optional)

Out-of-State Credentials

The District may employ a teacher who holds a credential from another state if all of the following conditions are met: (Education Code 44275.3)

- 1. The teacher holds a valid credential from another state which has requirements equivalent to the multiple and single subject credential requirements in Education Code 44227, or the California special education credential requirements in Education Code 44265.
- 2. The out-of-state credential is valid at the time the teacher begins to provide instructional services for the District.
- 3. The teacher successfully completes a criminal background check pursuant to Education Code 44332.6.

Teachers employed under these conditions must pass the state basic skills proficiency test described above within one year of teaching in the District. Before completing their fourth and fifth years of teaching, they must also meet requirements for subject matter competence, course completion and examinations in accordance with law. (Education Code 44275.3)

Alternative means for Preliminary Credential

The Board may recommend that the Commission on Teacher Credentialing issue a preliminary credential to any person who displays knowledge and expertise in a subject area as demonstrated by all of the following: (Education Code 44259.8)

- 1. Possession of a post-baccalaureate or graduate degree in a subject specified in Education Code 44257 from a regionally accredited institution of higher education.
- 2. Five or more full-time equivalent years of practice in the field for which the post-baccalaureate or graduate degree was awarded.
- 3. Basic skills proficiency as measured by the state's basic skills proficiency test

If the Board elects to recommend a person for a California Preliminary Credential, it shall: (Education Code 44259.8)

1. Enroll candidates in a preservice training program for a minimum of 40 hours of pedagogical training which is aligned with the California Standards for the Teaching Profession and which includes preparation in classroom management and organization: grade-level curriculum content and instructional models and strategies; student assessment practices; literacy development in the subject to be authorized on the credential; equity, access and diversity training; and appropriate instructional strategies for English language learners and students with special needs.

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CERTIFICATION

- 2. Develop an individual program of professional preparation consisting of at least 150 hours of study for each candidate to pursue professional development in all areas specified in 31 above.
- 3. Require each credential recipient to complete the preservice training program and preparation program specified in #1 and #2 above.

Emergency Substitute Teaching Permits

The District may employ persons with an emergency 30-day substitute permit for 30 days or less for any one teacher during the school year. Persons with an emergency substitute permit may be employed for 20 days or less in special education positions requiring certification, unless an extension has been approved by the Superintendent of Public Instruction. (Education Code 56061; 5 CCR 80025, 80025.4)

Before employing such persons, the Superintendent or designee shall prepare and keep on file a signed statement of need. The statement of need shall describe the situation or circumstances that necessitate the use of a 30-day substitute permit holder and state either that a credentialed person is not available or that the available credentialed person(s) do not meet the District's specified employment criteria. (5 CCR 80025)

Emergency Teaching or Specialist Permits

Before employing persons with emergency teaching or specialist permits for more than 20 days in special education positions or for more than 30 days in other positions, the Board shall document that it has made a diligent search for, but has been unable to recruit, a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internships or other alternative programs. (Education Code 44300, 5 CCR 80026)

The District shall submit to the Commission on Teacher Credentialing a declaration of need for fully qualified educators which shall be adopted by the Board as a separate agenda item, not a consent item, during a regularly scheduled public Board meeting. (Education Code 44300; 5 CCR 80026)

The Board's adopted declaration of need for fully qualified educators shall include: (5 CCR 80026)

- 1. The title(s) and number of each type of emergency permit that the District estimates it will need during the year. This will be based on previous year actual needs and enrollment projections, including each subject to be listed on emergency single subject teaching permits and the target language on emergency multiple subject or single subject teaching permits with bilingual crosscultural emphasis.
- 2. A brief description of efforts the District has made to locate and recruit individuals who hold the needed credentials.
- 3. A description of efforts the District has made to establish alternative training options, including:
 - a. The names of institutions of higher education cosponsoring internships or other certification programs with the District or a brief explanation of why there are no such programs.
 - b. An estimate of the number of pre-internship or internship programs, if any, that the District expects to employ during the year.

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CERTIFICATION

- c. A statement of whether the District has considered developing a plan to develop fully qualified educators in cooperation with other education agencies in the region pursuant to 5 CCR 80026.4, or a brief explanation of why the District has not considered such a plan.
- 4. Certification that there is an insufficient number of certificated persons who meet the District's specified employment criteria to fill necessary positions.

For any assignment for which a suitable fully prepared teacher is not available, the District shall make reasonable efforts to recruit an individual in the following priority order: (Education Code 44225.7)

- 1. A candidate who is scheduled to complete initial preparation requirements within six months
- 2. A candidate who is qualified to participate in an approved internship program in the region of the District

If a suitable person who meets these priorities is not available, the District may, as a last resort, request that the Commission on Teacher Credentialing approve the assignment of a person who does not meet the above criteria. (Education Code 44225.7

The Board shall certify by an annual resolution that it has made reasonable efforts to recruit a fully prepared teacher for the assignment. (Education Code 44225.7)

The Superintendent or designee shall provide an orientation for employees who are obtaining emergency teaching or specialist permits for the first time. This orientation shall include at least an overview of the curriculum that the teacher is expected to teach and effective techniques of classroom instruction and management at the teacher's assigned level. (Education Code 44300; 5 CCR 80026.5)

Whenever possible, the orientation shall occur before the teacher begins his/her teaching assignment. The Superintendent or designee shall also assign an experienced educator to guide and assist the teacher. This person shall be a certificated District employee or a certificated retiree of a California school District or county office of education and must have completed at least three full years of full-time classroom teaching experience or the equivalent. (Education Code 44300; 5 CCR 80026.5)

The Superintendent or designee shall inform applicants for emergency teaching or specialist permits that the District will provide the above orientation, guidance and assistance. Applicants shall be given the name or position of the person responsible for providing this guidance and assistance. They shall also be informed that in order for their permits to be renewed, they must complete a minimum of six semester or nine quarter units of course work for the related credential. For the first re-issuance, applicants must be participating in a professional development program, and must complete the equivalent of the District's plan to develop fully qualified educators, if available. (5 CCR 80026.1)

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Certificated Personnel

Policy #4112.23

SPECIAL EDUCATION STAFF

Resource Specialists

The Governing Board shall employ certificated resource specialists to provide services, where required by law, for students who have exceptional needs, their parents/guardians, and school staff.

The resource specialist program shall be directed by a resource specialist fully qualified in accordance with law.

Caseloads for special day classes are not set by law and may be determined through certificated collective bargaining agreements. Other special education caseloads are specified in Education Code 56362 and 56363.3. Guidelines regarding caseloads may be included in the SELPA's plan.

Legal Reference:

EDUCATION CODE

56195.8 Adoption of policies

56361 Program options

56362 Resource specialist program, contents, direction; resource specialists, caseloads, assignments, instructional aide; pupil enrollment

56362.1 Caseload

56362.5 Resource specialist certificate of competence

56362.7 Bilingual-cross-cultural certificate of assessment competence

56363.3 Average caseload limits

56441.7 Maximum caseload (programs for individuals with exceptional needs between the ages of three and five inclusive)

56728.6 Instructional personnel funding

56728.8 Instructional personnel funding; services to infants

CODE OF REGULATIONS, TITLE 5

3051.1 Language, speech and hearing development and remediation; appropriate credential

Page 1 of 1. Adopted: January 4, 1996 CSBA: 9/92

CRIMINAL RECORD CHECK

Applicants for Employment

The Superintendent or designee shall ensure that each person to be employed submits fingerprints, either electronically through the Live Scan system or on fingerprint identification cards, for processing by the Department of Justice. If the District is using the Live Scan system, the Superintendent or designee shall also provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

The Superintendent or designee shall ensure that no person is hired in a position requiring certification qualifications or supervising positions requiring certification qualifications who has been convicted of a violent or serious felony as listed in Penal Code 667.5(c) or 1192.7(c), unless that person has obtained a certificate of rehabilitation and a pardon. (Education Code 44830.1)

However, a certificated employee may be hired by the District, without obtaining a criminal record summary, if that employee became a permanent employee of another school District as of October 1, 1997. (Education Code 44830.1)

Temporary Certificate of Clearance

Before issuing a temporary certificate of clearance to an applicant whose credential is being processed, the Superintendent or designee shall obtain a criminal record summary from the Department of Justice. The Superintendent or designee shall not issue a temporary certificate of clearance if the applicant has been convicted of a violent or serious felony, unless the applicant has obtained a certificate of rehabilitation and pardon. (Education Code 44332, 44332.5, 44332.6)

The Superintendent or designee may issue a temporary certificate of clearance without obtaining a criminal record summary to an employee currently and continuously employed by a District within the county who is serving under a valid credential and has applied for a renewal of that credential or for an additional credential. (Education Code 44332.6)

The Superintendent or designee may issue a temporary certificate of clearance to a person who has been convicted of a serious felony that is not also a violent felony, if that person can prove to the sentencing court of the offense in question, by clear and convincing evidence, that he/she has been rehabilitated for the purposes of school employment for at least one year. (Education Code 44332.6)

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CRIMINAL RECORD CHECK

Subsequent Arrest Notification

The Superintendent or designee shall request subsequent arrest notification from the Department of Justice as provided under Penal Code 11105.2. (Education Code 44830.1)

Current Employees

The Superintendent or designee shall not retain in employment any current certificated employee who is a temporary employee, substitute employee or probationary employee serving before March 15 of the employee's second probationary year if he/she has been convicted of a violent or serious felony. (Education Code 44830.1)

Upon notification by the Department of Justice of such conviction, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1)

When the District receives written electronic notification of the fact of conviction from the Department of Justice, the Superintendent or designee shall terminate that employee without regard to any other procedure for termination specified in the Education Code or District procedures, unless that employee has received a certificate of rehabilitation and a pardon. (Education Code 44830.1)

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the Superintendent or designee shall immediately reinstate that employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement. (Education Code 44830.1)

Legal Reference:

EDUCATION CODE

44010 Sex offense

44332 Temporary certificate

44332.5 Registering certificates by certain Districts

44332.6 Criminal record check, county board of education

44346.1 Applicants for credential, conviction of violent or serious felony

44830.1 Certificated employees, conviction of a violent or serious felony

44830.2 Certificated employees; interagency agreement

44836 Conviction of a sex offense

45122.1 Classified employees, conviction of a violent or serious felony

45125 Use of personal identification cards to ascertain conviction of crime

Issued: May 27, 1999

45125.01 Classified employees; interagency agreements

45125.5 Automated records check

45126 Duty of department of Justice to furnish information

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Board First Reading: 11/02 Revised: 12/4/03

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CRIMINAL RECORD CHECK

PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

11105.2 Subsequent arrest notification

CODE OF REGULATIONS, TITLE II

703 Release of criminal offender record information

708 Destruction of criminal offender record information

Management Resources:

WEB SITES

Department of Justice/Attorney General's Office: http://www.caag.state.ca.us/app

Issued: May 27, 1999

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

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Certificated Personnel

Policy #4113

ASSIGNMENT Mandated Policy

In order to serve the best interests of students and the educational program, the Superintendent or designee shall assign certificated personnel to positions for which their preparation, certification, experience and aptitude qualify them.

Teachers may be assigned to any school within the District in accordance with the collective bargaining agreement.

The Governing Board encourages the assignment of experienced and fully credentialed teachers, including those who have attained National Board for Professional Teaching Standards certification, to schools with the greatest need to improve student achievement.

The Superintendent or designee may assign holders of a credential other than an emergency permit, with their consent, to teach subjects outside their credential authorization in departmentalized classes, pursuant to Education Code 44258.3. The Superintendent or designee shall develop procedures to verify the subject matter knowledge of the teacher before any such assignment is made. These procedures shall be developed with the assistance of subject matter specialists and shall be submitted to the Board for approval.

The Superintendent or designee shall periodically report to the Board on any teacher mis-assignments

Legal Reference:

EDUCATION CODE

35035 Additional powers and duties of superintendent

37616 Assignment of teachers to year-round schools

44250-44279 Credentials and assignments of teachers

44395-44398 Incentives for assigning NBPTS-certified teachers to low-performing schools

44824 Assignment of teachers to weekend classes

44955 Reduction in number of employees

GOVERNMENT CODE

3543.2 Scope of representation

WEB SITES: Commission on Teacher Credentialing: www.ctc.ca.gov

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CSBA: 3/01

Certificated Personnel Regulation #4113

ASSIGNMENT Mandated Procedures

Procedures for Verifying Subject Matter Knowledge

With the involvement of appropriate subject matter specialists, the Superin-tendent or designee shall develop and employ procedures for verifying the subject matter knowledge of teachers assigned to teach in departmentalized classes outside their credential authorization pursuant to Education Code 44258.3. For the purposes of these procedures, subject matter specialists are mentor teachers, curriculum specialists, resource teachers, classroom teachers certified to teach a subject, staff to regional subject matter projects or curriculum institutes, or college faculty. (Education Code 44258.3)

Procedures to be used for this purpose shall specify: (Education Code 44258.3)

- 1. One or more of the following ways in which subject matter competence shall be assessed:
 - a. Observation by subject matter specialists
 - b. Oral interviews
 - c. Demonstration lessons
 - d. Presentation of curricular portfolios
 - Written examinations
- 2. Specific criteria and standards for verifying subject matter knowledge by any of the above methods. These criteria shall include, but need not be limited to, evidence of the individual's knowledge of the including demonstrated knowledge of the appropriate curriculum subject matter to be taught, framework and the specific content of the District's course of study for the subject at the grade level to be taught.

Whenever a teacher is assigned to teach departmentalized classes pursuant to Education Code 44258.3, the Superintendent or designee shall notify the exclusive representative of the District's certificated employees. (Education Code 44258.3)

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Certificated Personnel Policy #4115

EVALUATION/SUPERVISION

The Governing Board believes that regular and comprehensive evaluations can help instructional staff improve their teaching skills and raise students' levels of achievement. Evaluations also serve to hold staff accountable for their performance. The Superintendent or designee shall evaluate the performance of certificated staff members in accordance with law, negotiated employee contracts and Board-adopted evaluation standards.

Objective standards from the National Board for Professional Teaching Standards and the California Standards for the Teaching Profession shall be reviewed and may be incorporated in District evaluation standards with the agreement of the employee exclusive representative of the certificated staff.

The Superintendent or designee shall ensure that evaluation ratings have uniform meaning throughout the District.

Evaluations shall be used to recognize the exemplary skills and accomplishments of staff and to identify areas needing improvement. When areas needing improvement are identified, the Board expects employees to accept responsibility for improving their performance. The Superintendent or designee shall endeavor to assist employees to improve their performance and may require participation in appropriate programs. Staff members are encouraged to take initiative to request assistance as necessary to promote effective teaching. (EC 44664)

Legal Reference:

EDUCATION CODE

33039 State guidelines for teacher evaluation procedures

35171 Availability of rules and regulations for evaluation of performance

44500-44508 Peer assistance and review program for teachers

44660-44665 Evaluation and assessment of performance of certificated employees (the Stull Act)

GOVERNMENT CODE

3543.2 Scope of representation

Management Resources:

CTC PUBLICATIONS

Standards for the Quality and Effectiveness for Beginning Teacher Support and Assessment Programs, 1997, Commission on Teacher Credentialing and State Superintendent of Public Instruction

California Standards for the Teaching Profession, 1997, Commission on Teacher Credentialing

WEB SITES

CSBA: http://www.csba.org CDE: http://www.cde.ca.gov

California Commission on Teacher Credentialing: http://www.ctc.ca.gov National Board for Professional Teaching Standards: http://www.nbpts.org

Certificated Personnel Regulation #4115

EVALUATION/SUPERVISION

Mandated Regulation

The Superintendent or designee shall print and make available to certificated employees written regulations related to the evaluation of their performance in their assigned duties. (EC 35171)

Certificated staff shall receive information regarding the District's evaluation criteria and procedures upon employment with the District and whenever the negotiated contract is revised.

Certificated employee performance shall be evaluated and assessed on a continuing basis, at least once a year for probationary staff and at least every other year for permanent staff. Permanent employees who receive an unsatisfactory evaluation shall be assessed annually until they receive a satisfactory evaluation. (EC 44664)

The Superintendent or designee shall assess the performance of certificated instructional staff as it reasonably relates to the following criteria: (EC 44662)

- 1. Student progress toward District standards of expected achievement for their grade level in each area of study
- 2. The instructional techniques and strategies used by the employee
- 3. The employee's adherence to curricular objectives
- 4. The establishment and maintenance of a suitable learning environment within the scope of the employee's responsibilities

The evaluation of certificated employee performance shall not include the use of publishes' norms established by standardized tests. (EC 44662)

Non-instructional certificated employees shall be evaluated on their performance in fulfilling their defined job responsibilities. (EC 44662)

Evaluations shall include recommendations, if necessary, as to areas of improvement in the employee's performance. If an employee is not performing satisfactorily according to standards approved by the Board, the Superintendent or designee shall so notify the employee in writing, describing the unsatisfactory performance. The Superintendent or designee shall also confer with the employee, make specific recommendations as to areas of improvement, and provide assistance to the employee. (EC 44664)

The Superintendent or designee may require that instructional employees who receive unsatisfactory ratings participate in a program designed to improve areas of performance and to further student achievement and the District's instructional objectives. (EC 44664)

Any employee who receives an unsatisfactory rating in the area of teaching methods or instruction shall participate in the District's peer assistance and review program. (EC 44664)

Results of an employee's participation in the peer assistance and review program shall be made available as part of the employee's evaluation. (EC 44662)

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CSBA: 2/96

Certificated Personnel Regulation #4115

EVALUATION/SUPERVISION

Mandated Regulation

Certificated instructional employees shall receive a written copy of their evaluation no later than 30 days before the last day of school. Before the last day of school, the employee and the evaluator shall meet to discuss the evaluation. (EC 44663)

Non-instructional certificated staff members employed on a 12-month basis shall receive a copy of their evaluation no later than June 30 of the year in which the evaluation is made. Before July 30 of the year in which the evaluation takes place, the employee and the evaluator shall meet to discuss the evaluation. (EC 44663)

Instructional and non-instructional certificated employees shall have the right to respond in writing to their evaluation. This response shall become a permanent attachment to the employee's personnel file. (EC 44663)

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CSBA: 2/96

Certificated Personnel Policy #4116

PROBATIONARY/PERMANENT STATUS

Probationary Status

Probationary employees shall receive training, assistance and evaluations consistent with their needs as new teachers. Such training and assistance may consist of in-service training and/or meetings with the employee's evaluator to discuss areas of strength and areas requiring improvement. In-service training may be provided during school hours as part of a comprehensive staff development program.

The performance of each probationary employee shall be evaluated and assessed at least once every school year.

Permanent Status

Granting of permanent status shall be based on completion of the probationary period in accordance with applicable law. Employees granted permanent status acquire specific rights under the Education Code, including those relating to discipline and dismissal. (Education Code 44932-44988)

Legal Reference:

EDUCATION CODE

44466 Status of university interns

44850.1 No tenure in administrative or supervisory position

44885.5 Status of District interns

44908 Complete year for probationary employees

44911-44913 Service not computed in eligibility for permanent status

44915 Classification of probationary employees

44917-44921 Status of substitute or temporary employees

44929.20 Continuing contracts (not to exceed four years - ADA under 250)

44929.21 Districts of 250 ADA or more

44929.23 Districts with less than 250 ADA

44929.28 Employment by another District

44930-44988 Resignations, dismissals and leaves of absence, especially:

44948.2 Election to use provisions of Section 44948.3

44948.3 Dismissal of probationary employees

Certificated Personnel Regulation #4116

PROBATIONARY/PERMANENT STATUS

Permanent Status

A probationary teacher who has been employed by the District in a position or positions requiring certification for two complete consecutive school years and is then rehired for the next succeeding school year shall become a permanent employee at the beginning of the third year. (EC 44929.21)

A probationary teacher who has been employed by the District in a position or positions requiring certification for two complete consecutive school years and is then rehired for the next succeeding school year shall become a permanent employee at the beginning of the third year. (Education Code 44929.23)

Permanency Achieved in Other Districts

A person who has achieved permanent status as a certificated employee in another school District may be employed by the Board as a permanent certificated employee. (Education Code 44929.28)

Interns

A person employed as a District or university intern shall be classified as a probationary employee. Following completion of the internship, if he/she is reelected by the District to serve in a position requiring certification quail-fications for the next succeeding school year, he/she shall continue to be classified as a probationary employee during that year. (Education Code 44466, 44885.5)

A person who has completed an internship and at least one complete school year in a position requiring certification qualifications within the District shall be granted permanent status when he/she is reelected for the next succeeding school year to a position requiring certification qualifications. (Education Code 44466, 44885.5)

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Certificated Personnel

Regulation #4117.14

RETIRED TEACHERS/ CLASS SIZE REDUCTION PROGRAM

The Superintendent or designee may hire State Teachers Retirement System members who retired from service with an effective date on or before July 1, 1996 to provide direct instruction to students in grades kindergarten through 12 to help meet the objectives of the Class Size Reduction Program. These teachers shall be exempt from the limitation on earnings specified in Education Code 24214(d)-(f).

In order to hire a retired certificated employee, the District shall meet the following conditions: (Education Code 24216.5)

- 1. The employment is necessary to meet the objectives of the Class Size Reduction Program.
- 2. The employee shall be treated as a distinct class of temporary employees within the existing bargaining unit. The rate of pay shall be the rate esta-blished in Education Code 24214(b) and agreed to in the collective bargaining agreement between the employer and the exclusive representative for employees of the school District.
- 3. The District shall submit documentation required by the system to substantiate the eligibility of the employment of a retired member for this exemption.

The District shall maintain accurate records of the retired member's earnings and shall report those earnings monthly to the system regardless of the method of payment or the source of funds from which the earnings are paid. (Education Code 24216.5)

A member who retired from service with an effective date on or before July 1, 1996, and who, between July 1, 1996 and 60 days following the effective date of the law, terminated his or her service retirement allowance and returned to employment that qualifies for the exemption shall have the right to cancel his or her reinstatement and return to status as a member retired from service as if the service retirement allowance had not been terminated. (Education Code 24216.5)

Legal Reference:

EDUCATION CODE

22119.5 Creditable service, definition

24214 Creditable service by retiree

24216.5-24216.6 Exemption from earnings limitation

44279.1-44279.7 Beginning Teacher Support and Assessment System

44305-44308 Pre-internship teaching program

44380-44386 Alternative certification program

44390-44393 School paraprofessional teacher training program

44830 Employment of certificated employees

44830.3 Employment of District interns

Management Resources:

WEB SITES

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6/97

Certificated Personnel

Regulation #4117.14

RETIRED TEACHERS/ CLASS SIZE REDUCTION PROGRAM

STRS: http://www.strs.ca.gov

Page 2 of 1. Issued: July 16

Regulation #4117.4

DISMISSAL

Permanent Employees

Permanent employees shall not be dismissed from their position except when cause for the dismissal can be shown. Cause and procedures for dismissal are defined by provisions of EC 44932 et seq.

Probationary Employees

During the school year, certificated probationary employees may be dismissed for causes specified in Education Code 44932 or for unsatisfactory performance deter-mined pursuant to EC 44660-44665. Procedures and time limits for such action shall be those set forth in EC44948.3.

At the end of the school year, the Governing Board may decide not to rehire pro-bationary employees without a statement of reasons, giving notice in accordance with Education Code 44929.21.

During the school year, dismissal procedures shall be those set forth in Education Code 44932 et seq.

At the end of the school year, dismissal procedures shall be those set forth in Education Code 44948.5. The employee shall receive written notice on or before March 15 and may request a hearing, as provided by Education Code 44948.5, to determine if there is cause for not reemploying him/her. If the Governing Board does not give written notice on or before March 15, the employee shall be rehired for the following year. (Education Code 44948.5)

Legal References:

EDUCATION CODE

44660-44665 Evaluation and assessment of performance

44842 Automatic declining of employment

44918 Substitute or temporary employee; reemployment rights

44929.21 Districts with 250 ADA or more; notice of reelection decision.

44929.23 Districts with daily attendance less than 250

44932-44947 Suspension and/or dismissal of permanent employees

44948 Dismissal or suspension of probationary employees during school year

44948.2 Election to use provisions of Education Code 44948.3

44948.3 Dismissal of probationary employees (over 250 ADA)

44948.5 Dismissal of probationary employees (under 250 ADA)

44949 Cause, notice and right to hearing for dismissal of probationary employee

44953 Dismissal of substitute employees

44955 Reduction in number of permanent employees

GOVERNMENT CODE

3543.2 Scope of representation (re duty of District to meet and negotiate regarding causes and procedures for discipline less than dismissal)

Page 1 of 1. Issued: July 16, 1998 CSBA: 10/96 Certificated Personnel Policy #4131

STAFF DEVELOPMENT

The Governing Board believes that in order to maximize student learning certificated staff members must be continuously learning and improving their skills. The Superintendent or designee shall develop a program of ongoing professional development that includes opportunities for teachers and certificated teaching assistants to enhance their instructional and classroom management skills and increase their knowledge of academic content in the core curriculum. The program may include but is not limited to:

- 1. Mastery of discipline-based knowledge, including the state-adopted standards, and effective subjectspecific pedagogical skills
- 2. Teaching methods and strategies, including the use of technologies to enhance instruction
- 3. Sensitivity to the needs of diverse student populations, including minorities, students with disabilities, English language learners and economically disadvantaged students, and ability to meet those needs
- 4. Understanding of how academic and vocational instruction can be integrated and implemented to increase student learning; skill in evaluating and combining available instructional resources; opportunities to collaborate with other staff members in the alignment of academic and vocational curricula
- 5. Knowledge of strategies that enable parents/guardians to participate fully and effectively in their children's education
- 6. Effective classroom management skills, ability to relate to students, understand their various stages of growth and development, and motivate them to learn
- 7. Training related to student health, safety and welfare

The District's staff development program shall provide maximum opportunities for staff participation without impacting the number of instructional days offered to students as required by law.

The Superintendent or designee shall develop a District staff development plan that is coordinated with school improvement objectives and school plans established by individuals who are closest to the classroom and most knowledgeable about the needs of the school and its students.

The Superintendent or designee shall ensure that the District meets its obligations related to the professional growth of individual probationary and permanent teachers.

Because the Board believes that intensive professional development is especially critical during the beginning years of a teacher's career, the Superintendent or designee shall develop a voluntary program of individualized support and assistance for first-year and second-year teachers.

The Board may budget funds for actual and reasonable expenses incurred by staff who participate in staff development activities.

The Superintendent or designee shall provide a means for continual evaluation of the benefit of these activities to staff and students.

Legal Reference:

EDUCATION CODE

44032 Travel expense payment

44277-44279 Professional growth requirements for maintaining valid credentials

44279.1-44279.7 Beginning Teacher Support and Assessment Program (BTSA)

44560 In-service preparation in ethnic backgrounds

44570-44578 In-service training - personnel, secondary education

44579-44579.4 Instructional Time and Staff Development Reform Program

44580-44591 In-service training - personnel, elementary teachers

44630-44643 Professional Development and Program Improvement Act of 1968

44670.1-44680.8 School personnel staff development and resource centers

Page 1 of 2. Adopted: 12/02/99 All Rights Reserved by PGUSD.

CSBA: 10/98

Certificated Personnel Policy #4131

STAFF DEVELOPMENT

44681-44689 Administrator training and evaluation

44700-44705 Classroom teacher instructional improvement program

44755-44759.7 In-service training in reading instruction, grades K-3 and 4-8

48980 Notification of parents/guardians: schedule of minimum days

51210 Courses of study for grades 1-6

51220 Courses of study for grades 7-12

51226.3 Legislative intent for staff development on the Great Irish Famine

52800-52870 School-Based Program Coordination Act

54720-54734 School-Based Pupil Motivation and Maintenance Program

56240-56245 Staff development; service to persons with disabilities

GOVERNMENT CODE

3543.2 Scope of representation of employee organization

CODE OF REGULATIONS, TITLE 5

6000-6002 Instructional time and staff development reform program

13025-13044 Professional development and program improvement programs

UNITED STATES CODE, TITLE 20

6101 - 6251 School-to-Work Opportunities Act of 1994

6601 - 6702 Dwight D. Eisenhower Professional Development Program

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

San Mateo City School District, (1984) PERB Dec. No. 375, 8 PERC 15021

Jefferson School Districts, (1980) PERB Dec. No. 133, 4 PERC 11117

Management Resources:

CTC PUBLICATIONS

California Standards for the Teaching Profession: A Description of Professional Practice for California Teachers, 1997

LABOR LAW REPORTER

Public Sector Labor Relations, Matthew Bender & Co., Inc. Rel. 2-5/91, Pub. 176, Section 11.05[14]

WEB SITES

CDE: http://www.cde.ca.gov

Certificated Personnel Regulation #4131

STAFF DEVELOPMENT

The Superintendent or designee shall ensure that certificated staff members have opportunities to learn both from outside sources and from each other. These opportunities may include release time, leaves of absence or use of non-instruc-tional time for:

- 1. Visits to other classrooms and other schools
- 2. Attendance at professional education conferences or committee meetings
- 3. Participation in professional development networks that promote inquiry and allow staff to analyze and evaluate each other's work
- 4. Peer conferences and/or joint staff preparation time
- 5. Discussions with representatives of business and community agencies for the purpose of identifying the skills, knowledge and aptitudes necessary for specific career paths and developing meaningful career-related, work-based learning experiences
- 6. Internships in industry and community agencies where teachers can learn how academic skills are used in the workplace
- 7. Travel, study and research in subject matter content and effective educational practices
- 8. Training classes and workshops offered by the District, county office of education or state
- 9. Training in institutions of higher education, including credit courses conducted in or near the District whenever possible
- 10. Follow-up activities that help staff to implement newly acquired skills

The Superintendent or designee shall provide an up-to-date professional library for use by staff.

Instructional Time and Staff Development Reform Program

The Superintendent or designee shall design a program which provides staff development opportunities for certificated classroom teachers and certificated teaching assistants on days that are not counted as instructional time. This staff development program shall meet the following conditions:

- 1. The program shall meet the District's educational priorities as defined by the Governing Board and be consistent with regulations adopted by the State Board of Education. (Education Code
- 2. The program shall provide staff development in the academic content of the core curriculum; in instructional methods, including teaching strategies and classroom management; and in any other training designed to improve student performance. (Education Code 44579.1)

"Core curriculum areas" means those areas of study specified in Education Code 51210(a)-(g) and 51220(a)-(j). (5 CCR 6000)

3. For each staff development day provided under this program, records of attendance shall be maintained and participants shall be present for the full day. (Education Code 44579.1)

The District shall maintain a certification of the contemporaneous record of attendance of the eligible participants who attended each full staff development day for which the District requests funding. If a single staff development day is conducted over several calendar days, the contemporaneous records

Page 1 of 2. Issued: December 12, 1999 CSBA: 10/98

Certificated Personnel Regulation #4131

STAFF DEVELOPMENT

must evidence that each employee who participated in the staff development day was present for the equivalent of a full-time instructional work day. (5 CCR 6001)

- 4. Each staff development day shall be at least as long as the full-time instruc-tional day for certificated employees of the District. However, a single staff development day may be conducted over several calendar days. (Education Code 44579.1)
- 5. If the staff development day is conducted after completion of an instructional day, it may not be held on a minimum day for which parents/guardians were notified pursuant to Education Code 48980. (Education Code 44579.1)

Beginning Teacher Support

To support teachers who are serving in their first or second year of service and enhance their effectiveness in teaching District students, the Superintendent or designee shall: (Education Code 44279.2)

- 1. Develop, implement and evaluate a teacher induction program that meets the Quality and Effectiveness for Beginning Teacher Induction Program Standards adopted by the Commission on Teacher Credentialing
- 2. Support beginning teachers in meeting the competencies described in the California Standards for the Teaching Profession adopted by the Commission on Teacher Credentialing
- 3. Meet criteria for the cost-effective delivery of program services

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Policy #4131.5 Certificated Personnel

PROFESSIONAL GROWTH

The Governing Board recognizes its obligation to help teachers meet their responsibility for fulfilling the professional growth requirements of their credentials. The Board expects that the increased competence attained by these teachers during their professional growth activities will contribute significantly to the District's educational program.

Title 5, Section 80556 requires the Superintendent or designee to designate one or more credentialed persons as professional growth advisors. Title 5, Section 80556 also mandates the District to adopt policies and procedures for the selection of these advisors.

The Superintendent or designee shall maintain procedures for the selection of professional growth advisors. These procedures shall be designed to provide for the best possible match between teachers and advisors.

The Board may appoint one or more professional growth panels to participate in selecting, orienting and assisting professional growth advisors. (Title 5, Section 80556)

The Board may appoint one or more professional growth panels to resolve disputes between teachers and professional growth advisors. (Title 5, Section 80556)

The Superintendent or designee shall provide the Board with recommendations for panel membership. Panels may include administrators, teachers, parents and other members of the community.

Legal Reference:

EDUCATION CODE

44277-44279 Requirements for professional growth

CODE OF REGULATIONS, TITLE 5

80550-80565 Generally, especially

80550 Professional growth requirements definitions

80552-80553 Specific renewal requirements

80554-80555 Elements of professional growth plan and professional growth record

80556 Professional growth advisors, and employing agencies; roles and responsibilities

80558 Definition of professional growth activities

80565 Professional service requirements

Page 1 of 1. Adopted: January 4, 1996 CSBA: 12/90

Certificated Personnel

Regulation #4131.5

PROFESSIONAL GROWTH

When selecting professional growth advisors, the Superintendent or designee shall consider:

- 1. Subject matter compatibility, interest in special topics, and interactive skills.
- 2. Proximity to the work location of the teacher and reasonable workload for the advisor. (Title 5, **Section 80556)**

The professional growth advisor shall:

- 1. Advise teachers of school District and state professional growth requirements.
- 2. Identify growth needs of the District.
- 3. Assist in defining the teacher's goals and objectives for professional growth.
- 4. Approve all plans prior to their implementation and upon completion.

The Superintendent or designee shall provide all teachers with the names and work locations of the District's designated professional growth advisors. (Title 5, Section 80556)

Page 1 of 1. Issued: January 4, 1996 CSBA: 12/90

In addition to upper division and graduate academic course units earned in a college or university, the Board of Education recognizes that the professional growth of teachers is made possible through a variety of carefully planned and evaluated activities.

In order to encourage teachers to engage in a wide variety of professional growth activities, the Board of Education directs the Superintendent to establish a Professional Growth Review Board (PGRB) composed of teachers and an administrator. The function of this Review Board will be to review requests for professional growth credit and make recommendations to the Superintendent. The Review Board will evaluate advance plans for and evidence of satisfactory completion of professional growth activities, categorical examples of which are:

- 1. Educational travel
- 2. Action research
- 3. Self-directed study
- 4. Lower division college course work (for teachers already in District)
- 5. Curriculum development
- 6. Other activities approved by the PGRB and the Superintendent

The Review Board will recommend to the Superintendent the appropriate number of units to be assigned to each completed project. This recommendation will specify the application of units to:

- 1. Advancement from one column to the next on the salary schedule
- 2. In-service release time

Upon authorization by the Superintendent, the units will be applied accordingly. PGRB units are limited as follows:

- 1. In general, fifteen approved hours of activity equates to one PGRB unit.
- 2. No more than one-third of the units required for any column change on the salary schedule shall be earned in any manner other than upper division or graduate college work.
- 3. One PGRB unit will entitle a teacher to one day of in-service release time. Teachers shall give advance notice to their principal before taking in-service release days. The date(s) of such release time shall be at the teacher's discretion, except that in an emergency situation the Superintendent may require the teacher to select an alternate date(s).
- 4. No more than three days of in-service release time will be granted to any teacher during a school vear.
- 5. Activities completed for PGRB units shall take place outside the regular school day with the possible exception of action research projects.
- 6. All expenses connected with earning PGRB units shall be paid by the employee.
- 7. All proposals for PGRB units must be received by PGRB prior to the teacher beginning his/her in-service activity.

In the event the Board policy is changed, units will be given for approved programs in progress.

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It is the policy of the Board of Education to encourage teachers to secure advanced professional preparation by a variety of activities. It has authorized the formation of a Review Board whose function is as follows:

- 1. Review the teacher's proposed professional growth activities submitted under the provisions of the Board of Education Policy "Professional Growth Review Board."
- 2. Evaluate the activity upon its completion.
- 3. Recommend to the Superintendent the granting of professional growth units that will be credited to the teacher for column change, or in-service release time.

The Review Board shall be composed of one elementary teacher from each school, two middle school teachers, two senior high school teachers and one administrator. Teacher membership will be elected by a vote of faculty members at each school. Members will be elected for a two-year term with the exception that the administrator (selected by the Superintendent), one high school teacher and one elementary teacher will, upon the initial organization of the Review Board, be appointed for a one year term. A member may be elected to succeed himself.

A certificated employee may progress from one pay bracket to a higher one and fulfill the professional growth requirements by the satisfactory completion of the specified number of professional growth units. These units may be earned in either of the following ways:

- 1. Satisfactory completion of upper division or graduate level courses from an accredited college or university
- 2. Self-directed learning experiences directly related to the teacher's professional field, providing such self-directed learning experiences have been approved for units by the Professional Growth Review Board.

The following self-directed learning experiences qualify for consideration by the Professional Growth Review Board:

- 1. Educational Travel. The Professional Growth Review Board may recommend units for educational travel conducted under the following circumstances:
 - a. The travel must have specific educational objectives related to the teacher's professional responsibilities as distinguished from a sight-seeing trip or vacation.
 - b. A planned itinerary must be presented. The itinerary must be designed to achieve the specified educational objectives.
 - c. The objectives, itinerary, and proposed evidence of having achieved the objectives must be submitted to the Review Board in writing in a form approved by the Review Board. The teacher may approach the Review Board prior to making written plans in order to secure its advice relative to the preparation of the application.
 - d. Fourteen days of approved travel must be completed for each unit of travel credit earned. Maximum: 2 units per year.
- 2. Action Research. Professional growth units may be earned by a teacher who conducts an approved action research project. Action research refers to a controlled study to determine

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whether or not a specific hypothesis will lead to an anticipated result. For example, action research may be related to establishing effectiveness of particular 1) curriculum materials, 2) modes of teaching, 3) approaches to discipline, or other similar topics.

The procedure to be followed is:

- a. The applicant must submit, in writing, a project proposal containing a statement of purpose, the method of research, a description of the method of evaluation and an outline of the method proposed for reporting the results.
- b. A report of the research must be presented to the Review Board.
- c. The conclusions drawn by the research shall not affect the decision of the Review Board relative to its recommendation for units.
- d. A maximum of three units per year may be earned through action research.
- 3. Self-Directed Study. Professional growth units may be earned by a teacher who satisfactorily completes a series of self-planned study activities. The procedure to be followed is:
 - a. Prepare and present to the Review Board a written proposal containing the following information:
 - (1) The purpose of the reading, indicating how this purpose relates to the professional responsibility of the teacher
 - (2) A list of the professional literature which will be used in the self-directed study
 - (3) A proposal for the presentation of evidence of the self-directed study
 - (4) A project of this nature must be significantly above and beyond what may be normally expected of every professional teacher
 - (5) A maximum of two units per year may be earned in this fashion
- 4. Lower Division College Course Work. There may be instances where the immediate professional needs of the teacher or the District would be best served by encouraging a teacher to take a lower division course (a course normally offered to freshmen and sophomores in college). The procedure to be followed is:
 - a. Submit to the Review Board a statement indicating the number of the course and an outline of the course content as published by the institution offering the course and a statement indicating the need for this course.
 - b. At this point, and preferably prior to the teacher beginning the course, the Review Board must submit its recommendations to the Superintendent for his consideration. In any event, the application must be made to the Review Board no later than one week after the course has begun. However, the candidate who waits until the course has commenced before filing should be aware of the possibility of disapproval.
- 5. Curriculum Development. Professional growth units may be earned by a teacher who satisfactorily completes activities related to curriculum development. The procedure to be followed is:
 - a. Prepare and present to the PGRB a written proposal containing the following information:

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- (1) A description of the curriculum revision that shows how this proposal goes substantially beyond the scope of the teacher's regular professional duties.
- (2) A proposal for the presentation of evidence of the completed curriculum revision.
- (3) A maximum of three units per year may be earned in this fashion.
- 6. Other Activities. Professional growth takes many forms and the list of professional growth activities presented above is not designed to exclude the possibility of other activities. The Review Board will consider any plan brought to its attention in a manner that it may prescribe. However, the Review Board will consult with the Superintendent and receive his approval prior to encouraging a teacher to pursue a professional growth activity. A maximum of three units per year may be earned in this fashion.

Whenever possible, teachers are encouraged to make available products, expertise, and experience gained through earning PGRB units.

The Review Board will develop appropriate methods for notifying the Personnel Office when credit has been granted and approved by the Superintendent.

Directions and applications for professional growth units will be printed and available to all certificated employees.

The Board of Education will be provided with minutes of all PGRB meetings.

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Certificated Personnel Policy #4137

TUTORING

The Governing Board expects teachers and other members of the instructional staff to make every effort to resolve students' learning problems at school before recommending that parents/guardians engage a tutor or other professional help. By maintaining a competent, dedicated staff and adequate instructional resources, the Board seeks to minimize the need for individual tutoring.

To preclude conflicts of interest, teachers may not accept any kind of remu-neration for tutoring a student enrolled in any of their classes. Teachers who tutor other students must perform this service outside of school facilities and make their own arrangements with parents/guardians for the fees to be charged. The Board encourages teachers to tutor only in subjects or grade levels for which they are certificated.

Legal Reference: GOVERNMENT CODE 1126 Incompatible activities of employees

Page 1 of 1. Adopted: January 4, 1996 CSBA: 6/91

Certificated/Classified Personnel

Policy #4141

COLLECTIVE BARGAINING AGREEMENT

The Governing Board recognizes that collective bargaining agreements are legally binding, bilateral agreements. The Board is committed to carrying out the provisions of each agreement and expects the agreements to be consistently and uniformly administered.

In order to help prepare for future negotiations, the Superintendent or designee shall identify any portions of the agreement that hinder the district's efforts to meet district goals.

Page 1 of 1

Reference: EC 35160, 35160.1, GC 3540-3549.3;

Adopted: October 1, 1998

CSBA: 10/95

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Certificated Personnel Policy #4143.1

PUBLIC NOTICE - PERSONNEL NEGOTIATIONS

Mandated Policy

Because the Governing Board has a responsibility to represent the public's interest in negotiations with employee organizations, the Board is committed to keeping the public informed and encouraging public comment throughout the negotiations process. The Board shall inform the public about contract proposals and shall disclose the major provisions of the proposed agreement as required by law.

Public Notice

All initial contract proposals of the Board and an employee organization, which relate to matters within the scope of representation shall be presented at a public meeting and shall thereafter be public records. (Government Code 3547).

Meeting and negotiating between district and employee organization representatives shall not take place on these initial proposals until a reasonable time has elapsed after the submission of these proposals to enable the public to become informed and to express itself regarding the proposals at a public meeting. (Government Code 3547).

After the public has had the opportunity to provide input, the Board shall adopt its initial proposal at a public meeting (Government Code 3547).

New subjects of meeting and negotiation arising after the presentation of initial proposals shall be made public within 24 hours. If a vote is taken on any such subject by the Board, each member's vote also shall be made public within 24 hours (Government Code 3547).

Legal Reference:

GOVERNMENT CODE

3547 Proposals relating to representation; informing public, adoption of proposals; new subjects; regulations

3547.5 Major provisions of agreement with exclusive representative

CODE OF REGULATIONS, TITLE 8

32075 PERB regional office defined

32900 EERA and HEERA public notice: requirements for governing boards to adopt policy

32910 Filing of EERA or HEERA complaint

Management Resources:

CDE MANAGEMENT ADVISORY

0515.92 Public Disclosure of Collective Bargaining Agreements, 92-01

CSBA PUBLICATIONS

Public Notice and Disclosure, Resource Guide for Employment Relations, December 1996

Adopted: July 16, 1998 Revised: February 21, 2002 CSBA: 6/97

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Certificated & Classified Personnel

Regulation #4143.1

PUBLIC NOTICE/ PERSONNEL NEGOTIATIONS

Public Disclosure

The Superintendent or designee shall prepare a summary of the proposed agreement that shall be available to the public prior to the Board entering into the agreement. The summary shall include, but may not necessarily be limited to:

- 1. Major provisions of the agreement that affect compensation, such as:
 - a. Percentage change in salaries
 - b. Changes in health and welfare benefits
 - c. Changes in health and welfare benefit dollar contributions by the District
 - d. Changes in step and column or longevity provisions
 - e. Changes in overtime, differential, callback and standby pay provisions
 - f. Changes in staffing ratios
 - g. One-time bonuses or off-the-schedule increases
 - h. Percentage change of total compensation for the average represented employee
- 2. Other provisions that will result in increased costs to the District even if they do not involve an increase in employee compensation, such as class-size reduction or increased number of staff development days
- 3. Costs of the proposed agreement, for the current and subsequent fiscal years, categorized for salaries, benefits, other compensation and other non-compensation costs
- 4. Proposed source(s) of funding for the current and subsequent fiscal years including the assumptions used to determine available resources to meet the obligations of the proposed agreement
- 5. Other major provisions that do not directly affect the District's costs, such as grievance procedures

A copy of the summary shall be provided to the County Office of Education.

A copy of the Governing Board's policy implementing the public notice requirements shall be available in the District office. (8 CCR 32900)

Certificated Personnel Policy #4161.1

PERSONAL ILLNESS AND INJURY LEAVE

Every certificated employee working five (5) school days each week is entitled to ten (10) days' personal illness or injury leave of absence per school year with full pay. Such leave for employees working less than five (5) days per week shall be proportionately less. (Education Code 44978)

Sick leave shall be credited at the beginning of the school year. (Education Code 44978) Employees who do not complete a year of service will be charged for any unearned sick leave used as of the date of termination.

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

Employees may use sick leave as provided for in this policy for absences due to pregnancy, miscarriage, childbirth and recovery. (Education Code 44978)

The Superintendent shall establish regulations requiring proof of illness or injuries reported by employees and specifying procedures by which such verification shall be made. (Education Code 44978)

Upon request, employees who terminate their service to the District may have their accumulated sick leave transferred to their next District of employment. (Education Code 44979)

Sick Leave Beyond Ten Days

When a certificated employee has used up all his/her current and accumulated sick leave and is still absent due to illness or accident, the employee shall receive his/her regular salary, minus the cost of a substitute to fill the position, for a period extending no longer than five continuous school months beyond the employee's eleventh day of absence during the current school year. (Education Code 44977) Differential benefits shall not be provided for days on which the employee receives full pay as a result of accumulated sick leave.

Page 1 of 1. Adopted: July 16, 1998 CSBA: 12/88

Certificated Personnel

INDUSTRIAL ACCIDENT/ILLNESS LEAVE

Mandated Regulation

Regulation #4161.11

When a certificated employee is absent from his/her duties because of an industrial accident or illness, the following rules shall apply:

- 1. Allowable leave for any single accident or illness shall be for not less than sixty (60) days during which the schools of the District are in session, or when the employee would otherwise have been performing work for the District in any one school year.
- 2. Allowable leave shall not accumulate from year to year.
- 3. Industrial accident or illness leave shall start on the first day of absence.
- 4. An employee on allowable leave for industrial accident or illness shall be paid such portion of the salary due for any month in which the accident occurs as, when added to the temporary disability indemnity under Division 4 or 4.5 of the Labor Code, will result in a payment to the employee of not more than his/her full salary. (Education Code 44984(d))
- 5. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence, regardless of a temporary disability indemnity award.
- 6. When an industrial accident or illness leave overlaps into the next fiscal year, the employee is entitled to only the amount of unused leave due the employee for the same illness or injury. On expiration of allowable leave for an industrial accident or illness leave the employee may use personal illness and injury leave as provided by Education Code 44977, 44978 and 44983. If the employee continues to receive temporary disability indemnity, he may elect to take as much of the accumulated sick leave which, when added to his/her temporary disability indemnity, will result in a payment to the employee of not more than the employee's full salary.

During any paid leave of absence the employee may endorse to the District the temporary disability indemnity checks received on account of his/her industrial accident or illness. In those cases, the District will issue appropriate salary warrants for payment of the employee's salary, and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by such salary warrants.

Any employee receiving benefits under this leave shall, during periods of injury or illness, remain within the State of California unless the Governing Board authorizes travel outside the state.

Page 1 of 1 Adopted: 7/16/98 CSBA: 1/85

Classified Personnel

Policy #4200

CLASSIFIED PERSONNEL

Mandated Policy

The Governing Board desires to fill each of its classified positions with highly skilled and qualified persons, consistent with position requirements. The primary role of classified personnel is to provide services that support and enhance the District's educational program.

The classified service shall consist of all employees in positions not requiring certification unless the position is specifically exempted from the classified ser-vice. Individuals who possess certification qualifications shall not be prohibited from being employed in a classified position. (EC 45104)

Each classified staff member shall be held accountable for duties assigned to him/her and shall undergo regular performance evaluations in accordance with negotiated agreements.

Policies, rules and regulations related to classified personnel shall be available to all concerned and shall be administered in a fair and equitable fashion. Classified personnel should also consult the rules and regulations of the personnel commission in order to ensure consistency of Board policies with those rules and regulations.

Legal Reference:

EDUCATION CODE

45100-45139 Employment of classified staff

45160-45166 Salaries and differential compensation

45190-45210 Resignation and leaves of absence

45220-45320 Merit system

49406 Examination for tuberculosis

51760-51769.5 Work experience education

Classified Personnel Regulation #4200

CLASSIFIED PERSONNEL

Merit System Districts

Individuals hired solely for the following purposes are exempt from the classified service:

- 1. Part-time playground positions (noon duty aides) (Education Code 45256)
- 2. Apprentices (Education Code 45256)
- 3. Professional experts employed on a temporary basis for a specific project (EC45256)
- 4. Full-time day students employed part time (Education Code 45256)
- 5. Part-time students employed part time in any program conducted by a community District college pursuant to Education Code 51760 et seq. and which is financed by state or federal funds (Education Code 45256)
- 6. Positions established for the employment of community representatives in hours in a fiscal year, provided the authorized duties are not those normally assigned to a class of positions in the classified service and are approved by the personnel commission in advance of employment (Education Code 45258)

Persons hired solely for purposes that are exempted from the classified service shall nevertheless fulfill the obligations of classified employees related to physical examinations pursuant to Education Code 45122, fingerprinting pursuant to Education Code 45125, and tuberculosis tests pursuant to Education Code 49406. Employment for such purposes after conviction of a sex or controlled substance offense shall be subject to the provisions of Education Code 45123 and 45124. (Education Code 45106)

Persons employed in restricted positions shall be classified employees for all purposes except that they shall not be subject to the provisions of Education Code 45272-45273 related to promotional examinations and the filling of vacancies and shall not acquire permanent status or seniority credit. They shall be eligible for promotion into the regular classified service only after completing six months of satisfactory service, and only upon the subsequent satisfactory completion of the qualifying examinations required of all other persons serving in the same class in the regular classified service. (Education Code 45105, 45108)

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Classified Personnel Policy #4211

RECRUITMENT AND SELECTION

In order to secure quality personnel, the District shall maintain an effective recruitment program based upon alertness to good candidates, initiative that results in prompt action, and good personnel practices in dealing with applicants.

The Superintendent or designee shall determine the personnel needs of the District. He/she shall locate suitable candidates and make recommendations to the Governing Board for employment.

No inquiry shall be made with regard to the age, sex, race, color, religion, or national origin of a person seeking employment. Questions regarding disability shall be asked only when directly related to the ability to perform duties of the job. (Note: As required by affirmative action laws, the screening committee does not have *knowledge of these factors.*)

District employment practices shall not discriminate against authorized aliens. Legally-required inquiries to assure employment eligibility status shall be made in accordance with Board policy and administrative regulation.

The Superintendent shall ensure that persons nominated for employment meet all qualifications established by law and by the Board.

Legal Reference:

EDUCATION CODE

200-261 Prohibition of discrimination on the basis of sex

44066 Limitations on certification requirements

45103-45138 Employment (classified employees)

49406 Examination for tuberculosis

CODE OF REGULATIONS, TITLE 5

30-31 Affirmative Action Employment Programs

LABOR CODE

1420 Unlawful employment practices

TITLE VII, Civil Rights Act as amended by Title IX, Equal Employment Opportunity Act

IMMIGRATION REFORM AND CONTROL ACT OF 1986

Page 1 of 1. Adopted: January 4, 1996 CSBA: 9/87

APPOINTMENT AND CONDITIONS OF EMPLOYMENT

Upon recommendation of the Superintendent, the Governing Board shall approve the appointment of all classified employees. The position and the pay rate shall be reported to the Board at a regular meeting.

Individuals appointed to the classified staff shall, at a minimum:

- 1. Submit to fingerprinting as required by law (Education Code 45125)
- 2. Not have been convicted of a violent or serious felony (Education Code 45122.1)
- 3. Not have been convicted of any sex offense as defined in Education Code 44010 (Education Code 45123)
- 4. Not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code 6300-6332 (Education Code 45124).
- 5. If the individual will be working directly and in an unaccompanied setting with minor children on a more than incidental and occasional basis or will have supervision or disciplinary power over minor children, not be required to register as a sex offender pursuant to Penal Code 290 because of a conviction for a crime where the victim was a minor under the age of 16 (Penal code 290.95)
- 6. Not have been convicted of any controlled substance offense as defined in Education Code <u>44011</u> (Education Code <u>45123</u>)
- 7. Submit to a physical examination or provide proof thereof as required by law and Board policy (Education Code 45122, 49406)
- 8. File the oath or affirmation of allegiance required by Government Code 3100-3109
- 9. Submit to drug and alcohol testing as required by Board policy
- 10. Fulfill any other requirements as specified by law, collective bargaining agreement, Board policy or administrative regulation.

When first employed and upon each subsequent change in classification, classified employees other than short-term, limited-term or provisional employees shall be given two copies of their class specification, salary data, assignment or work location, duty hours and prescribed work week. Salary data shall specify pay period (monthly, semimonthly or other) and applicable rates of compensation (daily, hourly, overtime and differential rates). Employees shall keep one copy of this information and shall sign and date the other copy and return it to their supervisor. (Education Code <u>45169</u>)

Legal Reference:

EDUCATION CODE

- 35161 Powers and duties
- 44010 Sex offense definitions
- 44011 Controlled substance offense definitions
- 44066 Limitation on certification requirements
- 45103 Classified service in Districts not incorporating the merit system
- 45104 Positions not requiring certification qualifications
- 45105 Positions under various acts not requiring certification qualifications
- 45108 Restricted positions
- 45113 Rules and regulations for classified service in Districts not incorporating the merit system
- 45122 Physical examinations
- 45122.1 Classified employees, conviction of a violent or serious felony
- 45123 Employment after conviction of sex offense or controlled substance offense
- 45125 Use of personal identification cards to ascertain conviction of crime

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Revised: 12/4/03 CSBA: 3/02

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APPOINTMENT AND CONDITIONS OF EMPLOYMENT

45169 Employee salary data

49406 Examination for tuberculosis

60850-60856 High school exit exam

GOVERNMENT CODE

3100-3109 Oaths or affirmations

12940-12950 Unlawful employment practices

PENAL CODE

290 Registration of sex offenders

290.95 Disclosure by person required to register as sex offenders

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

1203.4 Discharged petitioner, change of plea

WELFARE AND INSTITUTIONS CODE

6300-6332 Sexual psychopaths

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CSBA: 3/02

Classified Personnel

Policy #4212.42

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

Mandated Policy

Note: The federal Omnibus Transportation Employee Testing Act of 1991 (49 U.S.C. 2717) requires that all persons subject to commercial driver's license requirements be tested for alcohol, marijuana, cocaine, amphetamines, opiates (including heroin) and phencyclidine (PCP). The Code of Federal Regulations, Title 49, Part 382.601 mandates policy and procedures on this topic. Actions taken based on test results may be subject to negotiation; Districts should seek legal counsel in this regard.

The Governing Board desires to take all possible steps to ensure transportation safety for District students and staff. The Superintendent or designee shall establish a drug and alcohol testing program for all school bus drivers and any other employees who hold a commercial driver's license which is necessary to perform duties related to their employment with the District. This program shall be designed to fulfill the requirements of federal law and regulations.

Drivers who test positive for alcohol or drugs shall be removed from safety-sensitive functions and subject to disciplinary action up to and including dismissal in accordance with administrative regulations.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

VEHICLE CODE

34500 Applicable vehicles

34501.12 Motor carrier definition

34520 Motor carrier and driver compliance with federal testing requirements

UNITED STATES CODE, TITLE 49

2717 Alcohol and controlled substances testing (Omnibus Transportation Employee Testing Act of 1991)

CODE OF FEDERAL REGULATIONS, TITLE 49

40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs

382 Controlled Substance and Alcohol Use and Testing

395 Hours of Service of Drivers

CSBA: 2/96

Classified Personnel

Regulation #4212.42

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

The District's drug and alcohol testing program shall apply to all employees who operate a commercial motor vehicle, including any vehicle designed to transport 16 or more passengers. This includes casual, intermittent or occasional drivers as well as full-time, regularly employed drivers. (49 C.F.R. 382.107)

The Superintendent or designee shall contract for collection and testing services and shall ensure that testing procedures and facilities used for the tests conform with the requirements of the Code of Federal Regulations, Title 49, Part 40.

Drivers shall inform their supervisors if at any time they are using a controlled substance that their physician has prescribed for therapeutic purposes. Drivers using such a substance may continue to perform safety-sensitive functions only if the physician has advised the driver that the substance will not adversely affect his/her ability to safely operate a commercial motor vehicle. (49 C.F.R. 382.213)

Pre-Employment Tests

A pre-employment drug test shall be required of an applicant only after he/she has been offered the position.

Drug tests shall be conducted before the first time a driver performs any safety-sensitive function for the District. (49 C.F.R. 382.301)

Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the District or paid work for any other entity. (49 C.F.R. 382.107, 395.2)

Exceptions may be made for drivers who have participated in the drug testing program required by law within the previous 30 days, provided that the District has been able to make all verifications required by law. (49 C.F.R. 382.301)

Pre-employment testing shall also be required of employees returning to work after a layoff period if the employee was removed from the random testing pool. If the employee remains in the random testing pool, additional testing shall not be necessary. (49 C.F.R. 382.301)

Post-Accident Tests

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

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DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

- 1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life (49 C.F.R. 382.303)
- 2. Who receives a citation under state or local law for a moving traffic violation arising from the accident (49 C.F.R. 382.303)
- 3. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved a serious medical injury
- 4. Whose performance cannot be excluded as a contributing factor based on information available at the time of the accident

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention. (49 C.F.R. 382.303)

No such driver shall use alcohol for eight hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first. (49 C.F.R. 382.209)

If an alcohol test is not administered within two hours of the accident or if a drug test is not administered within 32 hours, the District shall prepare and maintain records explaining why the test was not conducted. Tests shall not be given if not administered within eight hours after the accident for alcohol or within 32 hours for drugs. (49 C.F.R. 382.303)

Tests conducted by authorized federal, state or local officials shall fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations. (49 C.F.R. 382.303)Continued on next page

Random Tests

Alcohol and drug tests shall be conducted on a random basis at unannounced times throughout the year. The number of random alcohol and drug tests shall be at least equal to those required by federal regulations. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made. Tests for alcohol shall be conducted just before, during or just after the performance of safety-sensitive functions. (49 C.F.R. 382.305)

Employees off work due to leaves, vacation and layoffs shall be informed that they remain subject to random testing. Employees drawn for such testing shall be notified and tested as soon as practicable after they return to duty.

Reasonable Suspicion Tests

An alcohol or drug test shall be conducted if a supervisor or District official trained in accordance with law has reasonable suspicion that a driver has violated the District's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable

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observations concerning the driver's appearance, behavior, speech or body odors. The observations may include indications of the chronic and withdrawal effects of controlled sub-stances. (49 C.F.R. 382.307)

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight hours. (49 C.F.R. 382.307)

A supervisor or District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier. (49 C.F.R. 382.307)

The Superintendent or designee shall ensure that an employee under reasonable suspicion is transported to the designated collection or testing site.

Enforcement

Any driver who refuses to submit to a post-accident, random or reasonable suspicion test, or to a follow-up test as described below, shall not perform or continue to perform safety-sensitive functions. (49 C.F.R. 382.211) Therefore, any driver who so refuses shall be immediately suspended and subject to disciplinary action, up to and including dismissal.

A driver who is tested and found to have an alcohol concentration of .02 or greater but less than .04 may not perform or continue to perform safety-sensitive functions including driving a commercial motor vehicle until the start of the driver's next regularly scheduled duty period, but not less than 24 hours after the test was administered. (49 C.F.R. 382.505)

A driver who tests positive for drugs or is found to have an alcohol concentration of .04 or greater shall be subject to disciplinary action up to and including dismissal.

A driver who violates District prohibitions related to drugs and alcohol shall receive from the District the names, addresses and telephone numbers of sub-stance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person or organization in which he/she has a financial interest, except under circumstances allowed by law. (49 C.F.R. 382.605)

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DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program. (49 C.F.R. 382.605)

Return-to-Duty Tests

If a driver who has violated the District's drug or alcohol prohibition is returned to performing safetysensitive duties, a drug or alcohol test shall be conducted. (49 C.F.R. 382.309)

Employees whose conduct involved drugs shall not return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result. Employees whose conduct involved alcohol shall not return to duty in a safety-sensitive function until the return-to-duty alcohol test indicates an alcohol concentration of less than .02. (49 C.F.R. 382.605)

Follow-up Tests

A driver who violates the District's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during or just after the time when the driver is performing safety-sensitive functions. (49 C.F.R. 382.311)

Follow-up testing shall consist of at least six tests in the first 12 months following the driver's return to duty. The substance abuse professional may terminate the follow-up testing at any time after the first six tests if he/she determines that testing is no longer needed. Testing shall not occur beyond 60 months from the date of the driver's return to duty. (49 C.F.R. 382.605)

Maintenance of Records

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver. (49 C.F.R. 382.405)

Notifications

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify all of the following: (49 C.F.R. 382.601)

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DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

- 1. The person designated by the District to answer drivers' questions about the materials
- 2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382
- 3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382.
- 4. Specific information concerning driver conduct that is prohibited by Part 382
- 5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382
- 6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct driver
- 7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382
- 8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences
- 9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation and treatment
- 10. The consequences for drivers found to have an alcohol concentration of .02 or greater but less than .04
- 11. The effects of drugs and alcohol on an individual's health, work and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program and/or referral to management (49 C.F.R. 382.601)
- 12. Other legal requirements, District policies and disciplinary consequences related to the use of alcohol and drugs.

Each driver shall sign a statement certifying that he/she has received a copy of the above materials. (49 C.F.R. 382.601)

Before any driver operates a commercial motor vehicle, the District shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements. (49 C.F.R. 382.303)

Before drug and alcohol tests are performed pursuant to the Code of Federal Regulations, Title 49, Part 382, the District shall inform drivers that the tests are required by these regulations. (49 C.F.R. 382.113)

The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his/her employment application. (49 C.F.R. 382.411)

The District shall notify a driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The District shall also tell the driver which controlled substance(s) were verified as positive. (49 C.F.R. 382.411)

Classified Personnel Regulation #4212.5

CRIMINAL RECORD CHECK

Applicants for Employment

Each person to be employed in a classified position, including temporary, substitute and part-time positions, shall be required to submit fingerprint identification data. However, secondary school students attending a District school who are to be employed in a temporary or part-time position shall not be required to submit fingerprint identification data. (Education Code 45125)

The Superintendent or designee shall ensure that each person to be employed submits fingerprints, either electronically through the Live Scan System or on fingerprint identification card, for processing by the Department of Justice. If the District is using the Live Scan system, the Superintendent or designee shall also provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

The Superintendent or designee shall request the Department of Justice to forward one copy of the applicant's fingerprint identification data to the Federal Bureau of Investigation for the purpose of obtaining any record of previous convictions of the applicant: (Education Code 45125)

- 1. Has not resided in the State of California for at least one year immediately preceding the application for employment.
- 2. Has resided for more than one year, but less than seven years, in the State of California and the Department of Justice has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor.

The Governing Board shall not employ an applicant until the Department of Justice completes its check of the state criminal history files. (Education Code 45125)

The Superintendent or designee shall ensure that no person is hired who has been convicted of a violent or serious felony as listed in Penal Code 667.5(c) or 1192.7(c), unless that person has obtained a certificate of rehabilitation or pardon. (Education Code 45122.1)

The Superintendent or designee may hire a classified employee without waiting for the disposition of the employee's criminal history files upon a determination that an emergency or exceptional situation exists and that a delay in filling the position would endanger student health or safety. (Education Code 45125)

Subsequent Arrest Notification

The Superintendent or designee shall request subsequent arrest notification from the Department of Justice as provided under Penal Code 11105.2. (Education Code 45125)

Current Employees

Upon notification by telephone from the Department of Justice that a current temporary, substitute or probationary classified employee has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay, unless the employee has received a certificate of rehabilitation and a pardon. (Education Code 45122.1)

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Classified Personnel Regulation #4212.5

CRIMINAL RECORD CHECK

Upon receipt of written notification of the fact of conviction from the Department of Justice, the Superintendent or designee shall terminate the temporary, substitute or probationary employee without regard to any other procedure for termination specified in the Education Code or District procedures, unless that employee has received a certificate of rehabilitation and a pardon. (Education Code 45122.1)

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits. (Education Code 45122.1)

Legal Reference:

EDUCATION CODE

44332.6 Criminal record check, county board of education

44346.1 Applicants for credential, conviction of a violent or serious felony

44830.1 Certificated employees, conviction of a violent or serious felony

44830.2 Certificated employees, Interagency agreements

45122.1 Classified employees, conviction of a violent or serious felony

45125 Use of personal identification cards to ascertain conviction of crime

45125.01 Classified employees, interagency agreements

45125.1 Fingerprint for contractors

45125.5 Automated records check

45126 Duty of Department of Justice to furnish information

GOVERNMENT CODE

6200-6203 Crimes related to public records

PENAL CODE

502 Unauthorized access to computers

667.5 Violent felonies

1192.7 Serious felonies

11075-11081 Criminal record dissemination

11105-11105.75 Criminal identification

11140-11144 Furnishing of state criminal history information

13300-13305 Local summary criminal history information

CODE OF REGULATIONS, TITLE 11

703 Release of criminal offender record information

708 Destruction of criminal offender record information

Management Resources:

WEB SITES

Department of Justice/Attorney General's Office: http://www.caag.state.ca.us/app

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

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CSBA: 7/02

Classified Personnel Policy #4216

PROBATIONARY/PERMANENT STATUS

Mandated Policy

Employees newly hired for regular positions in the classified service shall be considered probationary employees until they have satisfactorily completed one year of probationary service. Upon satisfactorily completing this period, they shall become permanent classified employees of the District.

Permanent employees promoted to a higher classification shall be considered probationary in their new position until they have satisfactorily completed one year of service in that position.

Probationary employees shall receive written performance evaluations by their supervisor at least twice during the probationary period. These evaluations shall indicate whether the evaluator is satisfied or not satisfied with the employee's ability, performance, and compatibility with the job.

The Superintendent or designee may dismiss an employee during the initial probationary period. A permanent employee who was promoted to a higher classification may be returned during the probationary period to his/her former classification.

This policy shall be made available to classified employees and the public. (Education Code 45113)

Legal Reference:

EDUCATION CODE

45113 Rules and regulations for classified service in Districts not incorporating the merit system

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Classified Personnel Regulation #4218

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

Termination of Probationary Employment

At any time prior to the expiration of the probationary period, the Superintendent or designee may, at his/her discretion, dismiss a probationary classified employee from District employment. A probationary employee shall not be entitled to a hearing. (EC 35161)

Involuntary Suspension Without Pay, Demotion, Reduction of Pay Step in Class, or Dismissal of Permanent Classified Employees

Permanent classified employees shall be subject to personnel action (suspension without pay, demotion, reduction of pay step in class, dismissal) only for cause. The Board's determination of the sufficiency of the cause for disciplinary action shall be conclusive.

1. Causes

In addition to any disqualifying or actionable causes otherwise provided for by statute or by policy or regulation of this District, each of the following constitutes cause for personnel action against a permanent classified employee:

- a. Falsifying any information supplied to the school District, including, but not limited to, information supplied on application forms, employment records, or any other school District records.
- b. Incompetency.
- c. Inefficiency.
- d. Neglect of duty.
- e. Insubordination.
- f. Dishonesty.
- g. Drinking alcoholic beverages while on duty or in such close time proximity thereto as to cause any detrimental effect upon the employee or upon employees associated with him/her.
- h. Possessing or being under the influence of a controlled substance at work or away from work, or furnishing a controlled substance to a minor.
- i. Conviction of a felony, conviction of any sex offense made relevant by provisions of law, or conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his/her position. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, is deemed to be a conviction for this purpose.
- j. Absence without leave.
- k. Immoral conduct.
- 1. Discourteous treatment of the public, students, or other employees.
- m. Improper political activity.
- n. Willful disobedience.
- o. Misuse of District property.
- p. Violation of District, Board or departmental rule, policy, or procedure.
- q. Failure to possess or keep in effect any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position.
- r. Refusal to take and subscribe any oath or affirmation which is required by law in connection with his/her employment.

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Classified Personnel Regulation #4218

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

s. A physical or mental disability which precludes the employee from the proper performance of his/her duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law regulating the retirement of employees.

- Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age against the public or other employees while acting in the capacity of a District employee.
- u. Unlawful retaliation against any other District officer or employee or member of the public who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on the job or directly related thereto.
- v. Any other failure of good behavior either during or outside of duty hours that is of such nature that it causes discredit to the District or his/her employment.

Except as defined in item "s" above, no personnel action shall be taken for any cause which arose before the employee became permanent, nor for any cause which arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the District.

2. Initiation and Notification of Charges

The Superintendent or designee may initiate a personnel action as defined herein against a permanent classified employee.

In all cases involving a personnel action, the person initiating the action shall file a written recommendation of personnel action with the Board. A copy of the recommendation shall be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address. The recommendation shall include: (Ec 45113)

- a. A statement of the nature of the personnel action (suspension without pay, demotion, reduction of pay step in class, or dismissal).
- b. A statement of the cause or causes for the personnel action, as set forth above.
- c. A statement of the specific acts or omissions upon which the causes are based. If a violation of rule, policy, or regulation of the District is alleged, the rule, policy, or regulation violated shall be stated in the recommendation.
- d. A statement of the employee's right to appeal the recommendation and the manner and time within which the appeal must be filed.
- A card or paper, the signing and filing of which shall constitute a demand for hearing and a denial of all charges.

3. Employment Status Pending Appeal or Waiver

Except as provided herein, any employee against whom a recommendation of personnel action has been issued shall remain on active duty status and responsible for fulfilling the duties of the position pending his/her appeal or waiver thereof.

If the Superintendent or designee determines that a permanent classified employee should be dismissed and that his/her continuing in active duty status would present an unreasonable risk of harm

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DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

to students, staff, or property while proceedings are pending, the Superintendent or designee may order the employee immediately suspended from duty without pay in conjunction with the recommendation of personnel action. This suspension order shall be in writing and shall state the reasons that the suspension is deemed necessary. The suspension order shall be served upon the employee either personally or by registered or certified mail, return receipt requested, immediately after issuance. Except in cases of emergency when the employee must be removed from the premises immediately, the Superintendent or designee shall give the employee written notice of the proposed recommendation of dismissal at least five calendar days before the effective date of any order of suspension issued in conjunction with a recommendation involving dismissal. This notice shall state that immediate suspension without pay is being considered, the reasons for the proposed dismissal and proposed immediate suspension without pay, materials upon which the proposed action is based, and the employee's right to respond to the Superintendent or designee orally or in writing before the final recommendation and order are issued.

4. Time Limit of Suspension

Except for a suspension imposed under #3 above, any suspension invoked under these rules against any one person for one or more periods shall not aggregate more than 90 calendar days in any 12-month period; however, this time limitation shall not apply to cases in which a personnel action of dismissal is modified by the Board to a suspension.

5. Right to Appeal

Within five calendar days after receiving the recommendation of personnel action described above, the employee may appeal by signing and filing the card or paper included with the recommendation. Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of appeal. A notice of appeal is filed only by delivering the notice of appeal to the office of the Superintendent or designee during normal work hours of that office. A notice of appeal may be mailed to the office of the Superintendent or designee but must be received or postmarked no later than the time limit stated herein. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any appeal of the recommendation of dismissal shall also constitute an appeal of the suspension order, and the necessity of the order shall be an issue in the appeal hearing.

If the employee fails to file a notice of appeal within the time specified in these rules, he/she shall be deemed to have waived his/her right to appeal, and the Board may order the recommended personnel action into effect immediately.

6. Amended/Supplemental Charges

At any time before an employee's appeal is finally submitted to the Board or to a hearing officer for decision, the complainant may, with the consent of the Board or hearing officer, serve on the employee and file with the Board an amended or supplemental recommendation of personnel action.

If the amended or supplemental recommendation presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare his/her defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegation may be made orally at the hearing and shall be noted on the record.

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DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

7. Hearing Procedures

- a. The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board or hearing officer and the availability of counsel and witnesses. The parties shall be notified of the time and place of the hearing. The employee shall be entitled to appear personally, produce evidence, and have counsel. The employee shall be entitled to a public hearing if he/she demands it when the Board is hearing the appeal. The complainant may also be represented by counsel. The procedure entitled "Administrative Adjudication" commencing with Government Code 11500 shall not apply to any such hearing before the Board or a hearing officer. Neither the Board nor a hearing officer shall be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made or approved by the hearing officer or the Board.
- b. All hearings shall be heard by a hearing officer (who shall be an attorney licensed in the State of California) except in those cases where the Board determines to hear the appeal itself. In any case in which the Board hears the appeal, the Board may use the services of its counsel or a hearing officer in ruling upon procedural questions, objections to evidence, and issues of law. If the appeal is heard by the Board, the Board shall affirm, modify or revoke the recommended personnel action.
- c. If the appeal is heard by a hearing officer, he/she shall prepare a proposed decision in a form that may be adopted by the Board as the decision in the case. A copy of the proposed decision shall be received and filed by the Board and furnished to each party within ten days after the proposed decision is filed by the Board. The Board may:
 - (1) Adopt the proposed decision in its entirety.
 - Reduce the personnel action set forth in the proposed decision and adopt the (2) balance of the proposed decision.
 - Reject a proposed reduction in personnel action, approve the personnel action (3) sought by the complainant or any lesser penalty, and adopt the balance of the proposed decision.
 - Reject the proposed decision in its entirety. (4)
- d. If the Board rejects the proposed decision in its entirety, each party shall be notified of such action and the Board may decide the case upon the record including the transcript, with or without the taking of additional evidence, or may refer the case to the same or another hearing officer to take additional evidence. If the case is so assigned to a hearing officer, he/she shall prepare a proposed decision, as provided in item "c" above, upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of this proposed decision shall be furnished to each party within 10 days after the proposed decision is filed by the Board.
- e. In arriving at a decision or a proposed decision on the propriety of the proposed personnel action, the Board or the hearing officer may consider the records of any prior personnel action proceedings against the employee in which a personnel action was ultimately sustained and any

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records that were contained in the employee's personnel files and introduced into evidence at the hearing.

8. Hearing Decision

The decision of the Board shall be in writing and shall contain findings of fact and the personnel action approved, if any. The findings may reiterate the language of the pleadings or simply refer to them.

The decision of the Board shall be certified to the Superintendent or designee who recommended the personnel action, and he/she shall enforce and follow this decision. A copy of the decision shall be delivered to the appellant or his/her designated representative personally or by registered mail. The decision of the Board shall be final.

9. Compulsory Dismissal

The District shall not employ or retain in employment any person who has been convicted of any sex offense as defined in Education Code 44010 or any controlled substance offense as defined in Education Code 44011. However, the District may employ a person convicted of a controlled substance offense if the Board determines from the evidence it requires that the person has been rehabilitated for at least five years. If any such conviction is reversed and the person acquitted or charges dismissed except as otherwise provided below, the employee may be reemployed by the District, although reemployment is not a guarantee. (Education Code 45123)

The District reserves the right to dismiss an employee for any acts upon which the original criminal charges were based, despite the disposition by the courts. If dismissal is recommended and upheld, an employee will not be reemployed or compensated for the time he/she was suspended unless otherwise required by law. An employee shall be given notice of the possibility of not being reimbursed during mandatory suspension if he/she is ultimately dismissed for the acts upon which the original charges were based.

10. Extension of Compulsory Leave

The Board may extend an employee's compulsory leave of absence by giving him/her notice, within ten days after the entry of judgment in the proceedings, that he/she will be dismissed in 30 days unless he/she demands a hearing. Employee compensation during the period of compulsory leave shall be made in accordance with law. (Education Code 44940.5)

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COLLECTIVE BARGAINING AGREEMENT

The Governing Board recognizes that collective bargaining agreements are legally binding, bilateral agreements. The Board is committed to carrying out the provisions of each agreement and expects the agreements to be consistently and uniformly administered.

In order to help prepare for future negotiations, the Superintendent or designee shall identify any portions of the agreement that hinder the District's efforts to meet District goals.

Legal Reference: **EDUCATION CODE** 35160 Authority of governing boards 35160.1 Broad authority of school districts GOVERNMENT CODE 3540-3549.3 Educational Employment Relations Act CODE OF REGULATIONS, TITLE 8 31001-32997 Regulations of employee relations boards

Page 1 of 1. Adopted: October 1, 1998 CSBA: 10/95

Certificated and Classified Personnel

Policy #4243.1

PUBLIC NOTICE - PERSONNEL NEGOTIATIONS

Mandated Policy

Because the Governing Board has a responsibility to represent the public's interest in negotiations with employee organizations, the Board is committed to keeping the public informed and encouraging public comment throughout the negotiations process. The Board shall inform the public about contract proposals and shall disclose the major provisions of the proposed agreement as required by law.

Legal Reference:

GOVERNMENT CODE

3547 Proposals relating to representation; informing public, adoption of proposals; new subjects; regulations

3547.5 Major provisions of agreement with exclusive representative

CODE OF REGULATIONS, TITLE 8

32075 PERB regional office defined

32900 EERA and HEERA public notice: requirements for governing boards to adopt policy

32910 Filing of EERA or HEERA complaint

Management Resources:

CDE MANAGEMENT ADVISORY

0515.92 Public Disclosure of Collective Bargaining Agreements, 92-01

CSBA PUBLICATIONS

Public Notice and Disclosure, Resource Guide for Employment Relations, December 1996

Page 1 of 1. Adopted: July 16

1998

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CSBA:

Certificated & Classified Personnel

Regulation #4243.1

PUBLIC NOTICE/ PERSONNEL NEGOTIATIONS

Public Disclosure

The Superintendent or designee shall prepare a summary of the proposed agreement that shall be available to the public prior to the Board entering into the agreement. The summary shall include, but may not necessarily be limited to:

- 1. Major provisions of the agreement that affect compensation, such as:
 - a. Percentage change in salaries
 - b. Changes in health and welfare benefits
 - c. Changes in health and welfare benefit dollar contributions by the District
 - d. Changes in step and column or longevity provisions
 - e. Changes in overtime, differential, callback and standby pay provisions
 - f. Changes in staffing ratios
 - g. One-time bonuses or off-the-schedule increases
 - h. Percentage change of total compensation for the average represented employee
- 2. Other provisions that will result in increased costs to the District even if they do not involve an increase in employee compensation, such as class-size reduction or increased number of staff development days
- 3. Costs of the proposed agreement, for the current and subsequent fiscal years, categorized for salaries, benefits, other compensation and other non-compensation costs
- 4. Proposed source(s) of funding for the current and subsequent fiscal years including the assumptions used to determine available resources to meet the obligations of the proposed agreement
- 5. Other major provisions that do not directly affect the District's costs, such as grievance procedures

A copy of the summary shall be provided to the county office of education.

A copy of the Governing Board's policy implementing the public notice requirements shall be available in the District office. (8 CCR 32900)

Classified Personnel Regulation #4261.1

PERSONAL ILLNESS AND INJURY LEAVE

Mandated Regulation

Each full-time classified employee is entitled to 12 days' personal illness or injury leave of absence per fiscal year, with full pay. Full-time employees who serve less than a full fiscal year shall be granted a prorated share of the 12 days' leave, and part-time employees shall be granted comparable sick leave in proportion to the time employed. (Education Code 45191)

Credit for sick leave does not have to be accrued before an employee takes a sick leave. Such leave may be taken at any time during the year. However, new employees shall not be entitled to more than six days of sick leave until they have completed six months of active service with the District. (Education Code 45191)

Unused days of sick leave shall be accumulated from year to year, without limitation. (Education Code 45191)

Upon request, employees who terminate their service to the District may have their accumulated sick leave transferred to their next District of employment. The District may not require new employees to waive their leave accumulated in a previous District. (Education Code 45202)

Sick leave shall be used for medical and dental appointments, in increments of not less than one hour.

Employees shall notify the District of their need to be absent as soon as such need is known, so that substitute services may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall again notify the District. If the duration of absence is unknown or becomes shorter than estimated, the employee shall notify the District of his/her intent to return by at least 3 p.m. of the working day preceding the day he/she returns. If failure to so notify the District results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Sick Leave Beyond 12 Days

After an employee has exhausted his/her sick leave, vacation, compensatory overtime and other available paid leave, he/she shall receive his/her regular salary minus the amount paid to any substitute employed to fill the position. The employee is entitled to this differential pay for a period of five months or less. The five-month period shall begin on the first day of absence and shall run concurrently with any other leaves of absence. (EC 45196)

After a permanent employee has exhausted all available sick leave, vacation, compensatory overtime and any other paid leave, he/she may be granted a leave of absence because of non-industrial accident or illness for a period not to exceed six months. The Governing Board may renew this leave for two additional six-month periods or for lesser periods. Total leave so allowed shall not exceed 18 months. (Education Code 45195)

Verification Requirements

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed District absence form to his/her immediate supervisor. (EC 45191)

The District may additionally require written verification by the employee's physician or practitioner for any absence due to illness or injury. Such verify-cation shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.

At its expense the District may require an employee to visit a physician selected by the District in order to receive a report on the nature and severity of an illness or injury. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee, after giving notice to the employee, may deny further leave.

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Classified Personnel Regulation #4261.1

PERSONAL ILLNESS AND INJURY LEAVE

Mandated Regulation

Before returning to work, an employee who has been absent for surgery, hospitalization or extended medical treatment may be asked to submit a letter from his/her doctor stating that he/she is able to return and stipulating any recommended restrictions or limitations. The District may, at District expense, require the opinion of a physician chosen by the District.

Notifications

When available paid leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request additional leave. (Education Code 45195)

Employees shall be notified of the amount of sick leave they have accumulated at the beginning of each school year.

Legal Reference:

EDUCATION CODE

45190 Leaves of absence and vacations

45191 Leaves of absence for illness and injury

45193 Leave of absence for pregnancy (re use of sick leave under certain circumstances)

45195 Additional leave for nonindustrial accident or illness; reemployment preference

45196 Salary; deductions during sick leave

45202 Transfer of accumulated sick leave and other benefits

LABOR CODE

233 Illness of child, parent or spouse

Page 2 of 2. Issued: July 16, 1998 CSBA: 2/96

Policy #4300

MANAGEMENT AND CONFIDENTIAL PERSONNEL

The Governing Board recognizes that effective management is vital to the success of District operations. Management personnel are expected to demonstrate initia-tive and good judgment in the development, implementation and oversight of Dis-trict programs. Supervisors shall promote the productivity, professional growth and teamwork of District staff.

The Board shall adopt policies related to management, supervisory and confi-dential personnel insofar as they are needed to comply with law and describe circumstances of employment within the District.

The Board recognizes that management, supervisory and confidential employees are also either certificated or classified employees and have legal responsibilities and benefits which follow their classification. In the section "All Personnel" there is a list of policies which include management, supervisory and confi-dential employees. Unless otherwise specified, these positions will enjoy similar rights and benefits of those within their classification.

The Board may, by resolution, establish or abolish positions designated as senior management of the classified service. (EC 45100.5 and 45104.5)

Legal Reference:

EDUCATION CODE

35031 Term of employment

45100.5 Senior management positions

45104.5 Abolishment of senior classified management positions

45108.5 Definitions of senior classified management employees

45108.7 Waiver of provisions of 45108.5

45128 Overtime

45130 Exclusion from overtime provisions

45256.5 Designation of certain positions

GOVERNMENT CODE

3540.1 Definitions

3543.4 Management position; representation

3545 Appropriateness of unit; basis

COURT DECISIONS Auer v. Robbins, (1997) 117 S.Ct. 905

Page 1 of 1. Adopted: April 6, 2000 CSBA: 6/98

Management & Confidential Personnel

Regulation #4300

MANAGEMENT AND CONFIDENTIAL PERSONNEL

Management, supervisory and confidential positions shall be defined as follows:

- 1. Management employees are those having significant responsibilities for formulating District policies or administering District programs and who serve in a position that the Governing Board has legally designated as a management position.
- 2. Confidential employees are those employees who, in the regular course of their duties, have access to or possess information relating to the District's employer-employee relations.

Contracted Management Employees

Superintendent and Assistant Superintendent positions are governed by contracts entered into and between the District Board of Education. The contract will govern all work conditions.

Designation Of Management/Confidential Employees

The Governing Board designates the following as management and/or confidential positions. All individuals serving in these positions and such other positions may be members of the management team.

MANAGEMENT POSITIONS

CONFIDENTIAL POSITIONS

WATAGEMENT TOSTITOTIS	CONTIDENTIAL LOSITIONS
Adult School Principal	Superintendent's Secretary
Adult School Assistant Principal	Assistant Superintendent's Secretary
High School Principal	Personnel Technician
High School Assistant Principal	Payroll/Benefit Coordinator
Middle School Principal	Fiscal Officer
Middle School Assistant Principal	Business Service Specialist
Forest Grove School Principal	-
Robert Down School Principal	
Human Resources Director II	
Curriculum/Special Projects Director	
Student Services Director	
School Nutrition Director	

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CSBA: October, 1996

Management & Confidential Personnel

Regulation #4301

OTHER REQUIREMENTS OF MANAGEMENT PERSONNEL

(These requirements do not include confidential personnel.)

- 1. **Telephone Requirement**: Each management person is required to have a listed telephone in the home, and an active cell phone available for school district work use during work hours.
- 2. **Community Involvement**: Management personnel are encouraged to participate in community affairs. As such, they are encouraged to participate in community service clubs when scheduling permits.
- 3. **Inservice and Travel**: Within budgetary limitations, management personnel are encouraged and may be required to attend conferences and workshops to improve their management skills. Conference registration, food, lodging and other expenses of travel are reimbursable upon approval of supervisor and the Board of Education. Travel during vacations is encouraged as a means to broaden cultural and educational experiences. Such travel shall not be paid for by the District.
- 4. **Professional Organizations:** Management personnel are encouraged to participate in a professional organization relevant to their assignment. (e.g. ACSA, CASBO, etc.) The annual fee shall be paid for one membership per management employee.

Page 1 of 1. Issued: May 4, 2000 All Rights Reserved by PGUSD. Revised June 21, 2008

PGUSD: 6/99

Regulation #4311

RECRUITMENT AND SELECTION

Recruitment And Screening

When a management position vacancy is known or anticipated, the Superintendent or designee shall determine the need and qualifications for the position. As soon as possible, notice of the vacancy shall be published within the District and may be published through other recruitment sources.

In selecting candidates for formal interview, the Superintendent or designee shall:

- 1. Review valid transfer requests.
- 2. Review the current applicant file.
- 3. Establish an interview committee.
- 4. Arrange interviews for the best qualified applicants.
- 5. Provide the interview committee with each candidate's complete personnel folder, a set of questions to be asked, rating sheets, and related instructions.

The interview committee shall not rank candidates in order of priority. When all interviews have been completed, committee members may discuss candidates before recommending finalists. All discussions and recommendations shall be confidential.

A special effort shall be made to interview candidates who qualify for consideration under the District's affirmative action plan. No person shall be denied employment with the PGUSD because of race, religion, nationality or marital status.

Selection

When finalists have been identified, the Superintendent or designee shall inter-view in person or by telephone those individuals given as references who have had the greatest opportunity to observe the finalists' professional activities.

The Superintendent or designee shall interview the finalists and submit a recommendation to the Board. No management position shall be filled without concurrence of both the Superintendent and the Board.

If the Superintendent or designee cannot make a recommendation in full confidence, he/she shall declare the position open and undertake a new search.

When a final recommendation is approved, the Superintendent or designee shall contact the finalist to obtain acceptance of an offer of employment.

The salary and placement of newly elected staff shall be determined by the Board. Employment shall be subject to the possession of valid, appropriate credentials.

As soon as the position is filled, the Superintendent or designee shall notify all candidates who were not selected.

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WORK DAY AND WORK YEAR FOR MANAGEMENT PERSONNEL

The Governing Board designates, in accordance with law, salaried positions that are exempt from overtime. Persons holding these positions work whatever hours are necessary in order to fulfill their assignments. Their positions are set apart from other positions by virtue of the duties, flexibility of hours, salary, benefit structure and authority that they entail.

Employees serving in positions excluded from overtime shall not be unreasonably discriminated against as a result of the exclusion. (Education Code 45130)

Exempt employees' pay shall not be subject to salary deductions for absences of less than a day.

Confidential Personnel

Confidential personnel are entitled to overtime as described in the classified employee contract.

Work Day (Management Personnel only)

The work day of management personnel fluctuates according to the needs of the job. Under normal circumstances the management personnel should be at school when school is in session. Exceptions may be made by the Superintendent for other activities related to the administrator's job. In general administrators will be granted no more than five days of work day credit for participation in after school activities that consist of three or more hours of work. Each three hour increment shall generally equate to one/half work day. In addition, the Superintendent may approve the use of up to five work days prior to the regular start date.

Work Year (Management Personnel only)

High School Principal 220 Middle School Principal 215 High School Assistant Principal 210	RK
Middle School Principal 215	S
•	
High School Assistant Principal 210	
210 2 110 01 1 100 10 1111 1 1 1 1 1 1 1	
Middle School Assistant Principal 210	
Elementary Principal 210	
Adult School Principal 220	
Adult School Assistant Principal 220	
Human Resources Director II 225	
Curriculum/Special Projects Director 210	
Student Services Director 200	
School Nutrition Director 220	

Holidays and School Breaks (Management Personnel only)

Holidays and school breaks are not credited as work days unless actually worked.

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CSBA: 7/97

Management & Confidential Personnel

Policy #4313.2

PROMOTION/DEMOTION/RECLASSIFICATION

The Governing Board may promote, demote, and reassign management and confidential employees when such action is determined to be in the best interest of the District. The Board shall consider the recommendation of the Superintendent or designee when making decisions related to promotion, demotion and reassignment.

The Superintendent or designee shall ensure that the District complies with all applicable statutory deadlines and due process procedures.

Legal Reference:

EDUCATION CODE

35031 Senior management employee in the classified service: non-reelection

44660-44665 Evaluation and assessment of performance of certificated employees

44850.1 No tenure in administrative or supervisory positions

44896 Transfer of administrator or supervisor to teaching position

44951 Continuation in position unless notified (position requiring administrative or supervisory credential)

45101 Definitions (including disciplinary action, cause)

45113 Rules for classified service in Districts not incorporating the merit system

Ellerbroek v. Saddleback Valley Unified School District, (1981) 177 Cal. Rptr. 910

Hentschke v. Sink (1973) 34 Cal.App. 3d 19

Jefferson v. Compton Unified School District (1993) 14 Cal. App. 4th 32

Page 1 of 1. Adopted: April 6, 2000 CSBA: 10/94

Regulation #4313.2

PROMOTION/DEMOTION/RECLASSIFICATION

Certificated Management and Supervisory Personnel

Certificated employees holding an administrative or supervisory credential may be released and placed in a different position for the following year.

Before March 15, the Governing Board shall meet and determine whether the identified employee may be released from his/her position effective the end of the school year and reassigned to a different position.

By March 15, the employee shall be notified of the Board's action by registered mail or in person. If the notice is presented to the employee in person, the employee's signature acknowledging receipt of the notice shall be obtained on the District's copy of the written notice. (Education Code 44951)

Before July 1, the Board shall take additional action to bring into effect the release and reassignment of employees who received the above notice.

If the reassignment is to a teaching position, the Board shall give the employee, if requested, a written statement of the reasons for the reassignment. If these reasons include incompetency as an administrator or supervisor, the District shall have completed an evaluation of the employee within the 60-day period immediately preceding the notice date. (Education Code 44896)

Classified Management, Supervisory and Confidential Personnel

For personnel in this classification:

"Demotion" means assignment to an inferior position or status, without the employee's written voluntary consent. (Education Code 45101)

"Reclassification" means the upgrading of a position to a higher classification as a result of the gradual increase of the duties being performed by the incumbent in such position. (Education Code 45101)

If assigned to a position within a bargaining unit, management, supervisory and confidential classified employees shall be reclassified at the discretion of the District subject to provisions of the applicable collective bargaining agreement.

Any decision regarding the demotion of a permanent management, supervisory or confidential classified employee shall be subject to the causes, appeal rights, and procedure set forth in District policy, regulation or collective bargaining agreements for disciplinary action against classified employees. (EC 45113)

The Board shall provide 45 days' notice prior to the expiration of the current contract before demoting a deputy, associate or assistant superintendent or employee in the senior management of the classified service. (Education Code 35031)

Issued: April 6, 2000 CSBA: 10/94

Management & Confidential Personnel

Regulation #4313.2

PROMOTION/DEMOTION/RECLASSIFICATION

Hearing with the Board for Management and Confidential Personnel

In initiating the involuntary reassignment of a management or confidential employee, the Superintendent or designee shall provide the employee with prior written notice of the intent to reassign him/her to a designated position. The notice will inform the manager of the specific reasons for the reassignment, his/her right to a hearing, and the time within which an appeal must be filed. The notice shall also contain a card or paper for requesting a hearing. The classified manager may, within five days after receiving such notice, file a written request for hearing before the Board.

The request for hearing shall be filed in the office of the Superintendent or designee. If the manager fails to file a request for hearing as specified above, he/she will be deemed to have waived the right to a hearing and the reassign-ment may be made effective immediately.

If a request for hearing is filed as specified above, a hearing shall be scheduled before the Board. The Board shall hear the matter, with the party initiating the reassignment bearing the burden of proving the reasons for the reassignment. The hearing shall be recorded by a reporter or by tape recording. After the hearing, the Board shall determine whether to approve, modify, or revoke the reassignment. The decision of the Board shall be final.

Page 2 of 2. Issued: April 6, 2000 CSBA: 10/94

Regulation #4314

TRANSFER OF CONFIDENTIAL STAFF

Definition

A change in assignment or class not involving a change in the rate of pay.

Voluntary Transfer

A confidential employee may be transferred at his/her request from one position to another in the same class. Transfers shall be made without change in salary rate, anniversary date, accumulated sick leave and accumulated vacation credit.

Involuntary Transfer

An involuntary transfer will be made only after a meeting with the confidential employee involved and the Superintendent or his/her designee, at which time the confidential employee shall be notified in writing by the Superintendent or his/her designee of the decision and the reasons for the transfer. The confidential employee shall have the right to appeal an involuntary transfer.

Transfers shall have the following effects on seniority:

- 1. Within the same class -- None.
- 2. From one class to another -- The confidential employee shall not receive seniority credit in the new class for service in other classes; however, he/she shall retain such credit as seniority in the classified service.

Reference: District Originated.

Page 1 of 1. Issued: April 6, 2000 PGUSD: 6/99

EVALUATION/SUPERVISION

Certificated and Classified Management

The Governing Board shall establish and define job responsibilities for administrative personnel. The evaluation and assessment of the competency of administrative personnel shall be based on:

- 1. The administrator's progress toward agreed-upon goals, objectives and tasks.
- 2. General expectations of performance which recognize professional responsibility, accountability and attitude.
- 3. The fulfillment of responsibilities contained in the specific job descriptions adopted by the Board.
- 4. Additional factors as determined by the Superintendent.

The evaluation shall recognize the worth and needs of the individual in the total working environment and shall provide direction toward the improvement of his/her effectiveness.

Each administrator shall be evaluated formally each year. Evaluation is a continuous process and may occur between scheduled periods at the request of the administrator, the administrator's immediate supervisor or any higher super-visor.

Formal management evaluations shall be recorded in writing on a form pre-scribed by the Superintendent. The evaluation shall include recommendations for improvement if needed. Assistance shall be provided by the District to this end.

The evaluation report must be signed by the evaluator and the evaluatee and may be reviewed by the evaluator's immediate supervisor at the request of either party. The signature of the evaluated administrator does not necessarily imply agreement with the evaluation unless so indicated above his/her signature.

A copy of the report shall be given to the administrator within 30 working days following the evaluation and no later than thirty (30) days before the last scheduled school day. The employee may make a written response to the evaluation at any time up to 10 days after receiving a copy of the evaluation. The response shall be attached to the evaluation and permanently placed in the employee's personnel file.

For twelve-month employees, the written evaluation report shall be given to the administrator no later than June 30 and a discussion of the evaluation shall be held no later than July 30 of the year in which the evaluation takes place. (Education Code 44663)

The Superintendent or designee shall develop regulations and procedures for the evaluation of all administrative and supervisory personnel. These written regulations and procedures shall be available to management and confidential personnel. (Education Code 35171)

Confidential Personnel

The Superintendent or designee shall develop appropriate procedures for the evaluation of confidential personnel. Evaluations shall be administered in the same manner and time schedule as classified employees who have similar but non- confidential positions with the District.

Legal Reference:

Page 1 of 2. Adopted: April 6, 2000 CSBA: 11/86

Management & Confidential Personnel

Policy #4315

EVALUATION/SUPERVISION

EDUCATION CODE

33039 State guidelines for teacher evaluation procedures

35160.5 Requirement of District policies for competency of personnel assigned to evaluate

35171 Availability of rules and regulations for evaluation of performance

44660-44665 Evaluation and assessment of performance of certificated employees

45113 Rules and regulations for the classified service in Districts not incorporating the merit system **GOVERNMENT CODE**

3543.2 Scope of representation (re evaluation procedures)

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Regulation #4315

EVALUATION/SUPERVISION

Certificated and Classified Management

- 1. Evaluation shall be the responsibility of the Superintendent. The Superintendent shall establish line supervision for the purpose of organization and evaluation.
- 2. Management personnel shall have a formal evaluation at least once each year. At the beginning of each year, management employees will submit an evaluation plan consisting of goals, objectives, activities and methods of assessing their attainment. The plan will be submitted to the line supervisor no later than October 15th of each year. The line supervisor shall review the plan and confer with the subordinate.

Any management person being considered for reassignment to a teaching position for reasons including incompetence shall have the evaluation completed not more than 60 days prior to receipt of the notice of reassignment.

- 3. Appeals on decisions and actions of this policy will be made first through the Superintendent and then through the procedure established in Policy #4341.
- 4. All members of the management team will be given a one-year contract of employment except for the Assistant Superintendent for Business Services who may be given a multiple year contract. The Superintendent, who serves at the discretion of the Board may also be given a multiple year contract by the Board.

Confidential Personnel

Confidential employees shall be evaluated in the same manner and time schedule as classified employees who have similar but non- confidential positions with the District.

Page 1 of 1. Issued: May 4, 2000 CSBA: 11/86

Management & Confidential Personnel

Policy #4315.1

STAFF EVALUATING TEACHERS

The Governing Board expects that administrators assigned to evaluate teachers shall:

- 1. Possess a valid administrative credential
- 2. Be competent in the instructional methodologies used by the teachers they evaluate
- 3. Be skilled in the supervision of instruction and in techniques and procedures related to the evaluation of instruction
- 4. Be familiar with District curriculum priorities, policies and practices, District standards for student progress, and District policies and procedures related to personnel supervision, performance evaluation and staff development
- 5. Participate in at least one in-service per year in clinical supervision and/or other approved instructional and evaluational techniques

Legal Reference:

EDUCATION CODE

33039 Guidelines for teacher evaluation

44660-44665 Evaluation and assessment of performance of certificated employees

44681-44689 Administrator training and evaluation

GOVERNMENT CODE 3543.2 Scope of representation (re evaluation procedures)

Adopted: May 4, 2000 CSBA: 10/96

Management and Confidential Personn

Regulation #4315.1

STAFF EVALUATING TEACHERS

Administrators who evaluate teachers must meet the following criteria:

- 1. Possess a valid administrative credential.
- 2. Be competent in instructional methodologies used by teachers they are assigned to evaluate.
- 3. Be familiar with District policies and procedures for personnel supervision, performance evaluation and staff development.
- 4. Be skilled in the supervision of instruction and in techniques and procedures related to the evaluation of instruction.
- 5. Understand District curriculum priorities, policies and practices, including their development, implementation and evaluation.
- 6. Understand District standards on student progress.

Administrators who evaluate teachers shall participate in a minimum of one in-service per year in clinical supervision and/or other approved instructional and evaluational techniques.

Page 1 of 1. Issued: May 4, 2000 CSBA: 6/91

Management and Confidential Personnel

Policy #4317.13

EARLY RETIREMENT FOR MANAGEMENT PERSONNEL

This policy does not include Confidential Personnel

General Provisions

- 1. Eligible employees may apply for an early retirement program. By February 1, the Superintendent or his/her designee shall notify those management employees (hereafter referred to as "employee") who will be eligible for an early retirement option as of the commencement of the following school year.
- 2. By April 15, an employee shall notify the Superintendent that he/she plans to participate in an early retirement option the following year.
- 3. Before an employee participates in an early retirement option he/she will, on request, receive from the Superintendent or his designee, an analysis of the benefits and duties which accompany the early retirement options.

Options

- 1. Reduced workload with full time benefits.
 - a. Eligibility Requirements:
 - (1) The employee cannot hold a position with a salary above that of a school principal.
 - (2) The employee must have reached the age of 55 prior to reduction in workload.
 - (3) the employee must be employed full-time in a position requiring certification for at least ten (10) year, of which the immediately preceding five (5) years were full-time employment.
 - (4) The option of part-time employment must be exercised at the request of the employee, and can be revoked only with the mutual consent of the employer and the employee.
 - (5) The minimum part-time employment shall be the equivalent of one-half of the number of days of service required by the employee's contract of employment during his/her final year of service in a full-time position.
 - b. Salary and Benefit Provisions: The employee shall be paid a salary which is the pro rata share of the salary he would be earning had he not elected to exercise the option of part-time employment, but shall retain all other rights and benefits for which he makes payments that would be required if he remained in full-time employment.
 - (1) The employee shall receive health and other fringe benefits in the same manner as a fulltime employee.
 - (2) Both the employer and employee shall contribute to the State Teacher' Retirement System as if the employee were a full-time employee.
 - (3) The employee shall receive the same retirement credit as would have been received as a full-time employee.

Page 1 of 2. Adopted: April 6, 2000 PGUSD: 6/99

Management and Confidential Personnel

Policy #4317.13

EARLY RETIREMENT FOR MANAGEMENT PERSONNEL

- (4) The employer shall maintain the records necessary for an employee to receive his retirement credit.
- (5) Participation in this program does not reclude an employee from participating in the consultancy contract program; however, concurrent participation is not permitted.

2. Consultancy Contract

- a. The employer may award a consultancy contract to a retired employee under the age of 65. Persons hired by a consultancy contract are considered employees. Any person retained to furnish such services, here-in-after called an early retirant, shall meet the following requirements:
 - (1) The early retirant was a full-time employee of the District for the ten (10) years immediately preceding his resignation and retirement.
 - (2) the early retirant is at least fifty-five (55) years of age.
- b. Compensations: Payments shall be made at the rate of \$132.50 for each day of service completed up to a maximum of 40 days service and \$5300.
- c. Terms: The term of any agreement for services under this section may be renewed on an annual basis, not to exceed five (5) years. Any agreement with an early retirant for the furnishing of services shall be terminated automatically at the end of the fiscal year in which the early retirant reaches the age of sixty-five (65) or upon the reemployment of the early retirant in a position requiring certification qualifications other than as a substitute teacher on a day to day basis.
- d. Health Benefits: An early retirant may continue in force and effect at the early retirant's own expense, the health insurance policies previously held by the early retirant. This is contingent upon the willingness of the insurance carriers to provide such coverage.

3. Early Full Retirement

- a. Eligibility: To be eligible, the employee must be at least fifty-five (55) years of age and have 10 years of service with the District immediately preceding resignation and retirement. Retirement is at the employee's option at age 55 to 60. At age 61, retirement under this option requires mutual consent.
- b. Benefits: The District shall pay a portion of the cost of the same health and major medical insurance equal to the amount which active employees are entitled. Payments will cease the month following the month the employee reaches his/her 65th birthday or becomes eligible for Medicare, whichever occurs first.

Reference: District Originated.

Management Personnel

Policy #4317.3

PERSONNEL REDUCTION

Certificated Management

The Governing Board recognizes that a variety of reasons may indicate that there is a need to reduce the kind and/or number of management staff members. Layoff proceedings shall be undertaken upon the recommendation of the Superintendent and prior consultation with legal counsel.

If there is a need to reduce the number and/or kind of management staff coupled with a need to reduce the overall number of certificated employees of the District, the District shall proceed pursuant to the requirements of Education Code 44955.

If there is a need to reduce the number and/or kind of management staff with intention that those management personnel who would be displaced will be placed in other certificated positions (i.e., there will not be a reduction in the overall number of certificated employees of the District), the District shall proceed pursuant to Education Code 44951.

If a management certificated employee who was assigned to an administrative position prior to July 1, 1983, is reassigned to a classroom teaching position, he/she shall have his/her seniority determined as though he/she had been a teacher during the time spent as a management employee.

For a certificated employee initially employed in an administrative position on or after July 1, 1983, who transfers to a teaching position, the period of employment in the administrative position shall not be included in determining seniority for purposes of employee layoff and employee reemployment after lay-off, except for school site administrators who shall earn up to a maximum of three (3) years seniority while serving as site administrators.

Classified Management and Confidential

Classified managers and Confidential staff shall be entitled to the same procedure and have the same layoff rights as all other classified employees. Layoff proceedings shall be carried out in consultation with legal counsel.

Senior Management of the Classified Service

The Board may by resolution abolish any or all positions of the senior management of the classified service. Any employee occupying a senior management position abolished by action of the Board shall become a member of the classified or certificated service in a position to which he/she would otherwise be entitled if the employee had not been a member of the senior management of the classified service.

Legal Reference:

EDUCATION CODE

44951 Continuation in position unless notified

44955 Certificated employee layoff

44955.5 Termination of certificated employees; insufficient increase in revenue limits

Management Personnel

Policy #4317.3

PERSONNEL REDUCTION

44956 Reemployment rights of laid-off certificated employees

44956.5 Seniority of certificated administrators

45100.5 Senior management positions

45104.5 Abolition of position

45108.5 Senior management employee

45114 Layoff and reemployment procedures

45117 Notice of layoff

45298 Reemployment and promotional exam

45308 Order of layoff and reemployment

Page 2 of 2. Adopted: May 4, 2000 CSBA: 2/94

Management & Confidential Personnel

Regulation #4317.3

PERSONNEL REDUCTION

When the District needs to reduce the kind and/or number of management staff, layoff proceedings shall be initiated at the recommendation of the Superintendent or designee and after consultation with legal counsel.

Certificated Management

When the District needs to reduce the number and/or kind of certificated management staff and also needs to reduce the overall number of certificated employees, the District shall proceed pursuant to the requirements of Education Code 44955. By March 15, affected employees shall be notified of the Board's action by registered mail or in person.

When the District needs to reduce the number and/or kind of certificated management staff and intends to place the displaced personnel in other certificated positions (causing no reduction in the overall number of certificated employees of the District), the District shall proceed pursuant to Education Code 44951. By March 15, affected employees shall be notified of the Board's action by registered mail or in person. If the notice is presented in person, the employee's signature acknowledging receipt of the notice shall be obtained on the District's copy of the notice.

During the time period between five days after enactment of the Budget Act and August 15, the Board may determine that the total revenue limit per ADA has not increased by at least two percent and that the District needs to reduce the number and/or kind of management staff pursuant to Education Code 44955.5. In such a situation, the Board shall adopt a schedule of notice and hearings and shall otherwise proceed pursuant to Education Code 44951 or 44955.

An employee who has served as an administrator in the District for at least two years shall have permanent certificated status in the District as a teacher. (Education Code 44929.21) However, the period of employment in the administrative position is not included when calculating seniority related to layoff and reemployment, except for: (Education Code 44956.5)

1. Site administrators who are entitled to earn up to three years' seniority for these purposes.

Classified Management/Confidential Employees

Classified managers shall be entitled to the same procedure and have the same layoff rights as all other classified employees.

Senior Management of the Classified Service

The Board may by resolution abolish any or all positions of the senior management of the classified service. Any employee occupying a senior management position abolished by Board action shall become a member of the classified or certificated service in a position to which he/she would otherwise be entitled if the employee had not been in a senior management position. (EC 45104.5)

Management & Confidential Personnel Policy #4319.21

CODE OF ETHICS

The Governing Board expects District employees to maintain the highest ethical standards, to follow District policies and regulations, and to abide by state and national laws. Employee conduct should enhance the integrity of the District and the goals of the educational program.

The Board encourages District employees to accept as guiding principles the codes of ethics published by professional associations to which they may belong.

Legal Reference: CODE OF REGULATIONS, TITLE 5 80331-80338 Rules of Conduct for Professional Educators

Page 1 of 1. Adopted: April 6, 2000 CSBA: 3/91

Exhibit #4319.21

CODE OF ETHICS

A management, supervisor or confidential school employee's behavior must con-form to an ethical code. The code must be idealistic and at the same time practical, so that it can apply reasonably to all. The professional acknowledges that the schools belong to the public they serve for the purpose of providing educational opportunities to all and provides professional leadership in the school and community. This responsibility requires standards of exemplary professional conduct. It must be recognized that the professional's actions will be viewed and appraised by the community, associates and students. To these ends, the professional subscribes to the following statements of standards.

The management, supervisory, confidential school employee:

- 1. Makes the well-being of students the fundamental element in all decision-making and actions.
- 2. Fulfills professional responsibilities with honesty and integrity.
- 3. Supports the principle of due process and equal treatment under the law.
- 4. Obeys local, state and national laws and does not knowingly join or support organizations that advocate, directly or indirectly, the overthrow of the government.
- 5. Implements the Governing Board of Education's policies and administrative rules and regulations.
- 6. Pursues appropriate measures to correct those laws, policies and regulations that are not consistent with sound educational goals.
- 7. Avoids using positions for personal gain through political, social, religious, economic or other influence.
- 8. Accepts academic degrees or professional certification used in relationship with professional responsibilities only from duly accredited institutions.
- 9. Maintains the standards and seeks to improve the effectiveness of the profession through research and continuing professional development.
- 10. Honors all contracts until fulfillment or release.
- 11. Seeks to involve the public and keep them honestly informed.
- 12. Recommends the employment, development, promotion and retention of the best possible personnel to assure a quality educational program.

Reference: Assoc. Of Calif School Adm.,

Page 1 of 1. Issued: April 6, 2000 CSBA: 3/91

STAFF DEVELOPMENT

The Governing Board recognizes that professional development opportunities enhance employee effectiveness and contribute to personal growth. Staff development for management, supervisory and confidential personnel shall be designed to build leadership skills and overall management efficiency.

The Superintendent or designee shall develop a plan for administrator support and development activities which is based on a systematic assessment of unmet needs of District students and staff and which is tied to the District's vision and goals. The Board desires that all administrators share in planning activities which are pertinent to their specific areas of responsibility.

The District's administrator training and evaluation program shall address the objectives specified in Education Code 44683. (Education Code 44682)

Activities may include but not be limited to professional education conferences; courses in institutions of higher education; workshops offered by the District, county office of education or state; small-group activities; self-directed learning; observation of other schools; and follow-up activities that help staff implement newly acquired skills.

Within budget parameters, the Superintendent or designee may approve participation in activities that will benefit individual administrators and enhance their contributions to the District.

The Superintendent or designee shall provide a means for continual evaluation of the benefit of these activities to staff and students, including evaluation by participating administrators.

Legal Reference: EDUCATION CODE 44670.1-44680.7 Staff development and resource centers 44681-44689.5 Administrator training and evaluation

CSBA: 10/98

Policy #4341

APPEAL PROCEDURE

A management or confidential employee may appeal decisions and actions of administrative superiors when he/she believes that there has been a violation or misapplication of Board rules, regulations or policies, and, that by reason of such violation or misapplication, the employee's rights have been adversely affected.

The procedure will be as follows:

- 1. Every opportunity should be provided for the resolution of the problem in an informal and expeditious manner. A private conference between the parties involved should take place.
- 2. If the problem is not resolved in this informal manner the parties may wish to consult with mutual conferees in a second conference.
- 3. The next step if the second conference does not resolve the problem, is for the appellant to file an appeal to the President of the Board within five working days after the second conference.
- 4. The appeal shall be submitted in duplicate on the appropriate form provided.
- 5. The Board shall hold a hearing at its next regular meeting after the appeal has been filed, provided that the appeal has been filed at least four days prior to the next regular meeting.
- 6. The decision of the Board shall be communicated in writing to the appellant and the administrative superior named in the appeal within five working days after the date of the
- 7. The decision of the Board shall be binding. However, if the appellant is not satisfied he/she may have the legal right to file for a court review.

General Provisions

- 1. All documents, communications or records relating to an appeal shall be filed in the personnel files of the appellant.
- 2. It will be the responsibility for the Superintendent to design an make a form readily available to anyone affected. This appeal form is included as Exhibit #4340.

Reference: District Originated.

Page 1 of 1. Adopted: April 6, 2000 **PGUSD: 6/99**

Management & Confidential Personnel

Exhibit #4341

MANAGEMENT/CONFIDENTIAL APPEAL FORM

Name	Date	
Assignment Location		
Reason for Appeal: (Give names, date	es, location, decision, etc.)	
Action Requested:		
I discussed this with	on	(Date)
	Date Received:	
Appeal Review - Board of Education	Date of Hearing:	
Decision:		
Signature of President:	Date:	
Signature of Clerk:	Date:	
Reference: District Originated.		

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Policy #4351

MANAGEMENT AND CONFIDENTIAL COMPENSATION

The citizens of this community are interested in attracting and maintaining a qualified, competent staff to educate their children. The Governing Board recognizes the importance of an attractive compensation schedule and sound policies in securing and holding a competent staff.

All administrative personnel entering the school District shall be placed on the compensation schedule based upon their assignment, training and experience.

The compensation schedule shall contain a class or position title and a number of steps which provide compensation increments for service within each class. Advancement shall be made on the basis of evidence of professional performance.

The Board shall work cooperatively with the staff in matters involving the formulation, amendment or repeal of compensation provisions for school personnel. The Governing Board shall make the final decision on compensation provisions.

Compensation agreements for Management and for Confidential Personnel are on file in the Human Resources Office.

Legal Reference: **EDUCATION CODE** 45032 Power of governing board to increase salaries 45160-45169 Salaries

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CSBA: 9/88

Management & Confidential Personnel

Regulation #4351

MANAGEMENT AND CONFIDENTIAL COMPENSATION

Salaries

Management and confidential personnel shall be recommended for the initial placement on the salary schedule by the Superintendent, according to their education and experience in their field. The Superintendent will have flexibility in making recommendations for placement on the salary schedule where in the judgment of the Superintendent, employment of such personnel is in the best interest of the District. Salary schedules are maintained in the Personnel Office.

Compensation Agreements

A compensation agreement for Management Personnel and one for Confidential Personnel are developed annually and are on file in the Personnel Office.

Automobile Allowance

Each management personnel is required to have an automobile on the job. As partial reimbursement for use of a private automobile in the performance of regularly assigned duties, management personnel shall receive a \$40 monthly automobile allowance for within District travel. Reimbursement for in/out of county travel will be reimbursed at the District rate per mile.

Confidential Personnel

Confidential Personnel will be reimbursed for necessary travel at the District rate per mile.

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Issued: April 6, 2000 Reviewed and Issued: March 6, 2003 CSBA: September, 1988

Management & Confidential Personnel

Policy #4361

LEAVES

The Governing Board recognizes the need to provide for leaves which management and confidential personnel may take for justifiable reasons. Such leaves shall be authorized pursuant to Board policies and/or administrative regulations.

Certificated management and supervisory employees shall be entitled to those leave provisions provided in the certificated agreement unless otherwise specified in Board policy, administrative regulations, compensation agreements or individual contract.

Classified management, supervisory and confidential employees shall be entitled to those leave provisions provided in the classified negotiated agreement unless otherwise specified in Board policy, administrative regulations, compensation agreements or individual contract.

Legal Reference:

EDUCATION CODE

44036 Leaves of absence for judicial and official appearances

44037 Unlawful to encourage exemption from jury duty

44940 Sex offenses and narcotic offenses; compulsory leave

44962-44988 Leaves of absence (certificated)

45190-45210 Leaves of absence (classified)

Adopted: April 6, 2000 CSBA: 12/88

STUDENTS

Students Policy #5020

PARENT RIGHTS AND RESPONSIBILITIES

Mandated Policy

Parent Rights

The Governing Board recognizes that parents/guardians of District students have certain rights as well as responsibilities related to the education of their children.

Parents/guardians shall have the opportunity to work with schools in a mutually supportive and respectful partnership and to help their children succeed in school. (Education Code 51100)

The Board believes that the education of the District's students is a shared responsibility. The Superintendent or designee shall work with parents/guardians to determine appropriate roles and responsibilities of parents/guardians, school staff and students for continuing the intellectual, physical, emotional and social development and well-being of students at each school site, including the means by which the schools and parents/guardians can help students achieve academic and other standards of the school.

Within this framework, the school's primary responsibility shall be to provide a high-quality curriculum and instructional program in a supportive and effective learning environment that enables all students to meet the academic expectations of the school.

The District encourages parents/guardians to support the learning environment of their children by monitoring attendance.

The Superintendent or designee shall ensure that district staff understand the rights of parents/guardians afforded by law and Board policy and follow acceptable practices that respect those rights.

The Superintendent or designee shall take all reasonable steps to ensure that all parents/guardians who speak a language other than English are properly notified in English, and in their home language of the rights and opportunities available to them pursuant to Education Code 48985. (Education Code 51101.1)

Parent Responsibilities

Parents/guardians may support the learning environment of their children by:

- 1. Monitoring attendance of their children
- 2. Ensuring that homework is completed and turned in on time
- 3. Encouraging their children to participate in extracurricular and co-curricular activities
- 4. Monitoring and regulating the television viewed by their children
- 5. Working with their children at home in learning activities that extend the classroom learning
- 6. Volunteering in their children's classroom(s) or for other school activities
- 7. Participating in decisions related to the education of their own children or the total school program as appropriate

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Students Policy #5020

PARENT RIGHTS AND RESPONSIBILITIES

Mandated Policy

Legal Reference:
EDUCATION CODE
49091.10-49091.19 Parental review of curriculum and instruction
51100-51102 Parent/guardian right

PARENT RIGHTS AND RESPONSIBILITIES Mandated Regulation

The rights of parents/guardians of District students include, but are not limited to, the following:

1. To observe, within a reasonable period of time after making the request, the classroom(s) in which their child is enrolled or for the purpose of selecting the school in which their child will be enrolled (Education Code 51101)

Parents/guardians may observe instructional and other school activities that involve their child in accordance with Board policy and administrative regulations adopted to ensure the safety of students and staff, prevent undue interference with instruction or harassment of school staff, and provide reasonable accommodation to parents/guardians. Upon written request by parents/guardians, the Superintendent or designee shall arrange for parental observation of a class or activity in a reasonable time frame and in accordance with Board policy and administrative regulations. (Education Code 49091.10)

Parents may observe their child as described above, via a webcam placed in the child's classroom, from a separate location at the school site, as long as the following has been completed:

- a. Parent has provided written consent
- b. The site principal and the classroom teacher have been notified and provide their consent
- c. The webcam images and feed are not recorded and the District ensures that they will not be broadcast to other than the identified, on-site location
- d. The site principal or designee is present during the viewing of the live feed
- e. The observation is limited to a pre-determined timeframe agreed-upon by all parties
- f. A note is posted outside the classroom door, alerting all who enter that the live feed is occurring, including the designated timeframe
- 2. To meet, within a reasonable time of their request, with their child's teacher(s) and the principal of the school in which their child is enrolled (EC 51101)
- 3. Under the supervision of District employees, to volunteer their time and resources for the improvement of school facilities and school programs, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher (EC 51101)
- 4. To be notified on a timely basis if their child is absent from school without permission (Education Code 51101)
- 5. To receive the results of their child's performance and the school's performance on standardized tests and statewide tests (Education Code 51101)

Page 1 of 4 Issued: March 6, 2003 All Rights Reserved by PGUSD Revised: June 4, 2020

PARENT RIGHTS AND RESPONSIBILITIES Mandated Regulation

For parents/guardians of English learners, this right shall include the right to receive the results of their child's performance on the English language development test. (Education Code 51101.1)

- 6. To request a particular school for their child and to receive a response from the District (Education Code 51101)
- 7. To have a school environment for their child that is safe and supportive of learning (Education Code 51101)
- 8. To examine the curriculum materials of the class(es) in which their child is enrolled (Education Code 51101; 20 USC 1232h)

Parents/guardians may inspect, in a reasonable time frame, all primary supplemental instructional materials and assessments stored by the classroom teacher, including textbooks, teacher's manuals, films, tapes and software. (EC 49091.10)

Each school site shall make available to parents/guardians and others, upon request, a copy of the prospectus for each course, including the titles, descriptions and instructional aims of the course. (Education Code 49091.14)

The school may charge an amount not to exceed the cost of duplication. (Education Code 49091.14)

- 9. To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child (Education Code 51101)
- 10. To have access to the school records of their child (Education Code 51101)
- 11. To receive information concerning the academic performance standards, proficiencies or skills their child is expected to accomplish (EC 51101)
- 12. To be informed in advance about school rules, including disciplinary rules and procedures in accordance with Education Code 48980, attendance policies, dress codes and procedures for visiting the school (Education Code 51101)
- 13. To receive information about any psychological testing the school does involving their child and to deny permission to give the test (EC 51101)
- 14. To refuse to submit or to participate in any assessment, analysis, evaluation or monitoring of the quality or character of the student's home life; any form of parental screening or testing; any nonacademic home-based counseling program; parent training; or any prescribed family education service plan and to inspect any survey collecting personal information, as defined in 20 USC 1232h (Education Code 49091.18; 20 USC 1232h)

Page 2 of 4 Issued: March 6, 2003 All Rights Reserved by PGUSD Revised: June 4, 2020

PARENT RIGHTS AND RESPONSIBILITIES Mandated Regulation

15. To participate as a member of a parent advisory committee, school site council or site-based management leadership team in accordance with any rules and regulations governing membership in these organizations (EC 51101)

For parents/guardians of English learners, this right shall include the right to participate in school and district advisory bodies in accordance with federal and state law and regulations. (Education Code 51101.1)

- 16. To question anything in their child's record that the parent/guardian feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school (Education Code 51101)
- 17. To provide prior written consent before their student participates in a survey containing the mental or psychological problems of the student or his/her family, the sexual behavior or attitudes or personal beliefs and practices in family life. (20 U.S.C. § 1232h; Education Code 51513)
- 18. To be provided written notice and given an opportunity to request that their child not participate in district administered anonymous and voluntary surveys regarding health risks and behaviors, relating to student's attitudes or practices related to sex in grades 7-12. (20 U.S.C. § 1232h; Education Code 51513 and 51938)
- 19. The Superintendent or designee shall obtain informed written parental consent before testing any student for a behavioral, mental or emotional evaluation. A general consent, including medical consent used to approve admission to or involvement in, a special education or remedial program or regular school activity, shall not constitute written consent for these purposes. (EC 49091.12)
- 20. Students in grades 7 to 12 shall have the right to obtain confidential medical care or confidential counseling related to the diagnosis or treatment of a drug or alcohol-related problem, or mental health treatment or counseling, without the consent of his/her parent/guardian. (Education Code 46010.1; 49091.12)
- 21. For parents/guardians of English Learners, to support their child's advancement towards literacy (Education Code 51101.1)
- 22. For parents/guardians of English learners, to be informed, through the school accountability report card, about statewide and local academic standards, testing programs, accountability measures, and school improvement efforts (Education Code 51101.1)
- 23. To be notified, as early in the school year as practicable pursuant to Education Code 48070.5, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appear such a decision (Education Code 51101)

The Superintendent or designee may make available, to the extent possible, surplus or undistributed instructional materials to parents/guardians pursuant to Education Code 60510. (Education Code 51101.1)

Page 3 of 4 Issued: March 6, 2003 All Rights Reserved by PGUSD Revised: June 4, 2020

Students Regulation #5020

PARENT RIGHTS AND RESPONSIBILITIES Mandated Regulation

The Superintendent or designee shall ensure that District staff understand the rights of parents/guardians afforded by law and Board policy and follow acceptable practices that respect those rights.

The Superintendent or designee shall ensure that parents/guardians receive notification regarding their rights in accordance with law.

School officials or law enforcement officials have the authority to investigate or intervene in cases of suspected child abuse, (Education Code 49091.12)

Page 4 of 4 Issued: March 6, 2003 All Rights Reserved by PGUSD Revised: June 4, 2020 Students Policy #5022

Student And Family Privacy Rights

The Governing Board respects the rights of district students and their parents/guardians with regard to the privacy of their personal beliefs and the confidentiality of their personal information.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 6162.8 - Research)

The Superintendent or designee may collect, disclose, or use students' personal information for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following: (20 USC 1232h)

- 1. College or other postsecondary education recruitment or military recruitment
- 2. Book clubs, magazines, and programs providing access to low-cost literary products
- 3. Curriculum and instructional materials used by elementary and secondary schools
- 4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments

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(cf. 6162.5 - Student Assessment)
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5. The sale by students of products or services to raise funds for school-related or education-related activities

(cf. 1321 - Solicitation of Funds from and by Students)

6. Student recognition programs

(cf. 5126 - Awards for Achievement)

The Superintendent or designee is prohibited from collecting, disclosing, or using a student's individually identifiable information, including his/her name, parent/guardian's name, home or other physical address, telephone number, or social security number, for the purpose of marketing or selling that information or providing the information to others for that purpose.

The Superintendent or designee shall consult with parents/guardians regarding the development of regulations pertaining to other uses of personal information, which shall, at a minimum, address the following: (20 USC 1232h)

- 1. Arrangements for protecting student privacy when collecting, disclosing, or using students' individually identifiable information for any purpose
- 2. Arrangements to protect student privacy in the administration of surveys that may request information about the personal beliefs and practices of students and their families

Students Policy #5022

Student And Family Privacy Rights

3. The rights of parents/guardians to inspect the following, and any applicable procedures for granting reasonable access to the following in a reasonable period of time:

- a. Survey instruments requesting information about their personal beliefs and practices or those of their children
- b. Instructional materials used as part of their children's educational curriculum
- 4. Any nonemergency physical examinations or screenings that the school may administer

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committee)

(cf. 1230 - School-Connected Organizations)

The Superintendent or designee shall notify parents/guardians of the adoption or continued use of the district's policy pertaining to the rights specified in items #1-4 above. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

234.7 Student protections relating to immigration and citizenship status

49076.7 Privacy of student records; social security numbers

49450-49458 Physical examinations

49602 Confidentiality of personal information received during counseling

51101 Parents Rights Act of 2002

51513 Test, questionnaire, survey, or examination concerning personal beliefs

51514 Nonremoval of survey questions pertaining to sexual orientation or gender identity

51938 Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

Management Resources:

WEB SITES

CSBA: http://www.csba.org

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

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

http://www.ed.gov/offices/OM/fpco

Student And Family Privacy Rights

Surveys Requesting Information about Beliefs and Practices

A student's parent/guardian, or a student who is an adult or emancipated minor, shall provide prior written consent before the student is required to participate in a survey inquiring about one or more of the following: (Education Code 51513; 20 USC 1232h)

- 1. Political affiliations or beliefs of the student or his/her parent/guardian
- 2. Mental or psychological problems of the student or his/her family
- 3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
- 4. Illegal, anti-social, self-incriminating, or demeaning behavior
- 5. Critical appraisals of other individuals with whom the student has close family relationships
- 6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers
- 7. Religious practices, affiliations, or beliefs of the student or his/her parent/guardian
- 8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program
- (cf. 3553 Free and Reduced Price Meals) (cf. 6179 - Child Care and Development Program)

If a student participates in such a survey requesting information about personal beliefs and practices, school officials and staff members shall not request or disclose the student's identity.

(cf. 6162.8 - Research)

Notwithstanding the above requirements for prior written consent, the district may administer to students in grades 7-12 anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about student attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate. (Education Code 51938)

If the district administers a voluntary survey that already includes questions pertaining to sexual orientation and/or gender identity, the Superintendent or designee shall not remove such questions. (Education Code 51514)

Parent/Guardian Access to Surveys and Instructional Materials

The parent/guardian of any district student, upon his/her request, shall have the right to inspect: (Education Code 51938; 20 USC 1232h)

1. A survey or other instrument to be administered or distributed to his/her child that either collects

Student And Family Privacy Rights

personal information for marketing or sale or requests information about beliefs and practices

2. Any instructional material to be used as part of his/her child's educational curriculum

(cf. 5020 - Parent Rights and Responsibilities)

Within a reasonable period of time after receiving a parent/guardian's request, the principal or designee shall permit the parent/guardian to view the survey or other document he/she requested. A parent/guardian may view the document any time during normal business hours.

(cf. 1340 - Access to District Records)

No student shall be subject to penalty for his/her parent/guardian's exercise of any of the rights stated above.

Health Examinations

Authorized school officials may administer to any student any physical examination or screening permitted under California law. However, no student shall be subjected to a nonemergency, invasive physical examination without prior written notice to his/her parent/guardian, unless an applicable state law authorizes the student to provide consent without parent/guardian notification. (20 USC 1232h)

Invasive physical examination means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion, or injection into the body, but does not include a properly authorized hearing, vision, or scoliosis screening. (20 USC 1232h)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions) (cf. 5141.3 - Health Examinations)

Notifications

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of: (20 USC 1232h)

- 1. The district's policy regarding student privacy
- 2. The process to opt their children out of participation in any activity described in this administrative regulation and the accompanying Board policy
- 3. The specific or approximate dates during the school year when the following activities are scheduled:
- a. Survey requesting personal information
- b. Physical examinations or screenings

Students Policy #5030

STUDENT WELLNESS

Pacific Grove Unified School District has the responsibility to ensure that our schools offer the best possible climate for the education of students in the 21st century. The Board of Education is committed to providing a school environment that promotes and protects student mental, physical, and emotional health and well-being, recognizing the important connection between healthy lifestyle choices and a student's ability to learn and achieve high standards. The Board values students and respects their right to receive a high quality education in a setting free from commercial influences. The Board believes students need a comprehensive wellness education program, including adequate exercise, nourishing foods, and a knowledge of health principles in order to ensure their future well-being. Because the Board recognizes the importance of involving parents, students, food service professionals, administrators, teachers and community health educators in the process of developing and implementing this wellness policy, the Board will maintain a committee dedicated to student wellness. The Healthy, Hunger-Free Kids Act was passed in 2010.

Legal Reference

EDUCATION CODE

3350-33354	CDE responsibilities re: physical education
35182.5	Advertising
38080-38103	Cafeteria, establishment and use
38086	Free Fresh Drinking Water
44807.5	Recess Restrictions
45103.5	Contracts for management consulting services; restrictions
48931	Authorization and sale of food
48980	Notice at beginning of term
49430-49436	Pupil Nutrition, Health, and Achievement Act of 2001
49490-49493	School breakfast and lunch programs
49500-49505	School meals
49510-49520	Nutrition
49530-49536	Child Nutrition Act
49540-49546	Child care food program
49547-49548.3	Comprehensive nutrition services
49550-49562	Meals for needy students
49565-49565.8	California Fresh Start pilot programs
49570	National School Lunch Act
51200	Course of Study
51210	Course of study, grade 1-6
51210.1-51210.2	Physical Education, grades 1-6
51210.4	Nutrition education
51220	Course of study, grade 7-12
51222	Physical education
51223	Physical education, elementary schools
51520	School premises; prohibited solicitations
	- · · · · · · · · · · · · · · · · · · ·

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STUDENT WELLNESS

51795-51798	School instructional gardens
51880-51921	Comprehensive health education

CODE OF REGULATIONS, TITLE 5

15500-15501	Food sales by student organization	
15510	Mandatory Meals	
15530-15535	Nutrition Education	
15550-15565	School lunch and breakfast programs CODE OF FEDERAL	
REGULATIONS, TITLE 7		
210.1-210.33	National School Lunch Program	
210.30	Wellness Policy	
220.1-220.22	National School Breakfast Program	
245.1-245.13	Determination of eligibility for free and reduced price meals	

<u>UNITED STATES CODE, TITLE 20</u>

1232 , g	Federal Education Rights and Privacy	Act
6201 6514	Title 1 Due comm	

6301-6514 Title 1 Program

<u>UNITED STATES CODE, TITLE 42</u>

1751-1769	National School Lunch Program, Especially:
1758b	Local wellness policy
1771-1793	Child Nutrition Act, including:
1773	School breakfast program
1779	Rules and regulations, Child Nutrition Act

HEALTH AND SAFETY CODE

113700-114455	California Uniform Retail Food Facilities Law
114200-114245	Vending machines
OTHER	

0520.2	Title 1 Program Improvement Schools
3353	Free and Reduced Price Meals
3513.3	Tobacco-Free Schools
3550	Board policy Food Service/Child Nutrition

Students Policy #5030

STUDENT WELLNESS

3554	Other Food Sales
3555	Nutrition Program Compliance
5131.6	Alcohol and Other Drugs
5131.61	Drug Testing
5125	Student Records
5131.6	Substance Abuse
5131.62	Tobacco
5131.64	Alcohol testing
5141.4	Child Abuse Reporting
5141.31	Immunization
5141.3	Health Examinations
5141.24	Special Health Care Issues
5141.6	Student Health and Social Services
6142.1	Sexual Health and HIV/Aids Prevention Education
6020	Concepts and Roles - Parent Involvement
6164.2	Guidance/Counseling Services
5142.8	Comprehensive Health Education
6143	Course of Study
6162.51	Standardized Testing and Reporting Program
6171	Title 1 Programs
6190	Evaluation of the Instructional Program

STUDENT WELLNESS

As directed by the Board of Education, a series of regulations have been drafted to implement a complete Student Wellness Program. These regulations should be implemented in context with health and physical education classroom activities, school events, food service operations and other food sales.

Health Education

To achieve the goal of health literacy, students must comprehend a set of core health concepts and develop skills to apply the knowledge in their own life. The following are objectives that will be instructed at the elementary, middle and high school. Instruction will occur as part of the Physical Education, health, and/or other appropriate curriculum.

- 1. Students will develop knowledge and skills related to personal health and disease prevention.
- 2. Students will demonstrate ways in which they can maintain and enhance their health and well-being.
 - a. Students will demonstrate the ability to use goal-setting and decision-making skills.
 - b. Students will demonstrate the ability to practice health-enhancing behaviors to reduce health risks.
- 3. Students will understand and demonstrate behaviors that prevent disease.
 - a. Students will demonstrate self-management skills to improve personal health.
- 4. Students will understand and demonstrate how to play a positive, active role in promoting the health of their families.
- 5. Students will understand and accept individual differences in growth and development.
- 6. Students will identify information, products and services that may be helpful or harmful to their health.
 - a. Students will demonstrate the ability to access valid health information and health-promoting products and services.
 - b. Students will analyze the influence of culture, media, technology and other factors on health.
- 7. Students will receive instruction in nutrition concepts.
 - a. As reinforcement, nutrition education should be integrated into classroom instruction in core subjects such as math, science, language arts, social science, as well as before and after school programs.
 - b. Emphasize promotion of fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, food safety and the caloric balance between food intake and energy expenditure.

STUDENT WELLNESS

Student will receive information and resources to promote healthy mental practices.

By the time a student graduates they will have received instruction in the following areas:

Nutrition and physical education. Growth, development and sexual health. Injury prevention and safety. Alcohol, tobacco and other drugs Mental, emotional and social health Personal and community health.

Physical Education

Students in grades K-12, including students with disabilities and special health care needs, will receive physical education instruction.

- a. 200 minutes every 10 days for students in grades K 6
- b. 400 minutes every 10 days for students in grades 7 8 and two years of Physical Education in Grades 9 12.
- Temporary exemptions from physical education should be limited to students whose medical condition(s) do not allow for inclusion in the general, modified, or adapted physical education program.
- High school students who are exempt from two years of physical education in grades, 10, 11 or 12, per local district policy, must be provided with the opportunity to participate in a variety of physical education elective courses.
- High school physical education course content will include each of the following areas: effects of physical activity on dynamic health, mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythm and dance, team sports, and combatives.
- Class size is consistent with the requirements of good instruction and safety.
- School districts will administer a physical fitness test annually to all students in grades five, seven, and nine during the months of February, March, April or May.
- Students will receive their individual fitness test results upon completing the test.
- All physical education will be taught by credentialed teachers with training in physical education.
- All elementary students will have at least 20 minutes a day of supervised recess, which will be distributed throughout the day, thus integrating physical activity with classroom learning.

STUDENT WELLNESS

Teachers and other school personnel should not use physical activity (e.g. running laps, push-ups)
or withhold opportunities of physical activity (e.g. loss of recess or physical education) as
punishment.

Classroom Activities and School Events

Activities, which include celebrations, rewards, fundraising, and other school-sponsored events, shall support children's health, nutrition education, and physical fitness.

- Foods of minimal nutritional value shall not be distributed to students by teachers, staff or volunteers.
- Planners of special events such as PTA's, room parents, and athletic boosters are encouraged to support student wellness by selecting food and beverage items which comply with State and Federal laws, provide opportunities for positive food choices by children and adults, and reinforce the teachings of the District's Health curriculum. (See Exhibit A.) Food prepared in commercial kitchens should be encouraged.
- Parents are encouraged to support the District's nutrition education efforts by considering
 nutritional quality when selecting foods sent to school, either for individual or for class
 consumption. Student allergies and health issues need to be considered when sending food to
 school.
- Teachers, staff, and volunteers are encouraged to support student wellness by modeling good nutrition and fitness practices for their students. For example, in the classroom, during instructional time, adults should not consume food and beverages that do not meet nutritional standards.
- The District will protect and promote mental health by limiting commercial influences in school to those which support a climate of wellness and healthy lifestyle principles.
- Teachers and parents shall not compete with the National School Lunch Program by providing food to be served to students during the times that school breakfasts or lunches are being served to students.
- 1. Schools should limit non-holiday *celebrations that involve food* (such as birthdays) during the school day to one party per class per month. Foods and beverages provided for classroom activities should be in accordance with state and federal nutrition standards, with not more than one food or beverage being served that does not meet nutritional standards. Food presentations associated with specific curriculum units may occur more frequently, but should promote healthy choices as part of their instructional nature.
- 2. Schools will not use foods or beverages as *rewards* for academic performance or good behavior, and will not withhold food or beverages (including food served through school meals) as a punishment.

STUDENT WELLNESS

- 3. Items and activities for *student clubs and school-wide fundraisers* shall be pre-approved by the Superintendent, or designee, and shall follow the Student Wellness standards and shall be health-promoting items when possible. (See Exhibit B.) Fundraising plans by High School clubs and student organizations shall be pre-approved by the Pacific Grove High School administration, and Associated Student Body, Groups should work with the Nutrition Director to ensure that all regulations are followed. Items should not compete with or impair student participation in the school food service program.
- 4. School-sponsored events outside of the school day (i.e. activities formally approved by the school or District administration or Board, and for which the District and its employees have supervisory responsibility, such as, but not limited to athletic events, dances, performances, or fundraisers involving food) will support the principles of the Wellness Policy and will provide children and adults with opportunities for positive food choices by including foods and beverages which comply with State nutrition standards. All positive food choices shall be designated on the menu.

Guidelines for Food Service Operations

To increase cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of food and supplies, the planning of menus, and the auditing of all food service accounts for the District.

With Board approval, the District may enter into a contract for management consulting services or a contract with a private company that enables a school to offer students food items that comply with State and District nutritional standards. The franchise agreement and food purchases shall be subject to the competitive bidding requirements of the National School Lunch and School Breakfast Programs.

Food Services on School Premises

To reinforce the District's comprehensive program of student wellness activities, foods provided on school premises shall:

- 1. Be carefully selected so as to contribute to students' nutritional well being and the prevention of chronic illness.
- 2. Be in compliance with nutritional standards as set forth in California statutes, and meet all legal requirements for participation in the National School Lunch and School Breakfast Programs.
- 3. Be prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthy food choices.
- 4. Be served in age-appropriate quantities at reasonable prices.
- 5. Be offered in pleasant surroundings, which provide adequate space and time for student eating, relaxation, and socializing.
- 6. Students will have access to free, safe drinking water and cups during meal service.

Students shall have access to hand washing before eating any school meal or snack.

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STUDENT WELLNESS

Parents/guardians are encouraged to support the District's nutrition education efforts by considering nutritional quality when providing foods for individual students, occasional class functions, or schoolwide events.

Nutritional Standards for Food and Beverages Sold at Schools

The school day is effective from midnight to one-half hour after the school day ends.

SOLD means the exchange of food for money, coupons, vouchers, or order forms, when any part of the exchange occurs on a school campus.

ELEMENTARY SCHOOLS

FOOD

The Food Services program will ensure the only foods, in addition to the USDA reimbursable meals, that may be sold to a student at an elementary school during the school day must meet all of the following regulation to be considered compliant. (Education Code 49430. 49431, 49431.7: CA Code sections 15575, 15578: Code of Federal Regulations sections 210.11, 220.12

- 1. No more than 35 percent of total calories from fat; (except nuts, nut butter, seeds, reduced-fat cheese, dried fruit+nut/seed combo), AND
- 2. No more than 10 percent of total calories from saturated fat;(except reduced-fat cheese, dried fruit+nut/seed combo with no added fat/sugar), AND
- 3. No more than 35 percent sugar by weight (except fruit+nut/seed combo with no added fat/sugar, AND
- 4. Less than 0.5 grams trans-fat per serving AND
- 5. No more than 200 mg of sodium AND
- 6. No more than 175 calories per serving

AND

Must also meet ONE of the following:

- a. Fruit
- b. Non-fried vegetable
- c. Dairy food
- d. Nuts, Seeds, Legumes, Eggs, Cheese
- e. Whole Grain Item

A whole grain items contains:

- The statement "Diets rich in whole grain foods"
- Whole grain listed as the first ingredient
- A combination of whole grain ingredients comprising at least 51% of the total grain weight OR
- At least 51% whole grain by weight

BEVERAGES

STUDENT WELLNESS

A compliant beverage must be marked or labeled as a fruit and/or vegetable juice, milk, non-dairy milk, or water AND meet all criteria under the specific category.

(Education Code 49431.5) California Code of Regulations section 15576, Code of Federal Regulations section 210.10, 210.11, 220.8, 220.12

Compliant Beverages:

1. Fruit or Vegetable juice:;

- that are composed of no less than 50 percent fruit juice and
- have no added sweeteners AND
- No larger than 8 fl.oz. serving size

2. Drinking water;

• with no added sweetener

• 3. Milk:

- Cow's or goat's milk AND
- 1% and nonfat AND
- contains Vitamin A & D AND
- greater than 25% calcium Daily Value per 8 fl.oz AND
- Less than 28 grams of sugar per 8 fl.oz. AND
- no more than 8 fl. oz. serving size

4. Non-dairy milk;

• nutritionally equivalent to milk

MIDDLE AND HIGH SCHOOL.

The Food Service program will ensure the only foods, in addition to the USDA reimbursable meals, which may be sold to a student during the school day in the middle, or junior, or high schools are: (Education Code 49430, 49431.2,49431.7, California Code of Regulations sections 15575, 15577, 15578, Code of Federal Regulations section 210.11, 220.12

COMPLIANT FOODS

SNACKS

1. "Snacks" food items must be:

1. Less than or equal to 35 percent of its total calories from fat, except the following foods are exempt from this specific requirement:

(Nuts, nut butters, and seeds, reduced fat cheese, dried fruit+nut/seed combo) AND

2. Less than 10 percent of its total calories from saturated fat, except the following foods are exempt from this specific requirement:

(Reduced-fat cheese, dreid fruit+nut/seed combo) AND

3. Less than or equal to 35 percent sugar by weight (Except fruits and non-fried vegetables, dried fruit+nut/seed combo), **AND**

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STUDENT WELLNESS

4. No more than 200 calories per individual food item AND

No more than 200 milligrams sodium per container

AND must meet one of the following

Be a fruit, vegetable, dairy, protein or whole grain item, (or have one of these listed as the first ingredient \mathbf{OR}

Be a combination food containing at least ¼ cup fruit or vegetable.

ENTRÉE

- 5. An individual entrée item sold to a student in middle, junior, or high school must :
 - a. Contain no more than 400 calories per entree, and
 - b. Contain no more than 4 grams of fat per 100 calories contained in each entree, and shall be categorized as entree items in the School Breakfast Program or National School Lunch Program.
 - c. Contain less than 0.5 grams trans-fat per serving

Non-compliant food may be sold from one-hour after school through midnight.

BEVERAGES

A compliant beverage must be marketed or labeled as a fruit and/or vegetable juice, milk, non-milk, water, or electrolyte replacement beverage/sport drink AND meet all the criteria under that specific category. Education Code Section 49431.5, California Code of Regulations Section 15576, Code of Federal Regulations sectios 210.10, 210.11, 220.8, 220.12

COMPLIANT BEVERAGES

- 1. Fruit or vegetable juice drinks that are composed of no less than 50 percent juice and have no added sweetener and no larger than 12 fl.oz serving size
- 2. Drinking water with no added sweetener, and no serving size limit

3.

Milk: one-percent-fat milk, nonfat flavored milk,(cow or goat milk), and contains Vitamin A & D and more than 25% calcium per 8 fl.oz and no more than 28 grams of total sugar per 8 fl oz.and 12 fl.oz serving size.

- 4. Low-calorie Electrolyte Replacement Beverages (NOT ALLOWED IN MIDDLE SCHOOL)
 - Water as first ingredient
 - Less than 16.8 grams added sweetener/8fl.oz.
 - Less than 40 calories/8 fl.oz
 - 10-150 mg sodium/8 fl. oz
 - 10-90 mg potassium/8 fl.oz
 - No added caffeine
 - Less than 12 fl. oz. serving size
- 5. No-calorie Electrolyte Replacement Beverage (NOT ALLOWED IN MIDDLE SCHOOL)
 - Water as the first ingredient

STUDENT WELLNESS

- Less than 16.8 grams added sweetener/8 fl.oz
- Less than 5 calories/8 fl.oz (or leass than 10 cal/20 fl.oz)
- 10-150 mg sodium/8 fl.os.
- 10-90 mg potassium/8 fl.oz
- No added caffeine
- Less than 20 fl. oz. serving size

Non-compliant beverages may be sold from one-half hour after school through midnight.

Free and Reduced Priced Meals

The Board recognizes that adequate nutrition is essential to child development and learning, and that some families may be unable to provide breakfast and lunch for their children. In accordance with law, the District shall provide nutritionally adequate free and reduced priced meals for students whose families meet federal eligibility criteria.

Free and reduced lunch application forms are available all year round and parents can apply at any time during the school year. Forms are available in each school site office and online at PGUSD.org.

- 1. Students eligible to receive free or reduced price meals will not be treated differently from other students or easily identified by their peers or non-designated school employees.
- 2.
- 3. Food services may utilize electronic identification and payment systems; will promote the availability of school meals to all students; and may use non-traditional methods for serving meals, such as "grab and go" or classroom breakfasts/snacks.
- 4. Field trip lunches can be requested for when students will be off campus at lunch time.

Other Food Sales

The Board shall ensure that food sales by school-related groups and the use of vending machines are in compliance with the nutrition standard set forth by state and federal law. Such foods and beverages, (including those sold in snack lines, student stores, vending machines, and fundraising efforts) shall not impair, compete, or conflict with student participation in the District's food service program. Sanitation and safety procedures shall comply with the requirements of the California Uniform Retail Food Facilities Law as set forth in Health and Safety Code 113700 -114455.

The Superintendent, or designee, shall approve the sale of food items by student or adult organizations in accordance with law, Board policy, and administrative regulation.

No foods of minimal nutritional value shall be sold on school premises during the school day (as defined as midnight until one half hour after the official school day ends).

When vending machines are sponsored by the District, the Superintendent, or designee shall determine how and where vending machines may be placed at school sites, District offices, or other school facilities.

STUDENT WELLNESS

Parent Education

To reinforce and support the District's comprehensive Wellness Policy, the Superintendent or designee will direct each school site to develop a strategy to educate and involve parents/guardians. These strategies shall include: monthly information about healthy eating and/or physical activity, notification and information regarding Wellness Policy updates and any new related regulations.

Policy Implementation

The Superintendent, with the assistance of the Wellness Committee, will establish a plan for measuring implementation of this Student Wellness Policy. The plan will include the designation of one or more persons in the District or at each school charged with operational implementation.

Wellness Committee duties shall include the examination of related research and laws, assessment of student needs, and the review of existing policies. In raising awareness about student health issues, the committee may survey parents, conduct forums, or collaborate with appropriate community agencies.

Each school site shall post the District's policies and regulations on nutrition and physical activity in public view in all school cafeterias or eating areas. The policy will also be posted on the Food Service page on the District's website.

Students Exhibit 5030-A

STUDENT WELLNESS - Positive Food Choices

These references are offered as an informational resource, not an endorsement. Many other items not listed may meet standards. Please refer to product labels.

The California Department of Education Nutrition Service Department has a quick reference card for Public Schools which provides a quick guide to compliant foods, snacks and drinks: http://www.cde.ca.gov/ls/nu/he/compfoodsrefpub.asp

One of the many informative features of this website is the "**Nutrition Calculator**" which will determine instantly whether or not an individually packaged food item would meet the nutrition standards for fat, saturated fat, and sugar established by California legislation: http://www.californiaprojectlean.org

Seven pages of healthy snack ideas with preparation and serving tips: www.cspinet.org/nutritionpolicy/healthy_school_snacks.pdf

California Healthy Kid Resources center provides ideas for healthy school snacks: http://www.californiahealthykids.org

Centers for Disease Control have information on school heath, physical activity and healthy eating: https://www.cdc.gov/healthyschools/npao/strategies.htm

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Students Exhibit 5030-B

STUDENT WELLNESS - Healthy Fundraising Alternatives

The following are offered as an informational resource, not an endorsement.

Fundraises, which include lists of suggested events for schools, sports, and clubs that offer healthy alternatives, and do not include the sale of food items.

http://www.californiaprojectlean.org/docuserfiles/Ideas%20for%20healthy%20fundraising%20fact%20sheet.pdf

Resources for healthy schools including creative financing and fundraising, snack and vending ideas, communication of policy, etc.: http://actionforhealthykids.org

Suggestions and products for school fundraisers that teach nutrition. This site offers ideas for generating revenue with products that educate parents and are beneficial to children's health. http://www.fundraisers.com/ideas/lunchboxcomics

Links to sites that offer fund raisers for schools:

 $\underline{http://www.action for healthykids.org/storage/documents/parent-toolkit/fundraisers-family-health-f1.pdf}$

https://healthymeals.fns.usda.gov/hsmrs/Kansas/Fundraising%20Ideas%20for%20Schools.pdf

 $\underline{https://www.multicare.org/file_viewer.php?id=8348\&title=Cash+without+Calories+-+School+Activity}$

https://www.michigan.gov/documents/mdch/Healthy Fundraising 369122 7.pdf

Alternative ways to reward students:

https://healthymeals.fns.usda.gov/hsmrs/Connecticut/Food As Reward.pdf

 $\frac{http://polkdhsd7.sharpschool.com/UserFiles/Servers/Server_3751710/File/D7\%20PBS\%20Behavior\\ \%20Intervention\%20Website\%20Resources/Rewards\%20Kids\%20Will\%20Crave.pdf}$

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Students Policy #5111

ADMISSION

The Governing Board believes that all children should have the opportunity to receive educational services. Staff shall encourage parents/guardians to enroll all school-aged children in school.

The Superintendent or designee shall maintain procedures that provide for the verification of all entrance requirements specified in law and in Board policies and regulations.

Legal Reference:

EDUCATION CODE

46600 Agreements for admission of pupils desiring inter-district attendance

48000 Minimum age of admission (kindergarten)

48002 Evidence of minimum age required to enter kindergarten or first grade

48010 Minimum age of admission (first grade)

48011 Admission from kindergarten or other school; minimum age

48050-48053 Nonresidents

48200 Children between ages of 6 and 18 years (compulsory full-time education)

48211 Habits and disease

48221 Physical or mental condition

49076 Access to records by persons without written consent or under judicial order

49408 Information of use in emergencies

HEALTH & SAFETY CODE

3380-3390 Immunization against communicable diseases

3400-3409 Tuberculosis tests for pupils

CODE OF REGULATIONS, TITLE 5

200 Promotion from kindergarten to first grade

201 Admission to high school

CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

TITLE VII, SUBTITLE B, THE MCKINNEY ACT OF 1987

Management Resources:

CDE MANAGEMENT ADVISORIES

0900.09 Changes in law concerning eligibility for admission to kindergarten

Page 1 of 1. Rights Reserved by PGUSD.

ADMISSION

Age of Admittance to Grades K-1

A child shall be eligible for enrollment in kindergarten or first grade, at the beginning of the school year or at a later time in the same year, if the child has his/her fifth or sixth birthday, respectively, on or before one of the following dates: (Education Code 48000, 48010)

- 1. December 2 of the 2011-12 school year
- 2. November 1 of the 2012-13 school year
- 3. October 1 of the 2013-14 school year
- 4. September 1 of the 2014-15 school year and each school year thereafter

Any child who will have his/her fifth birthday between the date listed above for the applicable school year and December 2 shall be offered a transitional kindergarten program in accordance with law and Board policy. (Education Code 48000)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. <u>6170.1</u> - Transitional Kindergarten)

Documentation of Age/Grade

Prior to the admission of a child to kindergarten or first grade, the parent/guardian shall present proof of the child's age. (Education Code 48002)

Evidence of the child's age may include: (Education Code 48002)

- 1. A certified copy of a birth certificate or a statement by the local registrar or county recorder certifying the date of birth
- 2. A duly attested baptism certificate
- 3. Passport

When none of the foregoing is obtainable, the parent/guardian may provide any other appropriate means of proving the age of the child. (Education Code $\frac{48002}{}$)

A student enrolling in a district school at any other grade level shall present records from his/her previous school district documenting his/her age and current grade level.

Issued: November 6, 1997

Revised: August 21, 2014

(cf. 5125 - Student Records)

ADMISSION

(cf. 6146.3 - Reciprocity of Academic Credit)

(6/91 12/91) 11/11

Early Entry to Kindergarten

Education Code <u>48000</u> authorizes the district, at its discretion, to allow early entry to kindergarten on a case-by-case basis under the conditions described below. California Department of Education (CDE) information on "Kindergarten in California," available on its web site, cautions that a district utilizing this option must ensure that the child has turned age five or else may jeopardize its apportionments as auditors may impose fiscal sanctions. The CDE also cautions that the district may risk being challenged by parents/guardians if it bases early admission on test results, maturity of the child, or preschool records. The district might consider establishing a process for parents/guardians to challenge denial of early entry.

On a case-by-case basis, a child who reaches age five after the date listed above for the applicable school year may be admitted to kindergarten at any time during the school year with the approval of the child's parent/guardian, provided that: (Education Code 48000)

- 1. The Superintendent or designee determines that the admittance is in the best interests of the child.
- 2. The parent/guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.

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(cf. 5145.6 - Parental Notifications)
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In determining whether a child may be granted early entry to kindergarten, the Superintendent or designee may also consider the availability of classroom space and any negotiated maximum class size.

Issued: November 6, 1997

Revised: August 21, 2014

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(cf. 6151 - Class Size)
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(cf. <u>7111</u> - Evaluating Existing Buildings)

Students Policy #5111.1

STUDENT RESIDENCY

Children attending public school are required to attend school in the school district wherein their parent/legal guardian resides, unless explicitly authorized to attend school in another district. Pacific Grove Unified School District is a "basic aid" school district, unlike most other school districts in the state, and as such, the state does not provide funding to the district to educate children who reside in other school districts. As a result, the enrollment of students whose parent/legal guardian reside in other school districts reduces the educational resources available for resident students and increases class size. It is therefore the District's policy to require valid proof of residency for all students. Reasonable evidence of residency for a pupil living with his or her parent or legal guardian shall be established by documentation showing the name and address of the parent or legal guardian within the school district, including, but not limited to, (Education Code 48204.1) specific requirements as listed in Regulations 5111.1

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance. (Education Code 48980)

The Superintendent or designee shall require parents/guardians to provide documentation of the student's residency upon request for admission to a district school. (Education Code 48204) A copy of the document or written statement offered as verification of residency shall be maintained in the student's mandatory permanent record. (5 CCR 432)

When establishing students' residency for enrollment purposes, the Superintendent or designee shall not inquire into the citizenship or immigration status of students or their family members. (Education Code 234.7)

A student's enrollment may be denied when the submitted documentation is insufficient to establish district residency. In any such case, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

Investigation of Residency

- a. The Superintendent or designee is authorized to require the parent/legal guardians of students to provide to the District verifiable documentary evidence of residency, to execute affidavits attesting to residency, and to otherwise prove residency to the satisfaction of the District on request. Proof of residency shall be required annually.
- b. The Superintendent or designee is authorized to investigate any cases where the District is able to identify specific, articulable facts that support the belief that the parent/guardian has provided false or unreliable evidence of residency (Education Code 48204.1, 48204.2)
- c. The Superintendent or designee may assign a trained district employee to conduct the investigation. The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.

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Adopted: August 15, 2002
Revised: August 22, 2019
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Students Policy #5111.1

STUDENT RESIDENCY

d. If necessary, the Superintendent or designee may employ the services of a private investigator. Before hiring a private investigator, the Superintendent or designee shall make other reasonable efforts to determine whether the student resides in the district. (Education Code 49204.2)

- e. The investigation shall not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view. (Education Code 48204.2)
- f. Any employee or contractor engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation. (Education Code 48204.2)
- g. If the Superintendent or designee determines that a student currently enrolled in the District is not a resident of the District, the student shall be disenrolled from the District, effective the Friday of the week following the determination of non-residency. If the student moves out of the District during the course of the year, and notifies the District of the change of residency then the student may apply for an interdistrict transfer agreement to allow the student to remain until the end of the current semester. In cases where transferring to a new school district after the end of the first semester would cause a severe hardship, the Superintendent is authorized to grant the interdistrict transfer through the end of the current school year. In determining severe hardship, the Superintendent shall consider evidence provided by the parent.
- h. In the event the District becomes aware of any violation of law during the course of enforcing this policy, including violation of fraud or perjury statutes, the Superintendent or designee may refer such matters to the appropriate law enforcement authorities for criminal investigation.

Appeal of Enrollment Denial

- a. If the Superintendent's designee, upon investigation, determines that a student does not meet district residency requirements and denies the student's enrollment in the district, he/she shall provide the student's parent/guardian an opportunity to appeal that determination to the Superintendent. (Education Code 48204.2)
- b. The Superintendent's designee shall send the student's parent/guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/guardian that he/she may, within 10 school days, appeal the decision to the Superintendent and provide new evidence of residency.
- c. The burden shall be on the parent/guardian to show why the district's determination to deny enrollment should be overruled. (Education Code 48204.2)
- d. A student who is currently enrolled in the district shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled

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in the district shall not be permitted to attend any district school unless his/her appeal is successful.

e. In an appeal to the Superintendent of a determination that district residency requirements were not met, the Superintendent shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision within 10 school days of receipt of the parent/guardian's request for the appeal. The Superintendent's decision shall be final.

Legal Reference:

EDUCATION CODE

220 Prohibition of discrimination

234.7 Student protections relating to immigration and citizenship status

35160.5 Intradistrict open enrollment

35351 Assignment of students to particular schools

46600-46610 Interdistrict attendance permits

48050-48054 Nonresidents

48200-48208 Compulsory education law, especially:

48204 Residency requirements

48204.1-48204.4 Evidence of residency

48300-48317 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act transfers

48645.5 Former juvenile court school students, enrollment

48852.7 Education of homeless students; immediate enrollment

48853.5 Education of foster youth; immediate enrollment

48980 Notifications at beginning of term

52317 Regional occupational program, admission of persons including nonresidents

FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

6205-6210 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5

432 Retention of student records

UNITED STATES CODE, TITLE 8

1229c Immigration and Nationality Act

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

COURT DECISIONS

Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal. App. 4th 47

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

Management Resources:

CSBA PUBLICATIONS

Legal Guidance on Providing All Children Equal Access to Education, Regardless of

Immigration Status, February 2017

Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014 CALIFORNIA ATTORNEY GENERAL'S OFFICE PUBLICATIONS

Page 3 of 4 Adopted: August 15, 2002

Students Policy #5111.1

STUDENT RESIDENCY

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018 U.S. DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION AND U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS JOINT PUBLICATIONS

Dear Colleague Letter: School Enrollment Procedures, May 8, 2014

Fact Sheet: Information on the Rights of All Children to Enroll in School, May 8, 2014

Information on the Rights of All Children to Enroll in School: Questions and Answers for States,

School Districts and Parents, May 8, 2014

WEB SITES

CSBA: http://www.csba.org

California Department of Education: http://www.cde.ca.gov California Office of the Attorney General: http://oag.ca.gov

California Secretary of State, Safe at Home Program: http://www.sos.ca.gov/safeathome

U.S. Department of Education, Office for Civil Rights: http://www2.ed.gov/ocr

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

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Adopted: August 15, 2002
Revised: August 22, 2019
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Students Regulation #5111.1

Criteria for Residency

A student shall be deemed to have complied with district residency requirements for enrollment in a district school if he/she meets any of the following criteria:

- 1. The student's parent/guardian resides within district boundaries. (Education Code 48200) A minor's residence is presumed to be the legal residence of the parent/guardian who has physical custody of the minor. Temporary residence within district boundaries, solely for the purpose of enrolling a student in a district school is insufficient to establish residency for purposes of enrollment. In addition, a person who owns, rents, or leases property within district boundaries, but who does not reside within district boundaries, is not a resident for purposes of enrollment. In order to be enrolled in in a district school, the student's primary parent/guardian must continually reside within district boundaries at the time of the student's application for enrollment and throughout the entire period of enrollment in the district. A post office box will not be accepted as proof of residency.
- 2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)
- 3. The student is admitted through an interdistrict attendance option. (Education Code 46600, 48204, 48301, 48356)
- 4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)
- 5. The student lives with a caregiving adult within district boundaries and the caregiving adult files an affidavit executed under penalty of perjury in accordance with Family Code 6552. The caregiving adult shall establish residency within the district by providing the required documentation specified in this regulation. (Education Code 48204)
- 6. The student resides in a state hospital located within district boundaries. (Education Code 48204)
- 7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48204, 48207)
- 8. The student's parent/guardian resides outside district boundaries but is employed within district boundaries and lives with the student at the place of employment for a minimum of three days during the school week. The employer shall establish residency within the district by providing the required documentation specified in this regulation and shall confirm the employment of the parent/guardian and the employed residency of parent/guardian and student. (Education Code 48204)
- 9. The student's parent/guardian, while on active military duty pursuant to an official military order, is transferred or is pending transfer to a military installation within the state. In compliance with AB 2949. (Education Code 48204.3)
- 10. The student's parent/guardian was a resident of California who departed the state against his/her will due to a transfer by a government agency that had custody of the parent/guardian, a lawful order from a

Students Regulation #5111.1

court or government agency authorizing his/her removal, or removal or departure pursuant to the federal Immigration and Nationality Act, and the student lived in California immediately before moving out of state as a result of his/her parent/guardian's departure. (Education Code 48204.4)

(cf. 5145.13 - Response to Immigration Enforcement)

11. When there is a shared custody court order or custody agreement, or a split family household, and the student resides within district boundaries for the majority (at a minimum, three) of school weeknights. In cases where there is a court ordered custody agreement of a minor student and only one parent/guardian resides within the district, the student must maintain his/her residence with the parent/guardian who resides in the district for the majority (at a minimum, three) of school weeknights. The parent/guardian shall provide a certified copy of the court order or custody agreement to the district. In the absence of a certified court order or custody agreement, the parent/guardian residing within the district must complete the Custody Declaration section of the PGUSD Residency Affidavit.

Proof of Residency

Prior to admission in district schools, students shall provide proof of residency. A student can only have one residence for purposes of establishing residency. Residency within the district is required and defined as residence within the district for a minimum of three school nights per week. The superintendent or designee will annually verify each student's district residency status and retain a copy of the document or written statement offered as verification in the student's mandatory permanent record.

The district shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members for the purpose of determining residency within the district. (Education Code 234.7)

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following: (Education Code 48204.1)

- 1. The most recent copy of the Monterey County property tax bill or a mortgage statement in the name of the parent/guardian; or
- 2. Rental property contract or lease in the name of the parent/guardian showing residency property address and signatures of lessor/lessee with contact information of landlord or property management company. If the parent/guardian is on a month-to month agreement, he/she shall provide the most recent month's receipt or cancelled check;

AND

- 3. One of the items below in the name of the parent/guardian:
 - a. A current month's utility service bill, statement, or payment receipt; or

Students Regulation #5111.1

- b. Pay stub or bank-cancelled check in the name of the parent/guardian for the current month showing residence property address; or
- c. A current voter registration from the Monterey County Registrar of Voters; or
- d. Current correspondence from a government agency, e.g. IRS or Social Security; or
- e. Declaration of residency executed by the student's parent/guardian in a form acceptable to the District;
- 4. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student; or,
- 5. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552.
- (cf. 5141 Health Care and Emergencies)

A parent/guardian who is transferred or pending transfer into a military installation within the state shall provide proof of residence in the district within 10 days after the published arrival date provided on official documentation. For this purpose, he/she may use as his/her address a temporary on-base billeting facility, a purchased or leased home or apartment, or federal government or public-private venture off-base military housing. (Education Code 48204.3)

A student whose parent/guardian's departure from the state occurred against his/her will pursuant to item #10 in the section "Criteria for Residency" above shall be in compliance with district residency requirements if he/she provides official documentation of the parent/guardian's departure and evidence demonstrating that the student was enrolled in a public school in California immediately before moving outside the state. (Education Code 48204.4)

The Superintendent or designee shall make a reasonable effort to secure evidence that a homeless or foster youth resides within the district, including, but not limited to a letter from a homeless shelter, hotel/motel receipt, or affidavit from the student's parent/guardian or other qualified adult relative. However, a homeless or foster youth shall not be required to provide proof of residency as a condition of enrollment in district schools. Furthermore, any homeless or foster youth or student who has had contact with the juvenile justice system shall be immediately enrolled in school even if he/she is unable to provide proof of residency. (Education Code 48645.5, 48852.7, 48853.5; 42 USC 11432)

- (cf. 6173 Education for Homeless Children)
- (cf. 6173.1 Education for Foster Youth)
- (cf. 6173.3 Education for Juvenile Court School Students)

Safe at Home/Confidential Address Program

Students Regulation #5111.1

When a student or parent/guardian participating in the Safe at Home program requests that the district use the substitute address designated by the Secretary of State, the Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries but shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. (Government Code 6206, 6207)

Investigation of Residency

Pursuant to Board Policy 5111.1, the investigation methods that the district may use to conduct the investigation into the residency of the student, at the discretion of the Superintendent or designee, may include but are not limited to: telephone calls to home, unannounced home visitations, review of social media, verification of employment, search and review of public records, searches of electronic databases, and the use of licensed private investigators. Before hiring a private investigator, the district will first make reasonable efforts to determine whether the student resides in district.

The following requirements apply to a district investigation into the residency of a student:

- a. The private investigator or district employee may not surreptitiously photograph or video-record students who are being investigated. "Surreptitious photographing or video-recording" means the covert collection of photographic or video-graphic images of persons or places subject to an investigation. The collection of images is not covert if the technology is used in open and public view.
- b. Employees or contractors of the district engaged in student residence investigations (including private investigators) must identify themselves truthfully as such to individuals contacted or interviewed during the course of the investigation.

If the Superintendent or designee determines that a student currently enrolled in the district is not a resident of the district, the student shall be disenrolled from the district, effective the Friday of the week following the final determination of nonresidency by the Superintendent or designee.

In the event the district becomes aware of any violation of law during the course of enforcing this policy and regulations, including violation of fraud or perjury statues, the Superintendent or designee may refer such matters to the appropriate law enforcement authorities for criminal investigation.

Students Exhibit #5111.1

STUDENT RESIDENCY

APPLICANT'S INITIALS ARE REQUIRED FOR EACH STATEMENT:
The Pacific Grove Unified School District will actively investigate all cases where it has reason to believe false information has been provided (Initials)
The District may refer cases in which false information has been intentionally provided to the Monterey County District Attorney for further action and/or file civil action to recover damages incurred as a result of providing false information (Initials)
If false information is provided to the District for the purpose of enrolling my child in the District, I could be held liable for the expense to the District of educating my child, which amount could exceed \$5,000.00 per school year (Initials)
Persons who provide false information on an affidavit are subject to criminal prosecution for perjury which is punishable by a fine and/or a prison term of up to four years in state prison. (Fam. Code Sec. 6552; Pen. Code Sec. 118 and 126) (Initials)
Persons providing false information on an affidavit also are civilly liable for fraud, negligent misrepresentation, and negligence. Parties found civilly liable may be required to pay all damages caused to the District as a result of providing false information, as well as punitive damages. (Civ. Code Sec. 1709) (Initials)
Persons who induce, obtain or otherwise solicit another person to provide false information on an affidavit are subject to the same criminal prosecution, fines, and imprisonment as the person directly committing perjury. (Pen. Code Sec. 127) (Initials)
Investigations that reveal students have enrolled on the basis of providing false information will lead to withdrawal from the District (Initials)
Signature of Applicant
Date
Reference: Ed Code 48200

Students Regulation #5111.13

Residency For Homeless Children

Homeless students living in the district shall be admitted to district schools upon presentation of any of the following:

- 1. Hotel or motel receipts
- 2. A letter from a social service agency or homeless shelter verifying that the student lives within the district
- 3. An affidavit from the parent/guardian stating that the family lives within the district

A reasonable effort shall be made to secure an address, phone number and medical release from the parent/guardian when a student is placed in a classroom.

Page 1 of 1 Issued May 15, 2008

Regulation #5112.2 Students

EXCLUSIONS FROM ATTENDANCE

Mandated Regulation

Students may be excluded from attendance at District schools if they:

- 1. Are under the legal age of attendance, except as otherwise provided by law. (Education Code 48210)
- 2. Do not present evidence of immunization from certain infectious diseases as required by law. Such a student shall not be excluded, however, if the parent/ guardian, in writing, requests exemption from the immunization requirement on the basis of the student's physical condition or a conflict with the parent/ guardian's religious beliefs. (Health and Safety Code 120335, 120365)
- 3. Are reasonably suspected of having active tuberculosis. (Health and Safety Code 121485, 121495 and 121505)
- 4. Reside where any contagious, infectious, or communicable disease subject to quarantine exists or has recently existed, unless written permission of the health officer is provided. (Health and Safety Code 120230)
- 5. Have not had a health screening before or within the first 90 days of attending first grade. Such students may be excluded for up to five days unless the parent/guardian has presented an appropriate waiver or the District has exempted the student from this requirement in accordance with law. (Health and Safety Code 124105)
- 6. Have filthy or vicious habits, or suffer from contagious or infectious diseases. (Education Code 48211, Code of Regulations, Title 5, Section 202)

The Governing Board shall periodically review its decisions to exclude students of filthy or vicious habits or suffering from contagious or infectious diseases. (Education Code 48214)

Before excluding any such student, the Superintendent or designee shall send a notice to the parent/guardian of the student. This notice shall state the facts leading to a decision to propose exclusion and shall further state that: (Education Code 48213)

- a. The parent/guardian has a right to meet with the Board to discuss the proposed exclusion.
- b. At this meeting, the parent/guardian shall have an opportunity to:
 - Inspect all documents upon which the District is basing its decision to propose exclusion
 - (2) Challenge any evidence and question any witness presented by the Board
 - Present oral and documentary evidence on the student's behalf
 - (4) Have one or more representatives present at the meeting
- The decision to exclude the child is subject to periodic review and the procedures for such periodic review.

The Superintendent or designee is not required to send prior notice of exclusion to the parent/guardian if the student is excluded because: (Education Code 48213)

- a. He/she resides in an area subject to quarantine.
- b. He/she is exempt from a medical examination but suffers from a contagious or infectious disease.
- c. It is determined that the presence of the student would constitute a clear and present danger to the life, safety, or health of students or school personnel.

However, the Superintendent or designee shall send a notice as soon as reason-ably possible after the exclusion. (Education Code 48213)

Legal Reference:

EDUCATION CODE

48210-48214 Persons excluded

49076 Access to records by persons without written consent or under judicial order

49408 Information of use in emergencies

Page 1 of $\overline{2}$. Issued: November 6, 1997 CSBA: 10/95

Students Regulation #5112.2

EXCLUSIONS FROM ATTENDANCE

Mandated Regulation

49451 Parent's refusal to consent
HEALTH AND SAFETY CODE
120230 Exclusion of persons from school
120325-120380 Educational and child care facility immunization requirements
121475-121520 Tuberculosis tests for students
124025-124110 Child Health and Disability Prevention Program
CODE OF REGULATIONS, TITLE 5
202 Exclusion of students with a contagious disease

Page 2 of 2. Issued: November 6, 1997 All Rights Reserved by PGUSD. CSBA: 10/95 Students Policy #5112.5

OPEN/CLOSED CAMPUS

The Governing Board strongly believes that student safety is of the highest priority. In order to keep students in a supervised, safe and orderly environment, the Governing Board establishes a closed campus at all district schools for students in grades K through 10th. However, in order to give upper grade students (Juniors and Seniors) an opportunity to demonstrate responsibility and positive citizenship, the Governing Board establishes an open campus which gives eligible Junior and Senior students the privilege of leaving campus during lunch. The Board believes that a closed campus for freshmen and sophomores encourages them to participate in school activities, rather than following other pursuits that may not be in their best interests and aligns with the Board's efforts to maintain a safe school environment.

Closed Campus

Students shall not leave the school grounds at any time during the school day without written permission of their parents/guardians and school authorities. Students who leave school without authorization shall be classified truant and subject to disciplinary action.

(cf. 5113 - Absences and Excuses)

Student handbooks shall fully explain all rules and disciplinary procedures involved in the maintenance of the closed campus.

(cf. 5144 - Discipline)

Open Campus - Junior and Senior

The Governing Board establishes a closed campus at all district schools; however Juniors and Seniors who meet eligibility requirements may leave campus during lunch. The Board views this program as an opportunity for those students to demonstrate responsibility and positive citizenship. Eligibility requirements are based upon academic performance and attendance standards. The open campus privilege may be revoked for Juniors and Seniors who do not meet the eligibility standards or for disciplinary reasons. The Superintendent or designee may temporarily close the campus to all students at different times of the year as deemed appropriate for school safety and school spirit.

(cf. 5144 - Discipline)

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians about the open/closed campus policy option as required by law. (Education Code 44808.5)

(cf. 5145.6 - Parental Notifications)

The district, Governing Board members and district employees shall not be liable for the conduct and safety of students who leave school grounds during the lunch period. (Education Code 44808.5)

Legal Reference:
EDUCATION CODE
35160 Authority of the Board
35160.1 Broad authority of school district
44808.5 Permission for pupils to leave school grounds; notice

Page 1 of 1. Adopted: November 6, 1997
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CSBA: 11/97

Students Policy #5113

ABSENCES AND EXCUSES

Mandated

The Governing Board believes that regular attendance plays a key role in student achievement. The Board recognizes its responsibility under the law to ensure that students attend school regularly. Parents/guardians of children aged 6 years to 18 years are obligated to send their children to school unless otherwise provided by law. The Board shall abide by all state attendance laws and may use appropriate legal means to correct the problems of excessive absence or truancy.

Excused Absences

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, (listed in the regulation) as permitted by law, Board policy and administration regulations. (EC 46010, 48205)

Insofar as class participation is an integral part of students' learning experiences, parents/guardians and students shall be encouraged to schedule medical appointments during nonschool hours.

Students should not be absent from school without their parents'/guardians' knowledge or consent except in cases of medical emergency or as authorized pursuant to Education Code 46010.1 for a confidential medical appointment.

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to administrative regulations and law. (Education Code 46014)

Unexcused Absences/Truancy

The Board desires to emphasize the importance of school attendance. The Superintendent or designee shall implement positive steps to reduce truancy, such as communication with parents/guardians and the use of student study teams.

Students who are habitual truants or habitually insubordinate or disorderly during attendance at school may be referred to the District attorney's office or to the county probation department.

When the student's attendance problems cannot be resolved or the student and parent/guardian have failed to respond to directives to correct the problem, a student who has been classified as truant may be referred to the District attorney or probation officer for truancy mediation.

A student's grades may be affected by excessive unexcused absences in accordance with Board policy. Students with excessive unexcused absences (25% of the school days in a quarter) may receive a failing grade and may not receive credit for the class(es).

Legal Reference:

EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)

37201 School month

37223 Weekend classes

41601 Reports of average daily attendance

Students Policy #5113

ABSENCES AND EXCUSES

Mandated

42238-42251 Apportionments

46000 Records (attendance)

46010-46014 Absences

46100-46119 Attendance in kindergarten and elementary schools

46140-46147 Attendance in junior high and high schools

48200-48208 Children ages 6-18 (compulsory full-time attendance)

48210-48216 Exclusions from attendance

48225.5 Work Permits

48240-48246 Supervisors of attendance

48260-48273 Truants

48292 Filing complaint against parent

48320-48325 School attendance review boards

48340-48341 Improvement of student attendance

48980 Parental notifications

49067 Unexcused absences as cause of failing grade

ELECTIONS CODE

12302 Student participation on precinct boards

FAMILY CODE

6920-6929 Consent by minor

VEHICLE CODE

13202.7 Driving privileges; minors; suspension or delay for habitual truancy

WELFARE AND INSTITUTIONS CODE

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

420-421 Record of verification of absence due to illness and other causes

ATTORNEY GENERAL OPINIONS

66 Ops.Cal.Atty.Gen. 245, 249 (1983)

COURT DECISIONS

American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

Management Resources:

CDE MANAGEMENT ADVISORIES

0114.98 School Attendance and CalWORKS, Management Bulletin 98-01

CSBA ADVISORIES

0520.97 Welfare Reform and Requirements for School Attendance

WEB SITES

CSBA: http://www.csba.org

Students Regulation #5113

ABSENCES AND EXCUSES

Mandated Regulation

Excused Absences

A student's absence shall be excused for the following reasons, and the student shall be allowed to make up work for full credit, as assigned by the classroom teacher (additionally Ed Code 46010, 48205):

- 1. Personal illness
- 2. Quarantine under the direction of a county or city health officer
- 3. Medical, dental, optometric, or chiropractic appointments
- 4. Attendance at funeral services for a member of the immediate family
 - a. Excused absence in this instance shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state.
 - b. "Immediate family" shall be defined as the parent or guardian, brother or sister, grandparent, or any other relative living in the household of the student.
- 5. Jury duty in the manner provided by law
- 6. Participation in religious instruction or exercises in accordance with District policy (Ed Code 46014)
 - a. In such instances, the student shall attend at least the minimum school day.
 - b. The student shall be excused for this purpose on no more than four school days per month.
 - c. The student's parent/guardian shall provide written consent for the absence.
- 7. The illness or medical appointment during school hours of a child to whom the student is the custodial parent, including absences to care for a sick child for which the school shall not require a doctor's note. (Education Code 48205)
- 8. Service as a member of a precinct board for an election pursuant to Elections Code 12303 (Education Code 48205)
- 9. To spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code <u>49701</u>, and has been called to duty for deployment to a combat zone or a combat support position or is on leave from or has immediately returned from such deployment (Education Code <u>48205</u>)

Such absence shall be granted for a period of time to be determined at the discretion of the Superintendent or designee. (Education Code <u>48205</u>).

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10. To attend his/her naturalization ceremony to become a United States citizen (Education Code 48205)

11. Work in the entertainment or allied industry (Education Code 48225.5)

Such absence shall be excused provided that the student holds a work permit authorizing such work and is absent for a period of not more than five consecutive days and up to five absences per school year. (Education Code 48225.5)

12. Participation with a nonprofit performing arts organization in a performance for a public school audience (Education Code 48225.5)

A student may be excused for up to five such absences per school year provided that the student's parent/guardian provides a written explanation of such absence to the school. (Education Code 48225.5)

13. Other reasons authorized at the discretion of the principal or designee based on the student's specific circumstances (Education Code 48205, 48260)

In addition, a student's absence shall be excused for justifiable personal reasons. Advance written request by the parent/guardian and approval of the principal or designee shall be required for absences for: (additionally Ed Code 48205)

- 1. Appearance in court
- 2. Attendance at a funeral service for a person other than a member of the student's immediate family
- 3. Observation of a holiday or ceremony of his/her religion
- 4. Attendance at religious retreats for no more than four hours during a semester
- 5. Attendance at an employment conference
- 6. Attendance at an education conference offered by a nonprofit organization on the legislative or judicial process

Unexcused Absences

The Board desires to emphasize the importance of school attendance. Therefore, students with excessive unexcused absences (25% of the school days in a grading period) may receive a failing grade and may not receive credit for the class(es).

Allowable Credit Due to Unexcused Absences

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Parents or guardians may be allowed, on a limited basis, to have students submit pre-approved class work or assignments for partial or full credit due to an unexcused absence.

- a. The parent/guardian must request approval from the site principal in advance of the absence. Parents are strongly discouraged from scheduling non-medical appointments, business or vacation travel during times when school is in session, as these are considered unexcused absences. Any parent contemplating family travel during school must contact the school at least two weeks prior to the absence to ascertain its probable impact on their child's academic and credit situation.
- b. Approval for allowable credit due to an unexcused absence may be granted for up to ten (10) days per school year if the absence is due to business or travel that has demonstrable educational value and the student's academic progress will not be impeded as a result.
- c. Teacher or Administrative pre-approved students absences for school sponsored events may be eligible for full credit outside of the allowable days noted in (b) above.
- d. The maximum number of days of allowable credit shall be ten (10) days per school year, except in unusual circumstances.
- e. Make-up work and/or tests will not be provided for unexcused absences in excess of the established limits.

Method of Verification

When students who have been absent return to school, they must present a satisfactory explanation verifying the reason for the absence. The following methods may be used to verify student absences:

- 1. Written note from parent/guardian, parent representative, or student if 18 or older (EC 46012)
- 2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
 - a. Name of student
 - b. Name of parent/guardian or parent representative
 - c. Name of verifying employee
 - d. Date or dates of absence
 - e. Reason for absence
- 3. Visit to the student's home by the verifying employee, or any other reasonable method that establishes the fact that the student was absent for the reasons stated. A written recording shall be made, including information outlined above.
- 4. Physician's verification

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a. When excusing students for confidential medical services or verifying such appointments, District staff shall not ask the purpose of such appointments but may contact a medical office to confirm the time of the appointment.

b. When a student has had 14 absences in the school year for illness verified by methods listed in 1 through 3 above, any further absences for illness must be verified by a physician.

Explanation of Student Absences

- A. Procedure for Parents to Explain Absences:
 - 1. Absence from School

If a student is absent from school, the parent or guardian should call the school that morning to report the absence or the student will be required to bring a note from the parent to the office upon returning to school within two (2) days of return to school.

2. Tardiness to School

If a student will be late to school, parents are requested to call the school office prior to 9:30 a.m. to inform the school. Regardless of this call, the tardy will remain unexcused unless it qualifies as a justifiable or excused absence.

3. Early Dismissal from School

If a parent wishes to have a student dismissed from school early, the parent shall sign the student out of school at the school office prior to leaving. Students are not permitted to leave the building or school grounds without prior approval.

- B. The Board of Education treats all students equally regardless of age. Students who are 18 or older are responsible for abiding by all attendance regulations including absences, dismissal, tardiness and class cutting.
- C. Failure to account for absences as described above will result in the absence being treated in the same manner as truancies.

Truancy

1. Students shall be classified as truant if absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. Such students shall be reported to the Superintendent or designee. (Ed Code 48260)

The parent/guardian of a student classified as a truant shall be notified of the following (EC 48260.5)

a. The student is truant

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b. The parent/guardian is obligated to compel the student to attend school

- c. The parent/guardian who fails to meet this obligation may be guilty of an infraction of the law and subject to prosecution pursuant to EC 48290-48297
- d. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy
- e. Alternative educational programs are available in the District
- f. The student may be subject to arrest by a probation officer, a peace officer, a school administrator, an attendance supervisor or his/her designee under Ed Code 48264 if found away from home and absent from school without a valid excuse
- g. The student may be subject to suspension, restriction or delay of his/her driving privilege pursuant to Vehicle Code 13202.7
- h. It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day
- 2. Upon his/her first truancy, the student and, as appropriate, the parent or legal guardian, may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the student's attendance.
- 3. Upon his/her second truancy within the same school year, a student may be given a written warning by a peace officer. A record of this warning may be kept at school for at least two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school. The student may also be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #5 below.
- 4. Upon his/her first or second truancy within the same school year, an appropriate District staff member shall make every effort to hold at least one conference with the student and parent/guardian and may discuss resources available for achieving regular school attendance, which may include:
 - a. Program changes
 - b. Referral of family to community agency
 - c. Referral to school psychologist or student study team
 - d. Modified day
 - e. Independent study
 - f. Special school projects, special programs
 - g. School furlough
 - h. Work-experience education
 - i. Alternative education
 - j. Referral for health checkup, medical examination

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- 5. Upon his/her third truancy within the same school year, the student shall be classified a habitual truant as defined in Education Code 48262 and may be referred to, and required to attend, an attendance review board, a truancy mediation program established by the District attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee. If the student does not successfully complete the truancy mediation program or other similar program, he/she shall be subject to item #6 below.
- 6. Upon his/her fourth truancy within the same school year, the student may be within the jurisdiction of the juvenile court that may adjudge the student to be a ward of the court pursuant to Section 601 of the Welfare and Institutions Code. If the student is adjudged a ward of the court, the student will be required to do one or more of the following:
 - (1) Performance at court-approved community services sponsored by either a public or private nonprofit agency for not less than 20 hours but not more than 40 hours over a period not to exceed 90 days, during a time other than the student's hours of school attendance or employment. The probation officer shall report to the court the failure of the student to comply with this paragraph.
 - (2) Payment of a fine by the student of not more than fifty dollars (\$50) for which a parent or legal guardian of the student may be jointly liable. The fine described in this paragraph shall not be subject to the assessments of Section 1464 of the Penal Code or any other applicable section.
 - (3) Attendance of a court-approved truancy prevention program.
 - (4) Suspension or revocation of driving privileges pursuant to Section 13202.7 of the Vehicle Code. This subsection shall apply only to a student who has attended a school attendance review board program, a program operated by a probation department acting as a school attendance review board, or a truancy mediation program. (Ed Code 48264.5)

A habitual truant may be referred to a school attendance review board or to the probation department. (Ed Code 48263)

When a student is referred to a school attendance review board or to the probation department, the Superintendent or designee shall provide the student and parent/ guardian, in writing, the name and address of the school attendance review board or probation department and the reason for the referral. This notice shall indicate that the student and parent/guardian will be required, along with a District staff member, to meet with the school attendance review board or probation officer to consider a proper disposition of the referral. (Ed Code 48263)

The Superintendent or designee shall gather and transmit to the County Superintendent of Schools the number of referrals and types of referrals made to the school attendance review board and the number of requests for petitions made to the juvenile court. (Ed Code 48273)

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Parental Notifications

At the beginning of each school year, the Superintendent or designee shall:

- 1. Notify parents/guardians of the right to excuse a student from school in order to participate in religious exercises or to receive moral and religious instruction at their places of worship, or at other suitable places away from school property designated by a religious group, church, or denomination. (Education Code 46014, 48980)
- 2. Notify students in grades 7-12 and the parents/guardians of all students that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian. (Education Code 46010.1)
- 3. Notify parents/guardians that a student shall not have his/her grade reduced or lose academic credit for any excused absence if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time, and include the full text of Education Code 48205 in the notice. (Education Code 48980)

Students Policy #5116

SCHOOL ATTENDANCE BOUNDARIES

The Governing Board shall review school attendance boundaries, taking into account school capacities and enrollment data, geographic features, student safety and transportation, racial and ethnic balance, educational programs such as magnet schools, and community input.

The Superintendent or designee may place some students in a school outside of their attendance area in order to alleviate overcrowding. If available, trans-portation shall be provided for such students.

Legal Reference:
EDUCATION CODE
35160 Authority of governing boards
35160.1 Broad authority of school Districts
35160.5 District policies; rules and regulations
35291 Rules
35350 Transportation of students
35351 Assignment of students to particular schools
29 Ops. Atty. Gen. 63
GOVERNMENT CODE

53312.7 Establishment of community facilities District; goals and policies.

Adopted: November 6, 1997

CSBA: 10/93

Students Policy #5116.1

INTRADISTRICT OPEN ENROLLMENT

Mandated Policy

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of District students and shall annually review these options. (EC 35160.5 & 48980)

The parent or guardian of any student who resides within District boundaries may apply for enrollment in any District school regardless of the location of his or her residence within the district. (Education Code 35160.5)

The Superintendent or designee shall determine the capacity of each District school in a nonarbitrary manner using pupil enrollment and available space and make annual adjustments as necessary. However, the Superintendent or designee may employ existing entrance criteria for specialized schools or programs if the criteria are uniformly applied to all applicants. (Education Code 35160.5)

The Superintendent or designee shall grant priority to any district student to attend another district school outside of his/her attendance area pursuant to the enrollment priorities listed below. In accordance with law, no student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

The Board retains the authority to maintain appropriate racial and ethnic balances among District schools. (Education Code 35160.5)

Once enrolled, a student shall not have to apply for readmission. However, a student who lives outside of the school's attendance area may be subject to displacement due to excessive enrollment by students living within the student's attendance area. (Education Code 35160.5)

The Superintendent or designee shall inform parents/guardians when certain schools or grade levels within a school are currently, or are likely to be, at capacity and therefore unable to accommodate any new students.

Enrollment Priorities

The Superintendent or designee shall grant priority to any district student to attend another district school, including a charter school, outside his/her attendance area as follows:

- 1. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous." (20 USC 7912; 5 CCR 11992)
- 2. Any student who is a victim of a violent crime while on school grounds. (20 USC 7912)
- 3. Any student who is a sibling of a student already in attendance in the desired school. (Education Code 35160.5)

Students Policy #5116.1

INTRADISTRICT OPEN ENROLLMENT

Mandated Policy

4. Any student for whom special circumstances exist that may be harmful or dangerous to that particular student. Harmful or dangerous special circumstances shall be identified pursuant to law and administrative regulations. (Education Code 35160.5)

Transportation

The District shall not provide transportation outside the school's attendance area. However, upon request, the Superintendent or designee may authorize transportation for students living outside the attendance area to and from a designated bus stop within the attendance area if space is available. Priority for such transportation shall be based on demonstrated financial need. (Education Code 35160.5)

Legal Reference:
EDUCATION CODE
35160.5 District policies; rules and regulations
35291 Rules
35351 Assignment of students to particular schools
42238.02 Apportionments and Revenue Control
48980 Notice at beginning of term
COURT DECISIONS
Crawford v. Board of Education (1976) 17 Cal.3d 280

Page 2 of 2. Adopted: November 6, 1997

CSBA: 10/95 Revised: September 20, 2018

Regulation #5116.1 Students

INTRADISTRICT OPEN ENROLLMENT

Selection Procedures

- 1. The Superintendent or designee shall annually identify those schools which may have space available for additional students. A list of these schools and open enrollment applications shall be available at all school offices.
- 2. Students whose parents or guardians submit applications to the District by January 1 of the preceding school year shall be eligible for admission to their school of choice the following school year under the District's open enrollment policy.
- 3. Enrollment in a school of choice shall be determined in accordance with the enrollment priorities set forth in Board Policy 5116.1. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, and a waiting list shall be established in accordance with the date of receipt of the application to indicate the order in which students may be enrolled in schools with enrollments in excess of capacity as openings occur during the year. Late applicants during that year may be added to the waiting list in the order in which they apply.
- 4. The Superintendent or designee shall inform applicants by phone and/or mail as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.
- 5. Applicants who receive approval must confirm their enrollment within two weeks.
- 6. Admission to a particular school shall not be influenced by a student's academic or athletic performance except insofar as academic standards are required for admission to specialized schools or programs such as programs for gifted and talented students. Such standards shall be uniformly applied to all students.

Any complaints regarding the selection process should be taken to the Superintendent or designee.

Capacity Determination

The Superintendent or designee shall review the capacity of each school and make annual adjustments as necessary, based upon pupil enrollment and available space. In doing so, the Superintendent or designee may consider the following factors:

- a. Historical, current and projected total school-wide pupil enrollment;
- b. Historical, current and projected total pupil enrollment by grade level in each school;
- c. Class size ratio requirements in any controlling collective bargaining agreement;
- d. District goals for maximum class size ratios by specific grade levels;
- e. Any conditions for receipt of state or federal funding based on limitations on class size; and
- f. Physical classroom space, taking into consideration historical, current and future classroom use needs and programmatic needs.

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Regulation #5116.1 Students

INTRADISTRICT OPEN ENROLLMENT

Harmful or Dangerous Special Circumstances

Any decision to grant priority for attendance outside a student's current attendance area because of harmful or dangerous special circumstances shall be based upon one of the following: (Education Code 35160.5)

- 1. A written statement from a representative of an appropriate state or local agency, including, but not limited to, a law enforcement official, social worker, or properly licensed or registered professional, including, but not limited to, a psychiatrist, psychologist, marriage or family therapist, clinical social worker, professional clinical counselor, child counselor, or other professional.
- 2. A court order, including a temporary restraining order and injunction, issued by a judge.

Upon making such a finding, the Superintendent or designee may approve the student's transfer to a District school that is at capacity and otherwise closed to transfers. (Education Code 35160.5)

Notifications

Notifications shall be sent to parents/guardians at the beginning of each year describing all current statutory attendance options and local attendance options available in the District, including: (Education Code 48980)

- 1. All options for meeting residency requirements for school attendance.
- 2. Program options offered within local attendance areas.
- 3. A description of any special program options available on both an interdistrict and intra-district basis.
- 4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied.
- 5. A District application form for requesting a change of attendance.
- 6. The explanation of attendance options under California law as provided by the California Department of Education. (Education Code 48980)

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Students Policy #5117

INTERDISTRICT ATTENDANCE

Because the Pacific Grove Unified School District is a "basic aid" district, the State does not provide funding to educate children who reside in other school districts. As a result, enrollment of students whose parents or guardians reside in other school districts reduces the educational resources available for resident students and increases class size. It is therefore the District's general policy not to accept interdistrict transfer students who might otherwise be allowed to enroll under Education Code sections 46600 *et seq.* or subdivision (b) section 48204 of the Education Code.

School District of Choice

The District elects not to be a "school district of choice" as defined in Education Code 48300 through 48316, and no transfers will be accepted pursuant to Education Code 48300 *et seq*.

Interdistrict Attendance Agreements

The Board may enter an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the Districts. The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It may also contain standards agreed to by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600)

Interdistrict Attendance Permits

The Board of Education delegates to the Superintendent or designee the authority to grant or deny interdistrict attendance permit requests. The Superintendent or designee may make exceptions to the District's general policy of denying interdistrict attendance permit requests under those circumstances set forth in this policy and Administrative Regulation #5117.

Victims of Bullying

In accordance with law, students who have been determined to be victims of bullying as defined in Education Code section 48900, subdivision (r), shall be given priority consideration for an interdistrict transfer permit as set forth in Administrative Regulation #5117.

Annual Reapplication Required

Once a student is admitted to a school on the basis of an interdistrict attendance permit, he/she shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school in which he/she is enrolled, unless reapplication standards are otherwise specified in the interdistrict attendance agreement. Existing interdistrict attendance permits shall not be rescinded for students entering grade 11 or 12 in the subsequent school year. (Education Code 46600)

Updated and Accurate Information

Any student enrolled in the District pursuant to this policy shall immediately notify the District of any change in circumstances which would affect the student's eligibility for admittance under this policy. Failure to provide such notification may result in disenrollment and/or disqualification from future enrollment under this policy.

Falsification of Information

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Students Policy #5117

INTERDISTRICT ATTENDANCE

In no event shall interdistrict attendance be approved, and any such permission for attendance previously approved shall be immediately revoked, if false information has been provided to the District in a student's interdistrict attendance application or in any initial or subsequent residency claim or documentation provided to the District.

Legal Reference:

EDUCATION CODE

8151 Apprentices, exemption from interdistrict attendance agreement

41020 Annual district audits

46600-46610 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48209-48317 Student attendance alternatives

48900 Grounds for suspension or expulsion; definition of bullying

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

48985 Notice to parents in language other than English

52317 Admission of persons including nonresidents to attendance area; workers' compensation for pupils

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INTERDISTRICT ATTENDANCE

Exceptions to General Policy

The District Superintendent or designee may make exceptions to the District's general policy of denying interdistrict attendance permits only if capacity is available and only for the following students:

- 1. <u>Students Moving Into the District in the Immediate Future</u>. Interdistrict attendance permits may be approved for students whose parent(s) or guardian(s) provides written evidence that the family will be moving into the District in the immediate future and would like to the student to start the school year in the District.
- 2. <u>Students of District Employees Living Outside the District Boundaries</u>. Interdistrict attendance permits may be approved for students of District employees (certificated, classified, confidential or management) living outside of District boundaries and who are employed by the District for a minimum of 20 hours per week or 0.5 FTE. District employees whose children have been admitted under this policy must apply for readmission annually, and permits will only be approved for so long as the parent or guardian continues to be employed by the District for a minimum of 20 hours per week or 0.5 FTE.
 - Unless the Superintendent or designee grants an extension, the student's interdistrict attendance permit shall be revoked within 30 calendar days if for any reason the employee is released, resigns, or reduces his or her working hours below the minimum threshold.
- 3. <u>Mid-Year Residency Changes</u>. Interdistrict attendance permits may be approved for a student whose residency changes after mid-year and who notifies the District of the change of residency, in order to permit the student to continue his or her attendance in a District school only until the end of the current school semester. In cases where transferring to a new school district after the end of the current semester would cause a severe hardship, the Superintendent is authorized to grant the interdistrict attendance permit through the end of the current school year. Such permits shall not be renewed.
- 4. <u>High School Juniors and Seniors</u>. No **existing** interdistrict attendance permits will be rescinded for students after June 30 following the completion of 10th grade or for students in grades 11 or 12. (EC 46600 (a)(4).)

In determining whether to approve an interdistrict attendance permit, the Assistant Superintendent or designee shall consider the following factors:

a. Whether there is available space to admit the student without disruption of the current student-teacher ratios.

Adopted: 9/03/98

INTERDISTRICT ATTENDANCE

- b. The student's school record, including any discipline and attendance problems
- c. Whether educating the student may cost the District more than the District will receive in additional state aid and which may cause additional cumulative demands upon District resources.
- 5. <u>High School Seniors</u>. A new interdistrict attendance permit may be approved for a student who would like to continue attending their senior year even though their parent(s) or guardian(s) have recently moved outside the district's boundaries. To be eligible to apply, a candidate for Senior Privilege must have successfully completed their junior year at the high school and are currently attending their senior year. Parent(s) or Guardian(s) must first apply for the interdistrict transfer from the district in which their new residence is located. If the new district agrees to release the student, then a Senior Privilege Request Form is to be completed and submitted to the high school. In addition, but not limited to 3 a., b., and c. above, Senior Privilege will also be evaluated based on:
 - Student academic standing
 - Year of original enrollment
 - Date of move out of district

Victims of Bullying

Where a student has been determined by personnel of the District or his or her district of residence to have been the victim of an act of bullying as defined in Education Code 48900(r), committed by a student enrolled in the student's district of residence, at the request of the student's parent(s) or guardian(s), the student shall be given priority for interdistrict transfer under any existing interdistrict attendance agreement between the District and another district, subject to the terms of the interdistrict attendance agreement and a review of the individual student's circumstances. In the absence of an existing interdistrict attendance agreement between the District and another district, if a student desiring to transfer is determined to have been the victim of an act of bullying under Education Code 48900(r), the District shall give additional consideration to the creation of an interdistrict attendance permit. (Education Code 46600, 48900(r)) Students seeking an interdistrict transfer on the basis that they were a victim of bullying under Education Code section 48900(r), must provide documentation confirming that they were in fact a victim of bullying within the past school year, as determined by their district of residence.

Initial Requests

The Assistant Superintendent may approve or deny initial interdistrict attendance permit requests in accordance with applicable law and District policy and regulation.

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INTERDISTRICT ATTENDANCE

Within 30 calendar days of the receipt of a "current year request" for interdistrict attendance, which means a request received beginning 15 calendar days before start of the school year for which the transfer is sought, the Assistant Superintendent shall notify the parent(s) or guardian(s) of a student who is denied interdistrict attendance regarding the process for appeal. (46600.1(c) and 46600.2 (a)(5)(A).)

Within 14 calendar days of the receipt of a "future year request" for interdistrict attendance, which means a request received up until 15 calendar days before the start of the school year for which the transfer is sought, the Assistant Superintendent shall notify the parent(s) or guardian(s) of a student who is denied interdistrict attendance regarding the process for appeal. (46600.1 (c) and 46600.2 (a)(5)(B).)

Appeal Process

An appeal to the District Superintendent may be filed within ten (10) calendar days of the date listed on the denial by the Assistant Superintendent. The parent(s) or guardian(s) of a student whose interdistrict transfer request has been denied will be offered an opportunity to meet with the District Superintendent and within twenty (20) calendar days after the appeal was filed, the District Superintendent will give his or her final decision, in writing, to the parent(s) or guardian(s). Except in cases where good cause is shown, the record shall not be reopened to consider evidence or argument which was not presented in the initial interdistrict transfer request. Failure to appeal to the District Superintendent within the required time shall be considered as cause for denial of an appeal.

If denied by the District Superintendent, the parent or guardian will be notified in writing of the right to appeal to the District's governing board by filing a written notice of appeal no later than ten (10) days from the date of receipt of the District Superintendent's denial. The Board of Education shall act on the appeal within thirty (30) days of denial by the District Superintendent. If the Board of Education denies the appeal, the District Superintendent or designee shall advise the person requesting the interdistrict attendance permit regarding the process for appeal to the Monterey County Board of Education within thirty (30) calendar days of the final denial. (EC46601 and 46600.2(b). Within thirty (30) calendar days after the appeal is filed, the County Board of Education will determine whether the student should be permitted to attend the District school and the applicable period of attendance (46610 (b)(2)(a)(i). Failure to appeal within the required time shall be considered good cause for denial of an appeal. (46601 (a).)

The County Board of Education shall render a decision within three school days of any hearing conducted by the County Board of Education unless the parent or guardian requests a postponement. (46601 (b)(2)(B).)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or decisions while expulsion proceedings are pending or during the term of the expulsion. (Education Code 46601)

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Students

Regulation #5117

INTERDISTRICT ATTENDANCE

Enrollment in ROC or ROP Program

Interdistrict attendance agreements or permits shall not be required for students enrolling in an ROC or ROP program. (Education Code 52317)

Revocation

With the exception of students who have completed 10th grade or who are in grades 11 or 12, a student's interdistrict attendance permit may be revoked at any time during the school year due to unsatisfactory attendance or tardiness, behavior, poor academic performance, disruption of the educational program, or because it is determined that a parent or guardian made false statements or misrepresentations in applying for the student's interdistrict attendance permit. (EC 46600 (a)(4).)

Transportation

Transportation will not be provided for students attending a District school on an interdistrict attendance permit.

Students Policy #5117.1

INTERDISTRICT ATTENDANCE - OPEN ENROLLMENT ACT

Because the Pacific Grove Unified School District is a "basic aid" district, the State does not provide funding to educate children who reside in other school districts. As a result, enrollment of students whose parents or guardians reside in other school districts reduces the educational resources available for resident students and increases class size. For this reason, it is the general policy that the District does not accept interdistrict transfer students except under those limited circumstances described in Board Policy Number 5117. Accordingly, interdistrict transfer requests made pursuant to the Open Enrollment Act (commonly referred to as the Romero Bill), as set out at Education Code sections 48350 et seq. ("Open Enrollment Act transfers"), shall only be approved by the Superintendent or designee in accordance with the provisions of this Policy and any implementing regulations.

Due to suspension of the calculation of the Academic Performance Index (API), the California Department of Education (CDE) is no longer publishing an annual list of 1,000 Open Enrollment schools pursuant to the Open Enrollment Act/Romero Bill. Accordingly, the District considers transfers under the Open Enrollment Act/Romero Bill to be suspended and will not accept such transfers until such time as the CDE recommences publication of the annual list of 1,000 Open Enrollment schools.

Definitions

"School district of residence" means the school district in which a student's parent or guardian resides and in which the student would otherwise be required to enroll pursuant to Education Code section 48200.

"School district of enrollment" means a school district other than the student's school district of residence in which the student's parent or guardian intends to enroll the student pursuant to the Open Enrollment

"Open enrollment school" means a school identified by the Superintendent of Public Instruction and the California Department of Education (CDE) on the annual list of 1,000 Open Enrollment schools under the Open Enrollment Act.

Note to Parents and Guardians with Children Attending Open Enrollment Schools

The Superintendent or designee shall provide notice of the right to transfer to District students attending an Open Enrollment school, as identified by the CDE's annual list of 1,000 Open Enrollment schools, on the first day of instruction of each school year, or, if the CDE has not released the annual list of Open Enrollment schools on the first day of instruction, within fourteen (14) days after the CDE releases the annual list of Open Enrollment schools.

A. Application and Review Process

- 1. Priority enrollment opportunities at all District schools and programs shall be given to those applications received from students residing in the District and requesting transfers pursuant to the District's intradistrict transfer policy (Board Policy No. 5116.1).
- 2. In order to ensure that District school sites, classrooms, grade levels, and programs, do not exceed established capacity, the Open Enrollment Act transfer applications will be accepted each year by the District Office, for a period of forty-five (45) calendar days only ("Application Period"), commencing sixty (60) calendar days before the first day of the school year for which the student is requesting a transfer. Any applications received outside of the Application Period shall be returned to the applicant.

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INTERDISTRICT ATTENDANCE - OPEN ENROLLMENT ACT

- 3. The application deadline specified in Paragraph A.2, does not apply to an application requesting an Open Enrollment Act transfer if the parent with whom the student resides is enlisted in the military and was relocated by the military within 90 days prior to submitting the application.
- 4. All completed Open Enrollment Act transfer applications received during the Application Period will be reviewed by the District Office, and parents/guardians will be notified in writing of approval or denial of their application within 60 days of receiving an application. (Education Code 48357)
- 5. A student whose Open Enrollment Act transfer application is approved must enroll in the District school to which the student has been admitted no later than fourteen (14) days from the date of notification of approval of his or her application.
- 6. If an Open Enrollment Act transfer application is denied, the District's notice to parent or guardian shall provide the reason for denial. If the application is approved, the applicant's school district of residence will be notified of such approval.

B. Basis for Denial/Approval of Romero Bill Transfers by Superintendent or Designee

- 1. The Superintendent or designee shall not approve the initial application of a student requesting an Open Enrollment Act transfer if the transfer would require the displacement, from the desired District school or program, of any other student who resides within the attendance area of that school or is currently enrolled in that school or program.
- 2. The Superintendent or designee may deny an Open Enrollment Act transfer application under any of the following circumstances:
 - a. If approval of the transfer application would result in a District school site, classroom, grade level, or program exceeding the District's maximum student-teacher ratio or site or program capacity determination, as set forth in District policy or practice;
 - b. If approval of the transfer application would result in any adverse financial impact to the District, including, but not limited to:
 - i. If, as a result of the District's continuing "basic aid" status, enrollment of a student requesting an Open Enrollment Act transfer would reduce the educational resources available for resident students:
 - ii. Any increase in a class or program size that would result in the District's loss or any reduction of "class size reduction" program revenues or would require the District to violate a collective bargaining agreement with regard to class size reduction, or hire additional certificated or classified employees.
 - iii. Any increase in costs for facilities, through the addition or operation of additional classrooms or other instructional facilities; or
 - iv. Any unreimbursed transportation costs, except for transportation services for a special education student whose individualized education program ("IEP") requires such services, pursuant to state and federal law.

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c. If the District Governing Board determines the transfer would negatively impact either of the following: (1) a court-ordered or voluntary desegregation plan of the District; or (2) the racial and ethnic balance of the District, as provided in state and federal law.

- d. If the applicant has been expelled for any amount of time, regardless of whether the expulsion was suspended, or the applicant has been suspended for any violation of California Education Code within one school year, or if the applicant has been cumulatively suspended for more than ten (10) schooldays, or suspended on more than three (3) separate occasions (regardless of the duration of the suspensions), within the previous two (2) school years.
- e. If the application does not meet the requirements for an Open Enrollment Act transfer or approval, or if the approval of the application would be inconsistent with the District's policies and procedures.
- 3. In considering whether to approve or deny an Open Enrollment Act transfer application, the Superintendent or designee shall not consider a student's previous academic achievement, physical condition, proficiency in the English language, family income, or any other characteristic set forth in Education Code section 200.
- 4. In addition to the requirements set forth in this Policy and any implementing regulations, students applying for Open Enrollment Act transfers who are requesting enrollment in a District program that serves gifted and talented students, must meet all additional requirements, including academic performance, which are used to determine eligibility for, or placement in, those programs.

C. Terms of Approval

- 1. Any student whose Open Enrollment Act transfer is approved must be enrolled in a District school with a higher Academic Performance Index ("API") than the school in which the student was previously enrolled.
- 2. A student approved for an Open Enrollment Act transfer into a District school or program shall be deemed to have fulfilled the residency requirements for attendance in the District set out in Education Code section 48204, and shall not be required to reapply for enrollment in that school, regardless of whether the student's school of residence remains on the CDE's list of 1,000 Open Enrollment schools.
- 3. A student approved for an Open Enrollment Act transfer into a District school or program who wishes to matriculate to a middle or high school in the District or transfer to another District school shall be required to reapply for admission to the new District school pursuant to the requirements of this Board Policy and any applicable administrative regulations.-
- 4. Following a student's enrollment in the District pursuant to this Policy, he or she will receive any credits towards graduation that were awarded by the student's previous district of residence, and shall be eligible for graduation from the District upon completion of all state and local graduation requirements.

D. Enrollment Priorities

1. In the event that the number of qualified Open Enrollment Act transfer applicants for any school year exceeds the spaces available in a requested District school or program, applications shall be

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INTERDISTRICT ATTENDANCE - OPEN ENROLLMENT ACT

selected through a random, unbiased process that prohibits consideration of any student's individual academic or athletic performance, or any of the other characteristics described in Section B.3 of this Policy, except that, students shall be assigned priority for approval as follows:

- a. Priority Group 1: siblings of children who already attend the desired school or program;
- b. Priority Group 2: students transferring from a Program Improvement ("PI") school ranked in decile 1 on the API as determined pursuant to Education Code section 48352, subdivision (a).
- 2. If the number of students who request a particular District school exceeds the number of spaces available in that school or program, students in Priority Group 1 shall be selected through a lottery process until all the available spaces have been filled. If spaces at the desired school or program remain available following completion of that lottery process, students in Priority Group 2 shall be assigned the remaining spaces through a lottery process.

Reference(s):

EC 48350-48361

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Students Policy #5121

GRADES/EVALUATION OF STUDENT ACHIEVEMENT

The Governing Board believes that grades serve a valuable instructional purpose by helping students and parents/guardians identify the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's achievement.

The teacher of each course shall determine the student's grade. The grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy and administrative regulation. (EC 49066)

Teachers shall evaluate a student's work in relation to standards which apply to all students at his/her grade level. The Superintendent or designee shall establish and regularly evaluate a uniform grading system, and principals shall ensure that student grades conform to this system. Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

Grades should be based on impartial, consistent observation of the quality of the student's work and his/her mastery of course content and objectives. Students shall have the opportunity to demonstrate this mastery through a variety of channels such as classroom participation, homework, tests and portfolios. The Board recognizes that portfolios may be especially useful in assessing how skills, knowledge and thought processes have been combined from a number of different subject areas.

When reporting student grades to parents/guardians, teachers may add narrative descriptions, observational notes and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

Behavior, effort and attendance shall be reported in separate evaluations, not in the student's academic grade.

Unexcused Absences

If a student misses class without an excuse and does not subsequently turn in homework, take a test or fulfill another class requirement that he/she missed, the teacher may lower the student's grade for nonperformance.

Students with excessive unexcused absences may be given a failing grade and not receive credit for the class(es). Teachers who withhold class credit for this reason shall so inform the class and parents/guardians at the beginning of the semester.

Legal Reference:

EDUCATION CODE

48070 Promotion and retention

48205 Excused absences

48431.6 Required systematic review

49066 Grades; finalization; physical education class

49067 Mandated regulations regarding pupil's achievement

<u>51220.3</u> Extra grade weighting for college admission courses

UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act (FERPA)

6101-6251 School-to-Work Opportunities Act of 1994

COURT DECISIONS

Owasso Independent School District v. Falvo, (2002) 122 S.Ct. 934

Las Virgenes Educators Association v. Las Virgenes Unified School District (2nd Appellate District 2001) 86 Cal.App.4th 1

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GRADES/EVALUATION OF STUDENT ACHIEVEMENT

Swany v. San Ramon Valley Unified School Dist. (N.D.Cal. 1989) 720 F.Supp. 764 Johnson v. Santa Monica-Malibu Unified School District Board of Education (App. 2 Dist. 1986) 224 Cal. Rptr. 885, 179 C.A. 3d 593

Management Resources: CDE PUBLICATIONS It's Elementary!, Elementary Grades Task Force Report, 1992

Adopted: November 6, 1997 Reviewed and Adopted: March 6, 2003 CSBA: March, 2002

GRADES/EVALUATION OF STUDENT ACHIEVEMENT Mandated Reg.

Grades for Achievement

Grades for achievement shall be reported each marking period as follows:

Α	Outstanding Achievement	4.0 grade points
В	Above Average Achievement	3.0 grade points
С	Average Achievement	2.0 grade points
D	Below Average Achievement	1.0 grade points
F	Little or No Achievement	0
I	Incomplete	0

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

An incomplete is given only when a student's work is not finished because of illness or other excused absence. If not made up within ten school days, the incomplete will become an F.

Plus and minus signs may be used.

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

Students in grades 6-8 must earn at least a 2.0 or C grade point average in order to participate in extra-curricular activities.

Teachers are encouraged to allow for trends in the quality of student work. When a student finishes a grading period doing high quality work which requires skills acquired throughout the grading period, low grades at the beginning of the grading period need not diminish the appropriate evaluation of the student's achievement. Similarly, high grades at the beginning need not compensate for a downward trend in achievement.

In kindergarten through third grade, teachers shall use narrative descriptions to indicate the student's level of achievement and may also furnish examples of student work.

Criteria for determining grades for achievement may include but are not limited to:

- 1. Preparation of assignments, including accuracy, legibility and promptness.
- 2. Contribution to classroom discussions.
- 3. Demonstrated understanding of concepts in tests.
- 4. Application of skills and principles to new situations.
- 5. Organization and presentation of written and oral reports.
- 6. Originality and reasoning ability when working through problems.

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Issued: June 28, 1998

CSBA: 3/02

Revised: August 20, 2020

GRADES/EVALUATION OF STUDENT ACHIEVEMENT Mandated Reg.

Grades for Citizenship and Effort

Grades for citizenship and effort shall be reported each marking period as follows:

- Outstanding 0
- S Satisfactory
- N Needs Improvement
- U Unsatisfactory

Criteria for determining grades for citizenship may include but are not limited to:

- 1. Student obeys rules.
- 2. Student respects public and personal property.
- 3. Student maintains courteous, cooperative relations with teachers and fellow students.
- 4. Student works without disturbing others.

Criteria for determining grades for effort may include but are not limited to:

- 1. Student takes responsibility for having necessary tools and materials.
- 2. Student shows interest and initiative.
- 3. Student goes to work immediately, and completes assignments.
- 4. Student uses free time resourcefully.

Honor Roll

Each school may post an Honor Roll. All courses except Pass/Fail shall be counted in computing eligibility for the Honor Roll. To qualify for the Honor Roll, a student must receive no current grade below a C and have a grade point average of 3.0 or better.

Pass/Fail Grading

A "Pass" or "Fail" grade may be given instead of an A-F grade in the following courses:

- 1. All courses taken in the Alternative Education Program
- 2. All courses taken in the Special Education Program
- 3. All academic courses taken by English Language Learners

Students shall be graded Pass/Fail for classes in which they serve as student aides unless predetermined goals and objectives related to specific subject knowledge are on file and have been approved by the principal or designee.

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GRADES/EVALUATION OF STUDENT ACHIEVEMENT Mandated Reg.

Repeated Classes

With the approval of the principal or designee, a student may repeat a course in order to raise his/her grade. The student shall receive credit only for taking the course once.

The highest grade received will be the permanent grade on the student's transcript.

Withdrawal from Classes

The last day to drop a class without receiving an F during quarter one will be Wednesday, September 2, 2020. The last day to drop a class without receiving an F during quarter two is Monday, November 9. A student who drops a course after September 2, 2020, in the first quarter or Monday, November 9, 2020, in the second quarter shall receive an F grade on his/her permanent record unless otherwise decided by the principal or designee because of extenuating circumstances.

Unexcused Absences

When an unexcused absence occurs, the student and parent/guardian shall be notified and informed of the district's policy regarding excessive unexcused absences. The student and parent/guardian shall have a reasonable opportunity to explain the absence. (Education Code 49067)

If the absence is not verified as excusable within five days, it shall be recorded as unexcused. The person receiving any explanation of the absence by the parent/ guardian shall make a record of this explanation and the date when it was given.

If a student receives a failing grade because of unexcused absences, school records shall specify that the grade was given because of excessive unexcused absences. (Education Code 49067)

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Revised: August 20, 2020

Students Regulation #5121.1

GRADES/EVALUATION OF STUDENT ACHIEVEMENT AT THE HIGH SCHOOL

Mandated Regulation

Grades for Achievement

Grades for achievement shall be reported each marking period as follows:

Α	Outstanding Achievement	4.0 grade points
В	Above Average Achievement	3.0 grade points
С	Average Achievement	2.0 grade points
D	Below Average Achievement	1.0 grade points
F	Little or No Achievement	0
I	Incomplete	0

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

An incomplete is given only when a student's work is not finished because of illness or other excused absence. If not made up within ten school days, the incomplete will become an F.

Plus and minus signs may be used in all reporting periods.

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

Students in grades 9 through 12 must earn at least a 2.0 or C grade point average in order to participate in extra/co-curricular activities.

Teachers are encouraged to allow for trends in the quality of student work. When a student finishes a grading period doing high quality work that requires skills acquired throughout the grading period, low grades at the beginning of the grading period need not diminish the appropriate evaluation of the student's achievement. Similarly, high grades at the beginning need not compensate for a downward trend in achievement.

Criteria for determining grades for achievement may include but are not limited to:

- 1. Preparation of assignments, including accuracy, legibility and promptness.
- 2. Contribution to classroom discussions.
- 3. Demonstrated understanding of concepts in tests.
- 4. Application of skills and principles to new situations.
- 5. Organization and presentation of written and oral reports.
- 6. Originality and reasoning ability when working through problems.

Students Regulation #5121.1

GRADES/EVALUATION OF STUDENT ACHIEVEMENT AT THE HIGH SCHOOL

Mandated Regulation

Revised: August 20, 2020

Honor Roll

PGHS shall post an Honor Roll. All courses except Pass/Fail shall be counted in computing eligibility for the Honor Roll. AT PGHS the honor roll falls into the following divisions: 3.0 Honors; 3.5 High Honors; and, 4.0 & above Highest Honors.

Advanced Placement/Honors Courses (High School Level)

The District wishes to encourage students to take advanced placement and honors courses in academic subjects. Because of the extra work involved, the evaluation system shall be weighted to reflect the more rigorous nature of these courses. Grades received in these courses will be counted on the following scale:

A = 5 points

B = 4 points

C = 3 points

D = 1 point

F = 0

Pass/Fail Grading

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

Students shall be graded Pass/Fail for classes in which they serve as student aides unless predetermined goals and objectives related to specific subject knowledge are on file and have been approved by the principal or designee.

Repeated Classes

With the approval of the principal or designee, a student may repeat a course in order to raise his/her grade. The student shall receive credit only for taking the course once.

Withdrawal from Classes

The last day to drop a class without receiving an F during quarter one will be Wednesday, September 2, 2020. The last day to drop a class without receiving an F during quarter two is Monday, November 9. A student who drops a course after September 2, 2020, in the first quarter or Monday, November 9, 2020, in the second quarter shall receive an F grade on his/her permanent record unless otherwise decided by the principal or designee because of extenuating circumstances.

During the COVID-19 pandemic, the following schedule will be implemented:

Wednesday, 12 August 2020: First day of school Friday, 21 August 2020: Last day to add a class

Wednesday, 2 September 2020: Last to drop a class without receiving an F

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Students Regulation #5121.1

GRADES/EVALUATION OF STUDENT ACHIEVEMENT AT THE HIGH SCHOOL

Mandated Regulation

Wednesday, 9 August 2020: Progress Reports Friday 9 October 2020: Last day of Quarter 1

Monday, 19 October 2020: Grades for Q1 due at 3:00 pm

Monday, 19 October 2020: First day of Quarter 2 Wednesday, 28 October 2020: Last day to add a class

Monday, 9 November 2020: Last to drop a class without receiving an F

Monday, 16 November 2020: Progress Reports Friday, 18 December 2020: Last day of Q2

Monday, 4 January 2020: Grades for Q2 due at 3:00 pm

Unexcused Absences

When an unexcused absence occurs, the student and parent/guardian shall be notified and informed of the District's policy regarding excessive unexcused absences. The student and parent/guardian shall have a reasonable opportunity to explain the absence. (Education Code 49067)

If the absence is not verified as excusable within 72 hours, it shall be recorded as unexcused. The person receiving any explanation of the absence by the parent/ guardian shall make a record of this explanation and the date when it was given.

If a student receives a failing grade because of unexcused absences, school records shall specify that the grade was given because of excessive unexcused absences. (Education Code 49067)

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GRADING STUDENTS WITH SPECIAL NEEDS

The Pacific Grove Unified School District adopts the grading policy presented below.

- 1. Any individualized grading system will be approved through and written into the student's IEP or 504 plan before it can be put into effect.
- 2. Parents must provide informed consent, in writing, for this grading system.
 - a. Parents must be made aware of the potential positive and negative outcomes of agreeing to such a system.
 - b. Pass/Fail grading can only be awarded if parents have given informed consent in writing before the course is taken and must be written into the student's IEP or 504 plan.
- 3. Course description titles such as "Basic" or "Practical" or Advanced" or "Honors" will be used to indicate the level of a course.
 - a. Courses on transcripts cannot be designated as being special education or 504, such as "RSP" or "SDC."
 - b. Parents/students must be notified and agree if special course titles or codes such as an asterisk are used in a transcript.
 - c. With the above-described parent consent, post-secondary institutions that inquire about such identified courses will be informed of the student's disability status.
 - d. Grades earned in such courses would be considered "modified."
- 4. Grades resulting from modifications applied to the student's curriculum are used for computing "honor roll" status or for "graduation with honor." However, this <u>may</u> not be the case in other school districts.
- 5. All Special Education and 504 students must be able to access all general education classes if they meet prerequisite levels of skill.
- 6. Students with disabilities may take courses with or without accommodations and/or modifications, as specified in the IEP or 504 plan.

DEFINITIONS

- 1. Accommodations are those supports which are intended to minimize the impact of a student's disability but do not fundamentally alter or lower course standards or expectations, such as being given extended time to complete tests or assignments.
 - a. Students who receive accommodations will be graded by the same standards as general education students.
- 2. Modifications are supports which minimize the impact of the disability but fundamentally alter or lower course standards or student expectations, such as being allowed to use a calculator to complete a math computation exam.
 - a. Modified grades can be identified by an asterisk next to the grade.
 - b. Students who receive modifications can be given modified grades. This grading does not apply to 504 students.

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Students

Policy #5123

PROMOTION/ACCELERATION/RETENTION

Mandated Policy

PROMOTION

The Governing Board expects students to progress through each grade level within one school year. Toward this end, instruction shall be designed to accommodate the variety of ways that students learn and provide strategies for addressing academic deficiencies as needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

(cf. 6011 - Academic Standards)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

(cf. 6170.1 - Transitional Kindergarten)

ACCELERATION

In grades 1 - 8, when high academic achievement is evident, the teacher may recommend a student for acceleration into a higher grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student. The recommended acceleration process is as follows:

- 1. Submit a written referral for acceleration to the site principal. A referral for acceleration may be initiated by a parent/guardian, teacher, or other certificated staff member.
- 2. The principal, after consulting with the appropriate staff such as prior teacher, current teacher, and members of the Student Study Team (SST) will then gather academic progress data such as work samples, letters of recommendation, standardized test scores, and other assessment data to present a packet of evidence. This packet will be presented to the SST for a recommendation. The SST can adequately determine if the student:
 - a. Is ready for the next level of grade work;
 - b. Is in the upper 5% of his/her age group in terms of mental ability; and
 - c. Has the physical development and social maturity consistent with his/her advanced mental ability.
- 3. The packet will be submitted to the Superintendent or designee for review, including:
 - a. Written referral;
 - b. Initial acceleration meeting form;
 - c. Acceleration testing consent form;
 - d. Acceleration assessment review meeting form.

After review by the Superintendent or designee, the parent(s)/guardians(s) shall be informed of the recommendation by the principal. If the student is to be accelerated, a parent conference shall be held, and written parent consent must be obtained. A record of the conference and parent consent shall be placed in the student's cumulative folder.

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Revised: January 16, 2020

Policy #5123

PROMOTION/ACCELERATION/RETENTION

Mandated Policy

Acceleration of students at the high school level shall be dependent upon credits earned and upon the student's achievement, goals, and test scores. A parent conference shall be held, and written parent consent must be obtained if the student is to be accelerated. A record of the conference and parent consent shall be placed in the student's cumulative folder.

RETENTION

Teachers shall identify students who should be retained or who are at risk of being retained at their current grade level as early as possible in the school year and as early in their school careers as practicable. Such students shall be identified at the following grade levels: (EC 48070.5)

- 1. Between grades K and 5
- 2. Between the end of the intermediate grades and the beginning of the middle school grades
- 3. Between grades 6 and 8
- 4. Between the end of the middle school grades and the beginning of the high school grades
- 5. Between grades 9-12

Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by grades, and/or by the results of state assessments administered pursuant to Education Code 60640-60649. The following additional indicators of academic achievement may be used:

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(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5149 - At-Risk Students)
(cf. 5149 - At-Risk Students)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)
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Students between grades K-1 and grades 1-2 shall be identified primarily based on teacher assessment including proficiency in reading and math and Student Study Team determination. Student between grades 2 and 4 shall be identified primarily on the basis of their level of proficiency in reading and math, and then based on teacher assessment and Student Study Team determination. Proficiency in reading, English language arts, and mathematics shall be the primary basis for identifying students between grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. Additionally, assessment may be based on teacher assessment and Student Study Team determination (Education Code 48070.5)

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(cf. <u>6142.91</u> - Reading/Language Arts Instruction)
(cf. <u>6142.92</u> - Mathematics Instruction)
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Page 2 of 3. All Rights Reserved by PGUSD.

Students

Policy #5123

PROMOTION/ACCELERATION/RETENTION

Mandated Policy

If a student does not have a single regular classroom teacher, the Superintendent or designee shall specify the teacher(s) responsible for the decision to promote or retain the student along with the recommendations of the Student Study Team. (Education Code 48070.5)

The teacher's decision to promote or retain a student may be appealed in accordance with AR 5123 - Promotion/Acceleration/Retention.

When a student is recommended for retention or is identified as being at risk for retention, the Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. (Education Code 48070.5)

(cf. <u>6176</u> - Weekend/Saturday Classes)

(cf. <u>6177</u> - Summer Learning Programs)

(cf. 6179 - Supplemental Instruction)

Legal Reference:

EDUCATION CODE

46300 Method of computing average daily attendance

48010 Admittance to first grade

48011 Promotion/retention following one year of kindergarten

48070-48070.5 Promotion and retention

56345 Elements of individualized education plan

60640-60649 California Assessment of Student Performance and Progress

CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

FAQs Promotion, Retention, and Grading (students with disabilities)

FAQs Pupil Promotion and Retention

Kindergarten Continuance Form

WEB SITES

CSBA: http://www.csba.org

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

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Revised: January 16, 2020

Students

Regulation #5123

PROMOTION/ACCELERATION/RETENTION

Mandated Regulation

Acceleration from Kindergarten to First Grade

A student enrolled in kindergarten may be admitted to the first grade at the discretion of the Superintendent or designee and with the consent of the parent/ guardian, upon a determination that the child is ready for first-grade work. (Education Code 48011)

Admission shall be subject to the following minimum criteria: (5 CCR 200)

- 1. The student is at least five years of age.
- 2. The student has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
- 3. The student is in the upper five percent of his/her age group in terms of general mental ability.
- 4. The physical development and social maturity of the student are consistent with his/her advanced mental ability.
- 5. The parent/guardian of the student has filed a written statement with the school District approving the placement in first grade.

Continuation in Kindergarten

Students who have completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten for not more than one additional school year. (Education Code 48011)

Whenever a student continues in kindergarten for an additional year, the Superintendent or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year. (Education Code 46300)

Retention at Other Grade Levels

The principal and teachers shall identify students who should be retained or who are at risk of being retained at the following grade levels: (EC 48070.5)

- 1. Between grades 1 and 2
- 2. Between grades 2 and 3
- 3. Between grades 3 and 4
- 4. Between grades 4 and 5
- 5. Between grades 5 and 6
- 6. Between grades 6 and 7
- 7. Between grades 7 and 8
- 8. Between grades 8 and 9

Additionally, the principal and teachers shall identify students who should be retained or who are at risk of being retained at grades Kindergarten through 1. The following remedies for these grades also apply.

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Students

Regulation #5123

PROMOTION/ACCELERATION/RETENTION

Mandated Regulation

When a student in grades 1 through 9 is retained or recommended for retention, the teacher and Principal shall offer programs of direct, systematic and intensive supplement instruction in accordance with Education Code 37252.5

When a student is recommended for retention or is identified as being at risk for retention in any grade level, the teacher and Principal shall provide opportunities for remedial instruction early in the school year to assist the student in overcoming his/her academic deficiencies. Such opportunities may include but are not limited to tutorial programs, after school programs, summer school programs and/or the establishment of a student study team.

Retention or Possible Retention Procedures

Students shall be identified on the basis of a multiple measurement process utilizing grades, curriculum assessments and statewide assessments. A Student Study Team will be established to offer intervention strategies provided for the student during the school year. If the student is not able to meet grade level requirements, a recommendation for retention or promotion will be determined by the classroom teacher in conjunction with the Student Study Team and the Principal. Ultimately, the teacher has the primary responsibility for determining if a student should be promoted or retained.

If the student does not have a single regular classroom teacher, the principal or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. (Ed Code 48070.5)

If a student is identified as performing below the minimum standard for promotion, the student shall be retained in his/her current grade level unless the student's regular classroom teacher determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. (Ed. Code 48070.5)

If the teacher's recommendation to promote is contingent on the student's successful completion of summer school or interim session or remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the principal before any final determination or retention or promotion. (Ed Coe 48070.5)

When a student is identified as being at risk of retention, the principal shall so notify the student's parent/guardian as early in the school year as practicable. The student's parent/ guardian shall be provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the student. (EC 48070.5)

A notification process including

- Parent conference
- Student learning plan
- Student Study Team

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Students

Regulation #5123

PROMOTION/ACCELERATION/RETENTION

Mandated Regulation

- Mid year update
- Spring program notice
- Copy of Promotion/Acceleration/Retention Policy and Regulations will be established and implemented

Appeal Procedure

The teacher's decision to promote, accelerate, or retain a student may be appealed consistent with Board policy, administrative regulation and law.

The burden shall be on the appealing party to show why the teacher's decision should be overruled. (Education Code 48070.5)

To appeal a teacher's decision, the appealing party shall submit a written request to the Superintendent or designee specifying the reasons that the teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion.

Within 30 school days of receiving the request, the Superintendent or designee shall determine whether or not to overrule the teacher's decision. Prior to making this determination, the Superintendent or designee may meet with the appealing party and the teacher. If the Superintendent or designee determines that the appealing party has overwhelmingly proven that the teacher's decision should be overruled, he/she shall overrule the teacher's decision.

The Superintendent or designee's determination may be appealed by submitting a written appeal to the Board within 15 school days. Within 30 days of receipt of a written appeal, the Board shall meet in closed session to decide the appeal. The Board's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the Board, the Board may also meet with the appealing party, the teacher and the Superintendent/designee to decide the appeal. The decision of the Board shall be final.

If the decision of the Board is unfavorable to the appealing party, he/she shall have the right to submit a written statement of objections that shall become part of the student's record.

Kindergarten

Children five years old or older who have completed one year of kindergarten shall be admitted to first grade regardless of age unless the parent/guardian and the district agree that the child shall continue in kindergarten for not more than one additional school year. (EC 480111)

First Grade Acceleration

A child enrolled in kindergarten may be admitted to the first grade at the discretion of the principal and upon a determination that the child is ready for first grade work. Admission shall be subject to the following minimum criteria: (Code of Regulations, Title 5, Section 200)

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- 1. The child is at least five years of age.
- 2. The child has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
- 3. The child is in the upper five percent of his/her age group in terms of general mental ability.
- 4. The physical development and social maturity of the child are consistent with his/her advanced mental ability.
- 5. The parent/guardian of the child has filed a written statement with the school district approving the placement in first grade.

Acceleration

In grades 1 - 8, when high academic achievement is evident, the teacher may recommend a student for acceleration into a higher grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student. The recommended acceleration process is as follows:

- 1. Submit a written referral for acceleration to the site principal. A referral for acceleration may be initiated by a parent/guardian, teacher, or other certificated staff member.
- 2. The principal, after consulting with the appropriate staff such as prior teacher, current teacher, and members of the Student Study Team (SST) will then gather academic progress data such as work samples, letters of recommendation, standardized test scores, and other assessment data to present a packet of evidence. This packet will be presented to the SST for a recommendation. The SST can adequately determine if the student:
 - a. Is ready for the next level of grade work;
 - b. Is in the upper 5% of his/her age group in terms of mental ability; and
 - c. Has the physical development and social maturity consistent with his/her advanced mental ability.
- 3. The packet will be submitted to the Superintendent or designee for review, including:
 - a. Written referral:
 - b. Initial acceleration meeting form;
 - c. Acceleration testing consent form;
 - d. Acceleration assessment review meeting form.

After review by the Superintendent or designee, the parent(s)/guardians(s) shall be informed of the recommendation by the principal. If the student is to be accelerated, a parent conference shall be held, and written parent consent must be obtained. A record of the conference and parent consent shall be placed in the student's cumulative folder.

Acceleration of students at the high school level shall be dependent upon credits earned and upon the student's achievement, goals, and test scores. A parent conference shall be held, and written parent consent must be obtained if the student is to be accelerated. A record of the conference and parent consent shall be placed in the student's cumulative folder.

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Students

Regulation #5123

PROMOTION/ACCELERATION/RETENTION

Mandated Regulation

Issued: November 6, 1997

Revised: January 16, 2020

Students Exhibit #5123

PROMOTION/ACCELERATION/RETENTION

Agreement to Continue in Kindergarten

Name of student	
Kindergarten attendance anniversary date	
Name of school official approving for district	
Information for Parent/Guardian	
California law provides that after a child has been lawful for a year, the child shall be promoted to the first graparent/guardian agree to the child's continuing in kinder This rule applies whether a child begins kindergarten later date, so that a child who begins kindergarten in following January unless it is formally agreed that he kindergarten-age children often do not develop at Department of Education recommends that approval to near the anniversary of a child's admittance to kindergar	ade unless the school district and the child's garten for not longer than one additional year at the beginning of a school year or at some January, for example, shall be promoted the shall continue in kindergarten. Because steady or predictable rates, the California o continue in kindergarten not be given until ten.
I agree that my child (named above) shall continue in ki until(date may not be more than one year	-
Signature of Parent/Guardian Date	
Printed/typed name of Parent/Guardian	
Address	
Telephone number	

Reference: See Policy #5123. Issued: November 6, 1997
All Rights Reserved by PGUSD. CSBA: 12/91

Students Policy #5125

STUDENT RECORDS

Mandated Policy

Adopted: November 6, 1997

Revised: June 6, 2019

The Governing Board recognizes the importance of keeping accurate, comprehensive student records as required by law. Procedures for maintaining the confidentiality of student records shall be consistent with state and federal law.

The Superintendent or designee shall establish regulations governing the identification, description and security of student records, as well as timely access for authorized persons. These regulations shall ensure parental rights to review, inspect and copy student records and shall protect the student and the student's family from invasion of privacy.

Custodian of Records

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

All appropriate personnel shall receive training regarding district policies and procedures for gathering and handling sensitive student information.

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

No information or documents regarding the citizenship or immigration status of students or their family members shall be collected, except as required by state or federal law or as required to administer a state or federally supported educational program. The Superintendent or designee shall not disclose student records to a person, agency, or organization for immigration enforcement purposes without parental consent, a court order, or a judicial subpoena. If a district employee receives such a request, he/she shall immediately report the request to the Superintendent. The Superintendent shall report the request to the Board in a timely manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7) The Superintendent or designee shall not compile a list, registry, or database based on students' national origin, ethnicity, or religious belief, practice, or affiliation, nor shall he/she disclose student information to federal government authorities for the purpose of compiling such a list, registry, or database for purposes of immigration enforcement. Such information may only be compiled or exchanged with other local, state, or federal agencies if the information is aggregated and is not personally identifiable. (Government Code 8310.3)

Legal Reference:

EDUCATION CODE

234.7 Pupil protecting relating to immigration and citizenship status
48201 Student records for transfer students who have been suspended/expelled
48904-48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school Districts; notice to rescind decision to withhold
48918 Rules governing expulsion procedures

Students Policy #5125

STUDENT RECORDS

Mandated Policy

Adopted: November 6, 1997

Revised: June 6, 2019

49060-49079 Pupil records

49091.14 Parental review of curriculum

CODE OF CIVIL PROCEDURE

1985.3 Subpoena duces tecum

FAMILY CODE

3025 Access to records by non-custodial parents

GOVERNMENT CODE

6252-6260 Inspection of public records

8310.3 Prohibited activity based on national origin

HEALTH AND SAFETY CODE

120440 Immunizations; disclosure of information

WELFARE AND INSTITUTIONS CODE

681 Truancy petitions

16010 Health and education records of a minor

CODE OF REGULATIONS, TITLE 5

430-438 Individual pupil records

16020-16027 Destruction of records of school Districts

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

99.3 Definition of "personally identifiable"

300.501 Opportunity to examine records for parents of student with disability

COURT DECISIONS

Falvo v. Owasso Independent School District, 220 F.3d. 1200 (10th Cir. 2000)

Management Resources:

WEB SITES

U.S. Department of Education, Family Policy Compliance Office: http://www.ed.gov/offices/OM/fpco/

STUDENT RECORDS

Mandated Regulation

Definitions

Student record is any item of information other than directory information, gathered within or outside the District, that is directly related to an identifiable student and maintained by the District or required to be maintained by an employee in the performance of his/her duties. Any information maintained for the purpose of second-party review is considered a student record. A student record may be recorded in handwriting, print, computer media, video or audio tape, film, microfilm, microfiche or by other means. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

- 1. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute
- 2. Records of the law enforcement unit of the District, subject to the pro-visions of 34 CFR 99.8
- 3. Types of records and terms:

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

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

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

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

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

Personally identifiable information includes but is not limited to the student's name, the name of the student's parent/guardian or other family member, the address of the student or student's family, a personal identifier such as the student's social security number or student number, and a list of personal characteristics or other information that would make the student's identity easily traceable. (34 CFR 99.3)

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

School officials and employees are officials or employees whose duties and responsibilities to the District, whether routine or as a result of special circumstances, require that they have access to student records.

A legitimate educational interest is one held by officials or employees whose duties and responsibilities to the District, whether routine or as a result of special circumstances, require that they have access to student records.

STUDENT RECORDS

Mandated Regulation

Changes to Student Records

No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent/guardian or adult student. (5 CCR 437)

Only a parent/guardian having legal custody of the student may challenge the content of a record or offer a written response to a record. (Education Code 49061)

Retention and Destruction of Student Records

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

- 1. Legal name of student
- 2. Date and place of birth, and method of verifying birth date
- 3. Gender of student
- 4. Name and address of parent/guardian of minor student
 - a. Address of minor student if different from the above
 - b. Annual verification of parent/guardian's name and address and student's residence
- 5. Entrance and departure date of each school year and for any summer session or other extra session
- 6. Subjects taken during each year, half-year, summer session or quarter, and marks or credits given
- 7. Verification of or exemption from required immunizations except at the high school
- 8. Date of high school graduation or equivalent

Unless forwarded to another District, mandatory interim student records shall be maintained subject to destruction during the third school year following a determination that their usefulness has ceased or the student has left the District. These records include: (Education Code 48918; 5 CCR 432, 437, 16027)

- 1. Expulsion orders and the causes therefore
- 2. A log identifying persons or agencies who request or receive information from the student record
- 3. Health information, including Child Health and Disability Prevention Program verification or waiver
- 4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge
- 5. Language training records
- 6. Progress slips/notices required by Education Code 49066 and 49067
- 7. Parental restrictions/stipulations regarding access to directory information
- 8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action
- 9. Parent/guardian authorization or denial of student participation in specific programs
- 10. Results of standardized tests administered within the past three years

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

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

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

STUDENT RECORDS

Mandated Regulation

Parental consent is not required when information is shared with other persons within educational institutions, agencies or organizations obtaining access, so long as those persons have a legitimate interest in the information. (Education Code 49076)

Persons with Access to Student Records

Persons, agencies or organizations specifically granted access rights pursuant to state law shall have access without written parental consent or judicial order. In addition, parental consent is not required when information is shared with other persons within educational institutions, agencies or organizations obtaining access, as long as those persons have a legitimate educational interest in the information. (Education Code 49076)

The following persons or agencies shall have absolute access to any and all student records in accordance with state law:

 Natural parents, adoptive parents, or legal guardians of students younger than age 18 (Education Code 49069)

Access to student records and information shall not be denied to a parent because he/she is not the child's custodial parent. (Family Code 3025)

- 2. Adult students age 18 or older or students under the age of 18 who attend a postsecondary institution, in which case the student shall alone exercise rights related to his/her student records and grant consent for the release of records (Education Code 49061; 34 CFR 99.5)
- 3. Those so authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077)

In addition, the following persons or agencies shall have access to those particular records that are relevant to the legitimate educational interests of the requester: (Education Code 49076)

- 1. Natural parents, adoptive parents or legal guardians of a dependent student age 18 or older
- 2. Students 16 or older or who have completed the 10th grade
- 3. School officials and District employees
- 4. Members of a school attendance review board, and any volunteer aide age 18 or older who has been investigated, selected and trained by such a board to provide follow-up services to a referred student
- 5. Officials and employees of other public schools or school systems where the student intends or is directed to enroll, including local, county or state correctional facilities where educational programs leading to high school graduation are provided
- 6. Federal, state and local officials, as needed for program audits or compliance with law
- 7. Any District attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition
- 8. A prosecuting agency for consideration against a parent/guardian for failure to comply with compulsory education laws
- 9. Any probation officer or District attorney for the purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation
- 10. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student, or for purposes of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681

County child welfare services workers responsible for the case plan of a minor who is being placed in foster care shall have access to the student's school records. (Welfare and Institutions Code 16010)

Foster family agencies with jurisdiction over currently enrolled or former students may access those students' records of grades and transcripts, and any Individualized Education Program (IEPs) developed and maintained by the District with respect to such students. (Education Code 49069.3)

STUDENT RECORDS

Mandated Regulation

The Superintendent or designee may release a student's immunization record in-formation to local health departments operating countywide immunization information and reminder systems and the State Department of Health Services. The following information may be released: the name of the student and the student's parent/guardian; types and dates of immunizations received by the student; manufacturer and lot number of the immunization received; adverse reaction to the immunization; other non-medical information necessary to establish the student's unique identity and record; current address and telephone number of the student and his/her parent/guardian; the student's gender; and the student's place of birth. (Health and Safety Code 120440)

When authorized by law to assist law enforcement in investigations of suspected kidnapping, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another District or private school within the state. The information shall be released only to designated peace officers, federal criminal investigators and federal law enforcement officers whose names have been submitted in writing by their law enforcement agency. (Education Code 49076.5)

The Superintendent or designee may release information from student records to the following: (Education Code 49076)

- 1. Appropriate persons in an emergency if the health and safety of a student or other persons are at stake
- 2. Agencies or organizations in connection with a student's application for or receipt of financial aid
- 3. Accrediting associations
- 4. Under the conditions specified in Education Code 49076, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating or administering predictive tests, administering student aid programs or improving instruction
- 5. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll
- 6. County elections officials for the purpose of identifying students eligible to register to vote and offering such students an opportunity to register

Persons, agencies or organizations not afforded access rights pursuant to state law may be granted access only through written permission of the parent/guardian or adult student, or by judicial order. (Education Code 49075)

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

Any person or agency granted access is prohibited from releasing information to another person or agency without written permission from the parent/guardian or adult student. (Education Code 49076)

Procedures for Access

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/ guardians shall be notified of the location of student records if not centrally located. (Education Code 49060; 5 CCR 433)

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

STUDENT RECORDS

Mandated Regulation

Authorized persons from outside the school whose access requires consent from the parent/guardian or adult student shall submit their request, together with any required authorization, to the Superintendent or designee or the custodian of records. (5 CCR 435)

Within five days following the date of request, an authorized person shall be granted access to inspect, review and obtain copies of student records during regular school hours. (Education Code 49069; 5 CCR 431)

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

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

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

Prior to disclosing a record pursuant to a court order, the Superintendent or designee shall, unless otherwise instructed by the order, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested if lawfully possible within the requirements of the judicial order. (5 CCR 435)

When the District discloses personally identifiable information to officials of another school, school system or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that was disclosed, and give him/her an opportunity for a hearing to challenge the record. (34 CFR 99.34)

Upon releasing student information to a judge or probation officer for the purpose of conducting a truancy mediation program or presenting evidence in a truancy petition, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (EC 49076)

If the District is planning to release a student's immunization information to the county health department or state Department of Health Services, the Superintendent or designee shall inform the student's parents/guardians of the following: (Health and Safety Code 120440)

- 1. The type of information that will be shared
- 2. The name and address of the agency with which the District will share the information
- 3. That any shared information shall be treated as confidential and shall be used to share only with each other and, upon request, with health care providers, child care facilities, family child care homes, WIC service providers, county welfare departments, and health care plans
- 4. That the information may be used only to provide immunization service; to provide or facilitate third-party payer payments for immunizations; to compile and disseminate statistical information on immunization status on groups of people, without identifying the student
- 5. That the parent/guardian has the right to examine any immunization-related information shared in this manner and to correct any errors
- 6. That the parent/guardian may refuse to allow this information to be shared

STUDENT RECORDS

Mandated Regulation

Duplication of Student Records

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

The Superintendent or designee shall set a fee and update the amount periodically if actual costs change.

Access Log

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

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

The log does **not** need to include: (Education Code 49064)

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

The log shall be accessible only to the parent/guardian, adult student, dependent adult student, student age 16 years or older or who has completed the 10th grade, custodian of records, and certain state/federal officials. (Education Code 49064: 5 CCR 432)

Transfer of Student Records

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

Once the record is received, the Superintendent or designee must inform the student's teachers of the acts; see AR 4158/4258/4358 - Employee Security.

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

When a student transfers from this District to another school District or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent records as requested by the other District or private school. The original record or a copy shall be retained permanently by this District. If the transfer is to another California public school, the student's entire mandatory interim record shall be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other District or private school. (5 CCR 438)

STUDENT RECORDS

Mandated Regulation

When informed that a District student in foster care is transferring to another local educational agency, the Superintendent or designee shall cooperate to ensure that the student's health and education records are transferred to the receiving District. The District shall transfer the records within five working days of receiving notification regarding the student's new educational placement. (Education Code 49069.5)

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

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

If the District is withholding grades, diploma or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting District along with the student's records.

Notification of Parents/Guardians

Upon students' initial enrollment and at the beginning of each year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. Insofar as practicable, the District shall provide these notices in the student's home language and shall effectively notify parents/guardians or eligible students who are disabled. (Education Code 49063; 34 CFR 99.7)

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

- 1. The types of student records kept by the District and the information contained therein
- 2. The titles of the officials responsible for maintaining each type of record
- 3. The location of the log identifying those who request information from the records
- 4. District criteria for defining "school officials and employees" and for deter-mining "legitimate educational interest"
- 5. District policies for reviewing and expunging student records
- 6. The right to inspect and review student records, and the procedures for doing so
- 7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading or otherwise in violation of the student's privacy rights
- 8. The cost, if any, charged for duplicating copies of records
- 9. The categories of information defined as directory information pursuant to Education Code 49073
- 10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
- 11. The availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions and instructional aims of every course offered by the school
- 12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the United States Department of Health, Education, and Welfare concerning an alleged failure by the District to comply with 20 USC 1232g
- 13. The notification shall also include a statement that the District forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll

Students Policy #5125.1

RELEASE OF DIRECTORY INFORMATION

Mandated Policy

Adopted: November 3, 1994

Revised: August 24, 2017

The Governing Board recognizes the importance of maintaining the confidentiality of directory information and therefore authorizes the release of such information only in accordance with law and Board policy.

The Superintendent or designee may release student directory information to representatives of the news media or nonprofit organizations in accordance with Board policy and administrative regulation. The Superintendent or designee may also release student directory information to state and local law enforcement agencies and institutions of higher education.

The Superintendent or designee may limit or deny the release of specific directory information to any public or private nonprofit organization based on his/her determination of the best interest of the student. (Education Code 49073)

Employers and prospective employers, including military services representatives, shall have access to directory information. (P.L. 107-110, Section <u>9528</u>; 10 USC 503)

Under no circumstances shall directory information be disclosed to a private profit-making entity other than employers, prospective employers, and representatives of the news media. Private schools and colleges may be given the names and addresses of 12th-grade students and students who are no longer enrolled provided they use this information only for purposes directly related to the institution's academic or professional goals. (Education Code 49073)

Legal Reference:

EDUCATION CODE

49061 Definitions

49063 Notification of parents of their rights

49073 Release of directory information

49073.5 Directory information; military representatives; telephone numbers

49603 Public high schools; military recruiting

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

UNITED STATES CODE, TITLE10

503 Military recruiter access to directory information

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

PUBLIC LAW 107-110

9528 Armed forces recruiter access to students and student recruiting information

Management Resources:

WEB SITES

United States Department of Education: http://www.ed.gov

Students Regulation #5125.1

RELEASE OF DIRECTORY INFORMATION

Definition

Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Such student information includes: (34 CFR 99.3; Education Code 49061)

- 1. Name
- 2. Address
- 3. Telephone number
- 4. Electronic mail address
- 5. Photograph
- 6. Date and place of birth
- 7. Major field of study
- 8. Participation in officially recognized activities and sports
- 9. Weight and height of athletic team members
- 10. Dates of attendance
- 11. Degrees and awards received
- 12. Most recent previous school attended

Notification to Parents/Guardians

At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information the school or District plans to release and the recipients of the information. The notification shall also inform parents/guardians of their right to refuse to let the District designate any or all types of information as directory information and the period of time within which a parent/guardian must notify the District in writing that he/she does not want a certain category of information designated as directory information. (Education Code 49063, 49073; 34 CFR 99.37)

The Superintendent or designee shall notify parents/guardians that they may request that the District not release the name, address and telephone number of their child to military recruiters, employers or institutions of higher education without prior written consent. (P.L. 107-110, Section 9528)

Parent/Guardian Consent

Directory information shall not be released regarding any student whose parent/guardian notifies the District in writing that such information may not be disclosed without the parent/guardian's prior consent. (Education Code 49073; 20 USC 1232g)

Military recruiters, employers or colleges shall not have access to a student's name, address and telephone number if the parent/guardian has notified the District in writing that such information shall not be released without his/her prior written consent. (P.L. 107-110, Section <u>9528</u>)

Students Regulation #5125.2

Withholding Grades, Diploma or Transcripts

When school property has been willfully damaged or not returned upon demand, the principal or designee shall inform the parent/guardian in writing of the responsible student's alleged misconduct and the reparation that may be due.

This notice shall include a statement that the district may withhold grades, diploma or transcripts from the student and parent/guardian until reparation is made.

If reparation is not made, the district shall afford the student his/her due process rights in conformance with Education Code expulsion procedures and may withhold the student's grades, diploma or transcripts.

If the student and parent/guardian are unable to pay for the damages or return the property, the principal or designee shall provide a program of voluntary work for the student to do. When this voluntary work is completed, the student's grades, diploma or transcripts shall be released. (Education Code 48904)

When a student from whom the district is withholding grades, diploma or transcripts transfers to another district, this information shall be sent to the new district with the student's records and a request that these items continue to be withheld until the new district receives notification that the debt has been cleared.

The Superintendent or designee shall notify the parent/guardian in writing that this district's decision to withhold grades, diploma or transcript will be enforced by the new district. (Education Code 48904.3)

The district shall withhold grades, diploma or transcripts from any student transferring into the district whose misconduct caused a previous district to withhold them. When informed by the previous district that its decision has been rescinded, the district shall release these documents. (Education Code 48904.3)

Legal Reference:

EDUCATION CODE

48904 Liability of parent

48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold

48911 Suspension by principal, designee or superintendent

49069 Absolute right to access

Regulation #5125.3 Students

CHALLENGING STUDENT RECORDS

The custodial parent/guardian of any student may submit to the Superintendent or designee a written request to correct or remove from his/her child's records any information concerning the child which he/she alleges to be any of the following: (Education Code 49070)

- 1. Inaccurate
- 2. An unsubstantiated personal conclusion or inference
- 3. A conclusion or inference outside of the observer's area of competence
- 4. Not based on the personal observation of a named person with the time and place of the observation noted
- 5. Misleading
- 6. In violation of the privacy or other rights of the student

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

(cf. <u>5125</u> - Student Records)

When a student grade is challenged, the teacher who gave the grade shall be given an opportunity to state orally, in writing, or both, the reasons for which the grade was given. Insofar as practicable, he/she shall be included in all discussions related to any grade change. In the absence of clerical or mechanical error, fraud, bad faith or incompetency, the student's grade as determined by the teacher shall be final. (Education Code 49066)

Within 30 days of receiving a request to correct or remove information from a record, the Superintendent or designee shall meet with the parent/guardian and with the employee (if still employed) who recorded the information in question. The Superintendent shall then sustain or deny the allegations. (Education Code 49070)

If the parent/guardian's allegations are sustained, the Superintendent shall order the correction or removal and destruction of the information. (Education Code 49070)

If the Superintendent denies the allegations, the parent/guardian may write within 30 days to appeal the decision to the Governing Board. Within 30 days of receiving the written appeal, the Board shall meet in closed session with the parent/guardian and the employee (if still employed) who recorded the information in question. The Board shall then decide whether or not to sustain or deny the allegations. If it sustains any or all of the allegations, the Superintendent shall immediately correct or remove and destroy the information from the student's records. (Education Code 49070)

The decision of the Board shall be final. If the decision of the Superintendent or Board is unfavorable to the parent/guardian, the parent/guardian shall have the right to submit a written statement of objections. This statement shall become a part of the student's record. (Education Code 49070)

Both the Superintendent and the Board have the option of appointing a hearing panel to assist in making the decision. The hearing panel may be used at the discretion of the Superintendent or the Board provided that the parent/guardian consents to releasing record information to panel members. (Education Code 49070, 49071)

The right to challenge a record becomes the sole right of the student when the student becomes 18 or attends a postsecondary institution. (Education Code 49061)

Page 1 of 2. Reviewed and Issued: May 15, 2003 CSBA: February 1996

Students Regulation #5125.3

CHALLENGING STUDENT RECORDS

At the beginning of each school year, parents/guardians shall be notified of the availability of the above procedures for challenging student records. (Education Code 49063)

(cf. <u>1312</u> - Complaints Concerning the Schools)

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

49061 Definitions

49063 Notification of parents of their rights

49066 Grades; change of grade; physical education grade

49070 Challenging content of records

49071 Hearing panel

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act of 1974

Students Policy #5126

AWARDS FOR ACHIEVEMENT

The Governing Board encourages excellence as a goal for all students and wishes to publicly recognize students for unique or exemplary achievements in academic, extracurricular or community service activities. The purpose of such awards shall be consistent with school goals.

Student awards may include verbal recognition, a letter, a certificate, a Board resolution, a public ceremony, trophy, gift, plaque or cash gift.

The Superintendent or designee shall develop procedures for the appropriate selection of student award recipients.

Merit Diplomas

At graduation from high school, special recognition shall be awarded to those students whose academic achievements have been outstanding.

The Superintendent or designee shall identify high school students who have demonstrated mastery of the high school curriculum qualifying them for the Golden State Seal Merit Diploma. (Education Code 51454)

Legal Reference:
EDUCATION CODE
35160 Authority of governing boards
35310-35319 Scholarship and loan funds
44015 Awards to employees and students
51450-51455 Golden State Seal Merit Diploma
Management Resources:
CDE PROGRAM ADVISORIES
0620.09 Use of Categorical Funds for Motivation Incentives

Adopted: May 27, 1999 CSBA: 6/98

Students Regulation #5126

AWARDS FOR ACHIEVEMENT

Mandated Regulation

The Superintendent or designee may appoint an awards committee at each school to consider student accomplishments. This committee may consist of school administrators, teachers, parents and/or community members.

The committee shall submit recommendations for student awards to the Superin-tendent or designee for approval.

Individual awards in excess of \$200 must be expressly approved by the Board. (Education Code 44015)

Merit Diplomas

To be eligible to receive the Golden State Seal Merit Diploma upon graduation, students shall complete all requirements for a high school diploma and shall demonstrate a mastery of at least six subject areas, four of which shall be mathematics, English language arts, science and United States history, with the remaining two subject areas selected by the student. (Education Code 51451)

To demonstrate mastery of these subject areas, students shall achieve the standards or achievement levels established by the State Board of Education for Golden State Examinations and other designated subject matter examinations. (Education Code 51452)

The Superintendent or designee shall affix an insignia to the diploma and transcript of each student awarded the honors diploma. (Education Code 51454)

Page 1 of 1. Issued: May 27, 1999 All Rights Reserved by PGUSD. CSBA: 6/98 Students Policy #5127

GRADUATION CEREMONIES AND ACTIVITIES

High school graduation ceremonies shall be held to recognize those students who have earned a diploma by successfully completing the required course of study, satisfying District standards, and passing any required assessments. The Governing Board believes that a public celebration which recognizes the significance of their achievement and encourages the pursuit of learning throughout their lives should occur on an annual basis.

Participation in graduation ceremonies is a privilege and not a right. School rules shall ensure that prior to denial of the privilege(s), the student, and where practicable his/her parent/guardian, is made aware of the grounds for such denial and that the student is given an opportunity to respond to the proposed denial. If privilege(s) are to be denied, the student and parent/guardian shall receive written notice of the denied privilege and the means whereby he/she may appeal this decision.

To honor superior academic achievement, graduation ceremonies shall include recognition of valedictorian(s) and salutatorian(s). The Superintendent or designee shall establish procedures that ensure a fair determination of the valedictorian(s) and salutatorian(s) by a calculation of grades from the student total class load to determine the highest GPA.

Legal Reference: EDUCATION CODE

38119 Lease of personal property; caps and gowns

48904 Liability of parent or guardian; withholding of grades, diplomas, transcripts

51225.5 Honorary diplomas; foreign exchange students

51400-51403 Elementary school diploma

51410-51412 Diplomas

- cf. 1330 Use of school facilities
- cf. 3260 Fees and charges
- cf. 5121 Grades/elevation of student achievement
- cf. 5125.2 Withholding grades, diploma or transcript(s)
- cf. 5126 Awards for achievement
- cf. 5144 Discipline
- cf. 5145.2 Freedom of speech/expression
- cf. 6011 Academic standards
- cf. 6143 Courses of study
- cf. 6145.6 International exchange
- cf. 6146.1 High school graduation requirements
- cf. 6146.2 Certificate of proficiency/high school equivalency
- cf. 6146.4 Differential graduation and competency standards for students with disabilities
- cf. 6161.2 Damaged or lost instructional material materials
- cf. 6162.52 High school exit examination

Students Policy #5127

GRADUATION CEREMONIES AND ACTIVITIES

COURT DECISIONS

Cole v. Oroville Union High School District (2000, 9th Cir) 228 F.3d 1092 Santa Fe Independent School District v. Doe, (2000) 530 U.S. 290 Lee v. Weisman, (1992) 112 S. Ct. 2649 Sands v. Morongo Unified School District, (1991) 53 Cal. 3d 863 Lemon v. Kurtzman, (1971) 403 U.S. 602

Management Resources:

CDE PROGAM ADVISORIES 0615.89 Granting credit for passing GED, SPB:88/89-11

WEB SITES

CDE: http://www.cde.ca.gov

(2/95 6/96) 7/01

GRADUATION CEREMONIES AND ACTIVITIES

In order to have an orderly and successful graduation, the following shall be used to guide the administration in implementing Board Policy 5127.

DISCIPLINARY CONSIDERATIONS

The first time a senior commits any of the following infractions they will be placed on Senior Probation. This means they are:

- 1. ineligible for the next senior activity, and
- 2. subject to appropriate consequences, including suspension. The probation period will extend for the remainder of the year.

The second time any of following infractions are committed, the senior will be 1) ineligible for the next senior activity, 2) subject to appropriate consequences, including suspension, and 3) potentially lose the privilege of participating in graduation ceremonies.

Seniors committing their first or second infractions <u>after</u> the last senior activity, could lose the privilege of participating in the graduation ceremony.

Infractions:

- 1. Possession, sale or being under the influence of illegal drugs or alcohol (EC48900.c,d);
- 2. Indecent exposure: exposure of a person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby(EC 48900, PC 314);
- 3. Vandalism and /or damage of school or personal property (EC 48900,f; PC 594);
- 4. Assault and battery: unlawful attempt, coupled with a present ability to commit a violent injury on the person of another; battery is any willful and unlawful use of force or violence upon the person of another (EC 48915 (1) (1,5);
- 5. Repeated incidents of harassment (EC 48900 2, 3 and 4);
- 6. Any brandishing, carrying or use of any weapon, real or simulated;
- 7. Theft;
- 8. Defiance of the authority of school administration/faculty and/or staff.

NOTIFICATION PROCESS FOR LOSS OF PRIVILEGES

- 1. Students and parents will be notified in writing of all requirements for participation at the beginning of the school year.
- 2. Student/parent conference will be conducted.
- 3. A letter will be sent to the parent with the formal determination related to participation. An appeal process involving the Superintendent will be included.

GRADUATION DRESS CODE

Each graduate shall be properly dressed for the graduation ceremony.

Boys

Dress slacks and dress shirt and tie Dress shoes / no sandals or court shoes No jeans or shorts

Girls

A Dress or dress pants Dress shoes / no sandals

Individuals not appropriately dressed will be removed from the ceremony. If possible, parents will be requested to supply appropriate attire.

HONORS AND AWARDS – SELECTION OF VALEDICTORIAN/SALUTORIAN

Starting with the class of 2006, the GPAs for the top students will be recalculated at the end of the Junior year based on a capped total of 170 units. For each student, the 170 credits will include all of their academic work and grades from all other classes required for graduation plus whichever non academic elective grades the student selects to bring their total to 170 credits. This will be calculated again at the end of the 7th semester based on a capped total of 200 credits using the same above process.

The Superintendent or designee shall identify other school-sponsored awards which may be given during graduation exercises. A separate awards program may be held to recognize graduating students receiving other school and nonschool awards.

Foreign exchange students may receive honorary diplomas during the graduation ceremony.

INVOCATION AND PRAYER

The school or District shall not direct invocations, prayers or benedictions at graduation ceremonies.

STUDENTS NOT COMPLETING GRADUATION REQUIREMENTS BY DATE OF GRADUATION

High school students who have passed the California High School Proficiency Examination or the General Education Development Test must also meet District graduation requirements in order to participate in graduation ceremonies.

ALTERNATIVE TO DISTRICT GRADUATION REQUIREMENTS

At the discretion of the Superintendent or designee, a student who will complete graduation requirements during the summer may participate in graduation exercises without receiving his/her diploma. When the requirements have been satisfied, a diploma shall be sent to the student.

Students Policy #5131

CONDUCT

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

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

Prohibited student conduct includes, but is not limited to:

- 1. Conduct that endangers students, staff, or others including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats
- 2. Conduct that disrupts the orderly classroom or school environment
- 3. Unlawful discrimination, including harassment, intimidation, or bullying of students or staff, including but not limited to cyberbullying as set forth in Board Policy 5131.3.
- 4. Damage to or theft of property belonging to students, staff or the District
- 5. Possession or use of a laser pointer, unless used for a valid instructional or other school-related purpose, including employment (Penal Code 417.27)

Prior to bringing a laser pointer on school premises, students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.

- 6. Use of profane, vulgar or abusive language
- 7. Plagiarism or dishonesty in school work or on tests
- 8. Inappropriate attire
- Tardiness or unexcused absence from school
- 10 Failure to remain on school premises in accordance with school rules
- 11. Possession, use or being under the influence of tobacco, alcohol or other prohibitive drugs
- 12. Use of a cellular/digital telephone, pager, or other mobile communications device during instructional time, unless directed by teacher, administrator or other authorized District employee (see "Possession/Use of Cellular Phones and Other Electronic Communication Devices" below)

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for

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CONDUCT

assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or administrator for further investigation.

Students who violate district or school rules and regulations may be subject to discipline including but not limited to suspension, expulsion, transfer to an alternative program or denial of the privilege of participation in extracurricular or co-curricular activities in accordance with Board policy, and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

Students may also be subject to discipline in accordance with law, Board policy and administrative regulations for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property or disrupts the orderly delivery of the educational program.

Possession/Use of Cellular Phones and Other Electronic Communication Devices

The Governing Board may regulate the possession or use of any electronic signaling device that operates through the transmission or receipt of radio waves, including, but not limited to, paging and signaling equipment, by pupils of the school district while the pupils are on campus, while attending school-sponsored activities, or while under the supervision and control of school district employees. (Education Code 48901.5)

Electronic communication devices including, but not limited to, cellular phones for voice usage, digital imaging, text messaging, or other mobile communications devices such as wearable computing devices, portable electronic devices, tablets, digital media players, personal digital assistants (PDA's), pagers, portable game consoles, cameras, and laptop computers shall be turned off during the official instructional day, and at any other time directed by a district employee, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee. Any such devices may be used before and after the official instructional day.

It is the student's responsibility to ensure that their devices are turned off and secured at all times.

When a student uses any prohibited device, or uses a permitted device in an improper or illegal activity, a district employee may confiscate the device, which will be stored and returned to the student in accordance with the school's handbook. The district shall not be responsible for student devices, including any damage or loss of any device confiscated pursuant to this section.

No pupil shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician and surgeon to be essential for the health of the pupil and use of which is limited to purposes related to the health of the pupil. If a student wishes to use an electronic communication device at an unauthorized time for medical purposes, his/her parent/guardian must submit a written request for permission to the school principal or designee to determine the validity of the request (Education Code 48901.5).

Bullying/Cyberbullying

The Board desires to prevent bullying/cyberbullying by establishing a positive, collaborative school climate and clear rules for student conduct.

Students Policy #5131

CONDUCT

The district may provide students with instruction, in the classroom or other school settings, that promotes communication, social skills, and assertiveness skills and educates students about appropriate online behavior and strategies to prevent and respond to bullying and cyberbullying.

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies. Parents/guardians, students, and community members also may be provided with similar information.

Students must immediately report conduct they consider to be bullying or cyberbullying to a school employee or through the district's anonymous, confidential reporting system. Reports of bullying/cyberbullying shall be investigated and resolved in accordance with Board Policy 5131.3 entitled "Bullying/Cyberbullying." A student may also file a formal complaint with the Superintendent or designee under the district's uniform complaint procedures (BP 1312.3).

When a student is suspected of or reported to be engaged in bullying or cyberbullying the principal, Superintendent, and/or designee will determine the extent to which the matter will be investigated in accordance with BP 5131.3.

Any student who engages in cyberbullying on school premises, or off-campus in a manner that-causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline in accordance with district policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting harmful material, the Superintendent or designee may also file a complaint with the Internet site or service to have the material removed.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32280-32289 Comprehensive safety plan

32261 Bullying

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension or expulsion, especially:

48908 Duties of students

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

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope

528.5 Electronic impersonations

Students Policy #5131

CONDUCT

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

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

653.2 Electronic communication devices, threats to safety

VEHICLE CODE

Prohibition against use of electronic devices while driving

CODE OF REGULATIONS, TITLE 5

300-307 Duties of pupils

UNITED STATES CODE, TITLE 42

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

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

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

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

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

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

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

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

Management Resources:

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Digital Discipline: Off-Campus Student Conduct, the First Amendment and Web Sites, School Law in

Review, 2001

NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS

Bullying in School: Fighting the Bullying Battle, 2006

WEB SITES

CSBA: http://www.csba.org

California Cybersafety for Children: http://www.cybersafety.ca.gov

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

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

National School Boards Association: http://www.nsba.org National School Safety Center: http://www.schoolsafety.us

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

Students Regulations #5131

CONDUCT

EMPLOYEE EXPECTATIONS REGARDING STUDENT STANDARDS OF CONDUCT

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

If a disruption occurs or a student uses any mobile communications device for improper activities, a school employee shall direct the student to turn off the device and/or shall confiscate it. If a school employee finds it necessary to confiscate a device, he/she shall return it, based on the school's handbook.

General Procedures

Procedural due process as defined by legislative action and judicial guidelines shall be followed in all instances of suspension, expulsion, or other serious punishment.

School and classroom rules and regulations shall be made available to students and parents, preferably in written form.

Preventive and Remedial Disciplinary Procedures

Appropriate preventive and remedial disciplinary actions shall be taken by school and district staff whenever circumstances require. These may include:

- 1. Classroom discussion of student responsibility, school procedures and reasons for them
- 2. Formation of class rules and procedures; participation in class and school government
- 3. Conference of teacher and student on steps he/she can take that will lead to improvement in behavior, including identification of causes, observations of classroom behavior
- 4. Conference of teacher with administrator and/or counselors
- 5. Conference of teacher and parent (with student if appropriate)
- 6. Removal from school sponsored activities
- 7. Oral reprimands, written or oral statements to students on the nature of the problem
- 8. Detention after school
- 9. Requiring student to perform school service on school grounds during nonschool hours.
- 10. Student sent to office, accompanied by written statement or cause for dismissal from class, followed by consultation with principal on action taken and possible future action

Page 1 of 3

Issued: May 20, 2010
Revised: September 20, 2018

Students Regulations #5131

CONDUCT

- 11. Suspensions of up to five days or less
- 12. Contact with local law enforcement
- 13. Family to make reparations for lost, stolen, or damaged property
- 14. Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (EC 49001)

For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to district property. (EC 49001)

COMMUNICATION REGARDING DISCIPLINE AND STUDENT CONDUCT

Communication to Students

School site administrators will provide age appropriate and detailed communication at least twice each school year to all students regarding appropriate student behavior. Students in grades 4-8 will also receive specific and age appropriate information regarding the expectations and consequences pertaining to drugs, alcohol, tobacco, weapons, look-alikes, sexual harassment, and all forms of bullying, including cyberbullying.

The district may provide instruction in the classroom or other school settings that promotes positive student conduct, communication, social skills, and assertiveness skills and may involve parents/guardians, staff, and community members in the development of strategies to prevent inappropriate behavior and respond to bullying and any disrespectful behavior.

Communication to Staff

School staff shall receive related professional development regarding the promotion of positive student conduct, including information about early warning signs of harassing/intimidating and bullying behaviors and effective prevention and intervention strategies.

Communication to Families

Parent Handbooks (in the annual notification to parents section) will include specific information regarding the grounds for suspension and expulsion with a special emphasis on sexual harassment and bullying, including cyberbullying. Schools will be responsible for collecting acknowledgement forms signed by parents indicating that they have discussed the contents of the handbook with their children. Additionally, parents will be notified of their personal liability for lost, stolen or damaged district property resulting from their child's behavior.

ADMINISTRATIVE RECORD-KEEPING

Page 2 of 3

Issued: May 20, 2010
Revised: September 20, 2018

Students Regulations #5131

CONDUCT

All site administrators will keep records of significant student transgressions and misbehavior on the district student electronic data base system, to ensure a consistent and progressive discipline practice.

REPORTING OF MISCONDUCT, BULLYING AND SEXUAL HARASSMENT

Students and parents may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying, sexual harassment, or any disrespectful behavior to a teacher or administrator. As applicable, a student, parent, or employee may file a formal complaint with the Superintendent or designee in accordance with the district's uniform complaint procedures (BP 1312.3).

Investigation of Complaints

Reports of sexual harassment shall be promptly investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 – Sexual Harassment. Reports of bullying shall be resolved in accordance with BP 5131.3. The superintendent or designee shall work with the student and family to determine whether it is in the best interest of the student to maintain anonymity during any investigation.

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Issued: May 20, 2010
Revised: September 20, 2018

BUS CONDUCT

Bus transportation is a privilege extended only to students who display good conduct while preparing to ride, riding or leaving the bus. Continued disorderly conduct or persistent refusal to submit to the authority of the driver shall be sufficient reason for a student to be denied transportation.

The Superintendent or designee shall establish regulations related to bus conduct, bus driver authority, and the suspension of riding privileges. The Governing Board shall make these rules available to parents/guardians and students. (Code of Regulations, Title 5, Section 14103)

Bus Audio and Video Surveillance Systems

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

(cf. 3515 - Campus Security)

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

Adopted: November 6, 1997

Revised: June 6, 2019

(cf. 5125 - Student Records)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

39800 Transportation

44808 Duty to supervise conduct of students

48918 Expulsion procedures

49061 Definition of student records

49073-49079 Privacy of student records

GOVERNMENT CODE

6253 Public records open to inspection

6254 Records exempt from disclosure

CODE OF REGULATIONS, TITLE 5

14103 Authority of the driver

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

Students Regulation #5131.1

BUS CONDUCT

Mandated Regulation

Because school bus passengers' behavior can directly affect their safety and the safety of others, the following regulations apply at all times when students are riding a school bus, including school activity trips. (Title 5, Section 14103)

- 1. Riders shall follow the instructions and directions of the bus driver at all times.
- 2. Riders should arrive at the bus stop on time and stand in a safe place to wait quietly for the bus.
- 3. Riders shall enter the bus in an orderly manner and go directly to their seats.
- 4. Riders shall remain seated while the bus is in motion and shall not obstruct the aisle with their legs, feet, or other objects. When reaching their destination, riders shall remain seated until the bus stops and only then enter the aisle and go directly to the exit.
- 5. Riders should be courteous to the driver and to fellow passengers.
- 6. Because serious safety hazards can result from noise or behavior that distracts the driver, loud talking, laughing, yelling, singing, whistling, scuffling, throwing objects, smoking, eating, drinking, standing and changing seats are prohibited actions which may lead to suspension of riding privileges.
- 7. No part of the body, hands, arms or head should be put out of the window. Nothing should be thrown from the bus.
- 8. Riders shall help keep the bus and the area around the bus stop clean. Riders shall not damage or deface the bus or tamper with bus equipment.
- 9. No animals shall be allowed on the bus without express permission from the principal or designee.
- 10. Riders should be alert for traffic when leaving the bus.

Riders who fail to comply with the above rules shall be reported to the school principal, who shall determine the severity of the misconduct and take action accordingly. In all instances of misconduct, the rider and his/her parent/guardian shall be given notice and warning. In the case of a severe violation or repeated offenses, the rider may be denied transportation for a period of time determined by the principal, up to the remainder of the school year.

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

Bus Audio and Video Surveillance Systems

The Superintendent or designee may authorize the use and maintenance of the district's bus audio and video surveillance system in compliance with Board Policy 3515. Students are prohibited from tampering with the bus surveillance system. Any student found tampering with the system shall be subject to discipline.

(cf. <u>3515.4</u> - Recovery for Property Loss or Damage)

(cf. <u>5131.5</u> – Vandalism and Theft)

The content of any recording may be a student record and may only be accessed in accordance with District policy and administrative regulations.

(cf. 5125 - Student Records)

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Revised: June 6, 2019

Students Regulation #5131.1

BUS CONDUCT

Mandated Regulation

(cf. <u>5125.1</u> - Release of Directory Information)

BULLYING/CYBERBULLYING

Mandated Policy

Philosophy and Application

The Board of Education is committed to providing a safe, positive learning environment for all students. The Board recognizes that bullying and cyberbullying create an atmosphere of fear and intimidation, detract from the safe environment necessary for student learning, and may lead to more serious violence. All forms of bullying by students are hereby prohibited.

This policy shall apply to all academic programs and extracurricular activities, including school-sponsored events away from school and while traveling to and from any school activity.

Definition

For the purposes of this policy, bullying shall mean verbal, written or physical conduct involving sexual harassment, hate violence, and/or harassment, threats, or intimidation by a student or group of students that has or is likely to have the effect of:

- 1. Causing a student to fear harm to the student or the student's property;
- 2. Physically, emotionally or mentally harming a student;
- 3. Interfering with a student's academic performance; or
- 4. Interfering with a student's ability to participate in or benefit from the school's services, activities, or privileges.

Bullying includes "cyberbullying" which is committed on or off campus through an electronic device and involves the creation or transmission of a communication such as:

- 1. An inappropriate message, text, sound, video, or image;
- 2. A post on a social networking site that involves a burn page, a credible impersonation, or a false profile; or
- 3. An act of cyber sexual bullying which involves a photograph or other visual recording of a nude, semi-nude or sexually explicit image of an identifiable minor.

The terms "bullying" and "cyberbullying" shall not be interpreted to infringe upon a student's right to engage in legally protected speech or conduct.

Reports of Suspected Bullying and Cyberbullying

Any student who believes that he/she is being, has been subjected to, or has witnessed bullying or cyberbullying shall immediately report the incident to a school employee and/or contact the district's anonymous, confidential reporting system. Parents and/or guardians, on behalf of their child, are similarly expected to immediately report incidents of bullying or cyberbullying to the principal and/or to contact the district's anonymous, confidential reporting system. Any reports of suspected bullying or cyberbullying will be forwarded to the school principal or designee.

Staff shall be alert and responsive to any reports of suspected bullying or cyberbullying. Upon witnessing an act of bullying, staff members are expected to immediately intervene, unless intervention would pose a threat to the staff member's safety. A school employee who witnesses or receives a report of suspected bullying must immediately report the alleged conduct to the principal or designee.

BULLYING/CYBERBULLYING

Mandated Policy

If applicable, a student, parent/guardian or employee may file a formal complaint with the Superintendent or designee in accordance with the district's uniform complaint procedures (BP 1312.3).

Any student who retaliates against another for reporting bullying or cyberbullying may be subject to disciplinary action.

Investigation

Upon receiving a report or complaint of suspected bullying or cyberbullying, the principal, Superintendent, and/or designee will determine the extent to which the matter will be investigated. Parent(s) of the students directly involved will be contacted and an investigation shall be conducted by school district administrators or by a third party designated by the school district. The investigation may include interviews with students, parents, and staff; review of school records; and identification of parent and family issues.

In determining whether alleged conduct constitutes a violation of this policy, the investigator should consider the surrounding circumstances, the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The investigation will be completed thoroughly and as soon as practicable.

The administration shall take appropriate steps to protect the privacy of accusers and/or victims and to assure that they are not subjected to retaliation.

Disciplinary Action and Intervention

Any student who engages in bullying or cyberbullying will be subject to disciplinary action and/or intervention including, but not limited to, warning, counseling, parent contact, detention, restriction of activities, exclusion, suspension, involuntary transfer, and expulsion. A student may be subject to discipline for off-campus bullying or cyberbullying, which occurs through an electronic act which is created or transmitted on or off the school site in accordance with Education Code Section 48900(r) and state and federal law. The superintendent or designee shall document and consider such issues as the effect of the conduct, whether the conduct is related to a school activity or attendance, and whether the conduct poses a substantial disruption.

Depending on the severity of the incident, the principal may also take additional steps to ensure student safety. These may include, but are not limited to, implementing a safety plan; separating and supervising the students involved; providing staff support for students; and developing a supervision plan with the parents. Any employee who permits bullying or cyberbullying may be subject to disciplinary action including, but not limited to, warning, suspension, transfer, and dismissal. Consequences shall be commensurate with the findings of the investigation. Any student who engages in bullying or cyberbullying of a student may also be subject to criminal prosecution.

School staff may receive professional development on bullying and cyberbullying, including information about early warning signs of bullying/cyberbullying behaviors and effective prevention and intervention strategies. Parents/guardians and students also may be provided with similar information.

BULLYING/CYBERBULLYING

Mandated Policy

The California Department of Education provides resources for parents, administrators, and students on how bullying can be prevented and addressed. Such resources are available on the California Department of Education's website at http://www.cde.ca.gov.

Documentation

The Superintendent or designee shall maintain a record of reported cases of bullying and cyberbullying to enable the district to monitor, address and prevent bullying and cyberbullying behavior in its schools.

Communication of Policy

Each school site administrator shall be responsible for implementing programs that are designed to promote positive social interactions, inform students of their rights and responsibilities under this policy, and notify students and parents about the district's anonymous, confidential reporting system.

School Discipline Plans (BP 5144.1 Suspension/Expulsion Due Process) shall prohibit bullying and cyberbullying. All parents and/or guardians will receive a copy of the School Discipline Plan upon registering their child at any school site in the district. Students in grades 6 through 12 will also receive a copy of the School Discipline Plan each year. School Discipline Plans shall be articulated among the district's schools sites to encourage consistent and developmentally appropriate application of this policy.

Vandalism and Theft

The Board of Education shall seek redress in the amount of the damage from any individual or the parent/guardians of any minor who commits any act of vandalism or theft.

Vandalism includes negligent, willful or unlawful damaging of any district-owned real or personal property. Theft includes the taking of any district-owned property without permission. The parents/guardian having custody or control of a minor who commits an act of vandalism or theft may be held liable for the act in an amount not to exceed the current liability limit under Education Code section 48904, as annually adjusted by the State Superintendent of Public Instruction. The parents/guardians may also be held liable for rewards of up to \$10,000. However, parent/guardian total liability for both damage and any reward shall not exceed the amount set by law.

Any student, or the parent/guardian of any minor student, shall be held liable for all property belonging to the district that has been damaged, destroyed, stolen or lent and not returned upon demand. After affording the student his/her due process rights, the district may withhold the grades, diploma, and transcripts of the student responsible for the vandalism or theft until the student or the student's parent/guardian has paid for the damages. (Education Code 48904)

Any student of the district who commits an act of vandalism or theft shall also be liable to disciplinary action by the district.

Prior to withholding a student's grades, diploma or transcript, the district shall notify the student's parent/guardian in writing of the student's alleged misconduct.

When the minor and parent/guardian are unable to pay for the damages (upon a showing by certification of the parent/guardian that he/she cannot reasonably afford the cost), the district shall provide a program of voluntary work for the minor. Upon completion of the work, the student's grades, diploma and transcripts shall be released.

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension or expulsion

48904 Willful misconduct, limit of liability of parent or guardian

<u>48904.3</u> Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold

CIVIL CODE

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

GOVERNMENT CODE

<u>53069.5</u> Reward for information concerning person causing death, injury, or property damage; liability for reward

PENAL CODE

594 Vandalism

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

CODE OF REGULATIONS, TITLE 5

305 Pupil responsible for care of property

Alcohol and Other Drugs

The Board of Education believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Board desires to keep district schools free of alcohol and other drugs in order to help prevent violence, promote school safety and create a well-disciplined environment conducive to learning.

The Superintendent or designee shall develop, implement and evaluate a comprehensive prevention and intervention program that is coordinated with other school and community-based services and programs. The district's program shall be scientifically based and designed to prevent or reduce alcohol or other drug use and the possession and distribution of illegal drugs. It shall include primary prevention activities such as decision-making skills and conflict management, instruction, referral to a rehabilitation program, enforcement/discipline, activities that promote the involvement of parents/guardians and coordination with appropriate community agencies and organizations.

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(cf. 0450 - Comprehensive Safety Plan)
(cf. 1020 - Youth Services)
(cf. 4020 - Drug and Alcohol-Free Workplace)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 6020 - Parent Involvement)
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The Board and Superintendent shall agree upon performance measures that will be used to monitor and determine the effectiveness of the district's program in reducing drug and alcohol use. The Superintendent or designee shall develop and implement an evaluation process that includes ongoing assessment and analysis of objective data regarding the incidence of drug and alcohol use among district students, including discipline problems, and the prevalence of risk factors.

The Superintendent or designee shall consult with principals, teachers, other school personnel, students and parents/guardians when developing the district's program.

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the district's policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities. Information about program needs and goals shall be widely distributed in the community.

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(cf. <u>5131.61</u> - Drug Testing)
(cf. <u>5131.62</u> - Tobacco)
(cf. <u>5131.63</u> - Steroids)
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Staff should encourage students to participate as responsible partners in efforts to maintain a safe, constructive school climate.

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(cf. <u>5137</u> - Positive School Climate)
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Alcohol and Other Drugs

The Board encourages the establishment of district-level advisory groups to assist in promoting alcohol- and drug-free schools.

(cf. 1220 - Citizen Advisory Committees)

Instruction

The district shall provide science-based preventative instruction which has been proven effective in helping students avoid the use of alcohol and other drugs.

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

(cf. <u>6142.8</u> - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use of drugs or alcohol when such use is illegal. (20 USC <u>7114</u>, <u>7162</u>; Health and Safety Code <u>11999.2</u>)

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

(cf. 4131 - Staff Development)

Intervention, Referral and Student Assistance Programs

School staff, students and parents/guardians shall be informed about early warning signs which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling, referral and other student assistance programs.

The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

Enforcement/Discipline

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds or at school-sponsored activities.

Students possessing, using or selling alcohol or other drugs or related paraphernalia shall be subject to disciplinary procedures including suspension or expulsion and/or referral to law enforcement in accordance with law, Board policy and administrative regulation. In addition, such students may be referred to an appropriate counseling program, transferred to an alternative placement, and/or be restricted from extracurricular activities, including athletics. First-time drug/alcohol offenders (under the influence or in possession of a controlled substance without the intent to sell) shall be offered the choice of seeking an

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Adopted: June 18, 1999 CSBA: 2/96 Revised: May 1, 2014

Alcohol and Other Drugs

alternative to a five-day (maximum) suspension that involves the student and his/her parent in anti-drug/alcohol education and counseling program.

School authorities may search students and school properties for the possession of alcohol and other drugs as long as such searches are conducted in accordance with law, Board policy and administrative regulations.

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(cf. <u>5131</u> - Conduct)
(cf. <u>5145.11</u> - Questioning and Apprehension by Law Enforcement)
(cf. 5145.12 - Search and Seizure)
(cf. <u>5144</u> - Discipline)
(cf. <u>5144.1</u> - Suspension and Expulsion/Due Process)
(cf. 6145 - Extracurricular and Cocurricular Activities)
Legal Reference:
EDUCATION CODE
44049 Known or suspected alcohol or drug abuse by student
44645 In-service training anabolic steroids
48900 Suspension or expulsion (grounds)
48900.5 Suspension, limitation on imposition; exception
48901 Smoking or use of tobacco prohibited
48901.5 Prohibition of electronic signaling devices
48902 Notification of law enforcement authorities; civil or criminal immunity
48909 Narcotics or other hallucinogenic drugs
48915 Expulsion; particular circumstances
49602 Confidentiality of pupil information
51202 Instruction in personal and public health and safety
51203 Instruction on alcohol, narcotics and restricted dangerous drugs
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Students Policy #5131.6

Alcohol and Other Drugs

51210 Areas of study

51220 Areas of study, grades 7 to 12

51260-51269 Drug education

60041 Instructional materials

60110-60115 Instructional materials on alcohol and drug education

BUSINESS AND PROFESSIONS CODE

25608 Alcohol on school property; use in connection with instruction

HEALTH AND SAFETY CODE

11032 Narcotics, restricted dangerous drugs and marijuana

11053-11058 Standards and schedules

11353.6 Juvenile Drug Trafficking and Schoolyard Act

11357 Unauthorized possession of marijuana; possession in school or on school grounds

<u>11361.5</u> Destruction of arrest or conviction records

11372.7 Drug program fund; uses

11802 Joint school-community alcohol abuse primary education and prevention program

11998-11998.3 Drug and Alcohol Abuse Master Plans

11999-11999.3 Alcohol and drug program funding; no unlawful use

124175-124200 Adolescent family life program

PENAL CODE

<u>13860</u>-<u>13864</u> Suppression of drug abuse in schools

VEHICLE CODE

13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over;

WELFARE AND INSTITUTIONS CODE

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Students Policy #5131.6

Alcohol and Other Drugs

828 Disclosure of information re minors

828.1 Disclosure of criminal records; protection of vulnerable staff & students

UNITED STATES CODE, TITLE 20

5812 National education goals

7101-7184 Safe and Drug-Free Schools and Communities Act

Management Resources:

WEB SITES

California Department of Education, Alcohol, Tobacco and Other Drug Prevention: http://www.cde.ca.gov/ls/he/at

California Healthy Kids: http://www.californiahealthykids.org

U.S. Department of Education, Office of Safe and Drug Free Schools:http://www.ed.gov/about/offices/list/osdfs/index.html

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Alcohol and Other Drugs

The Board of Education desires to establish and maintain an educational climate that promotes prevention of use of alcohol and other drugs, and provides for early intervention when such use is suspected or known.

These regulations and applicable rules shall be in effect during school or school-sponsored activities, on school grounds, at the bus stop, in transit to and from school, and at any other activity, function, or event, sponsored by the school district.

These regulations are intended to create a balance between treatment efforts aimed at assisting individual students and the need to insure that our schools are drug free and safe for all students.

Instruction

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

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(cf. <u>5131.62</u> - Tobacco)
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In grades 1-6, instruction in drug education should be given in health courses required by Education Code 51210. (Education Code 51260)

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

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(cf. 6142.8 - Comprehensive Health Education)
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Secondary school instruction shall also include a study of the effects of alcohol and other drugs upon prenatal development. (Education Code 51203)

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(cf. 6143 - Courses of Study)
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Instruction shall be provided by appropriately trained instructors who have demonstrated competencies, as determined by the principal or designee, in the following areas: (Education Code $\underline{51260}$)

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

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

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Alcohol and Other Drugs

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

School staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. A school counselor may report such information to the principal or parent/guardian only when he/she believes that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. The school counselor shall not disclose such information to the parent/guardian if he/she believes that the disclosure would result in a clear and present danger to the student's health, safety or welfare. (Education Code 44049, 49602)

(cf. <u>5022</u> - Student and Family Privacy Rights)

(cf. <u>5141</u> - Health Care and Emergencies)

(cf. <u>6164.2</u> - Guidance/Counseling Services)

Enforcement/Discipline

1. Possession or Use of Alcohol or Drugs - First Offense

There are two options for students who have a first-time drug/alcohol offense (under the influence or in possession of a controlled substance without the intent to sell). By default, Option A will apply unless the student meets all conditions outlined in Option B. Student and parents/guardians will be notified of both Option A and B by the school administrator during the initial contact following the first-time drug/alcohol offense.

Option A (5-day suspension)

Whenever a student uses or possesses alcohol, drugs, paraphernalia, or prescription drugs for which he/she does not have a prescription at school or while under school jurisdiction, the following actions shall occur unless the student meets all the conditions defined in Option B below:

- a. The student shall be suspended for five (5) days from school and from extracurricular activities, in compliance with student due process procedures. Following the period of suspension, the student will continue to be restricted from participating in extracurricular activities for the period and in the manner defined within the school's Discipline Plan.
- b. Parents will be notified by phone and in writing, and a conference with a school administrator shall be held prior to the student's return to school.
- c. The student's case shall be referred to Police Department within one school day of suspension.
- d. The student shall be required to participate in an alcohol/drug dependency assessment provided by a mutually agreed upon assessor. The parent/guardian shall provide a release of information between the assessor and the district. The release of information will be restricted to recommendations relevant to the student's involvement with alcohol and/or drugs and information pertinent to the student's educational success.

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Alcohol and Other Drugs

- e. The student may return to regular classes upon agreement to complete the recommendations of the alcohol/drug dependency assessment and those of the Guidance Counselor and/or site Principal or designee. Whenever the resources or circumstances of the family prohibit compliance with the recommendations of the alcohol/drug dependency assessment, the parent(s) and Guidance Counselor will reach agreement pertaining to alternative treatment.
- f. The student shall be referred to Superintendent for expulsion if student refuses to agree to complete the recommendations or fails to complete the recommendations.

Option B (2-day suspension in addition to anti-drug/alcohol education and counseling program)

- a. The student shall be suspended for two (2) days from school and from extracurricular activities, in compliance with student due process procedures. Following the period of suspension, the student will continue to be restricted from participating in extracurricular activities for the period and in the manner defined within the school's Discipline Plan.
- b. Parents will be notified by phone and in writing, and a conference with a school administrator shall be held prior to the student's return to school.
- c. The student's case shall be referred to Police Department within one school day of suspension.
- d. The student shall register for a drug cessation program, with no cost to the District, within the two (2) days that the student is suspended. Failure to register for the aforementioned program within the allotted two (2) days shall result in the student being suspended for three (3) additional days.
- e. The student shall complete the prescribed program with a reasonable timeframe, as agreed upon by the parents, student (as applicable) and District, but no later than 10 school days. Parent participation is strongly encouraged.
- f. The student shall be required to participate in an alcohol/ drug dependency assessment provided by a mutually agreed upon assessor. The parent/guardian shall provide a release of information between the assessor and the district. The release of information will be restricted to recommendations relevant to the student's involvement with alcohol and/or drugs and information pertinent to the student's educational success.
- g. The student shall participate in a voluntary drug screening a minimum of three times. The student shall have a clean drug test at his/her last screening.
- h. If conditions (d. g.) are not successfully completely, the student shall be suspended for three (3) additional days.
- i. The student's record shall be expunged after graduation if all of the conditions (d. g.) are completed and s/he does not have another infraction of the district's alcohol and other drugs board policy.
- 2. Continued Use or Possession of Alcohol or Other Drugs Second Offense

When intervention efforts fail and the student continues to use or possess alcohol or other drugs at school or any school activity, the following actions shall occur:

Alcohol and Other Drugs

- a. The student shall be suspended for five (5) days from school and school activities in compliance with student due process procedures.
- b. The Principal shall notify the parent/guardian by phone and in writing.
- c. The student shall be referred to the Superintendent with a recommendation for expulsion
- d. The student's case shall be referred to the Police Department within one school day of suspension.
- 3. Selling or Providing

When a student sells or provides alcohol or other drugs at school or while under school jurisdiction, the following actions shall occur:

- a. The student shall be suspended for five (5) days from school and school activities in compliance with student due process procedures.
- b. The Principal shall notify the parent/guardian by phone and in writing.
- c. The student shall be referred to the Superintendent with recommendation for expulsion.
- d. The student's case shall be referred to Police Department within one school day of suspension.
- e. The student shall be required to participate in an alcohol/drug dependency assessment provided by a mutually agreed upon assessor. The parent/guardian shall provide a release of information between the assessor and the district. The release of information will be restricted to recommendations relevant to the student's involvement with alcohol and/or drugs and information pertinent to the student's educational success.

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Issued: June 18, 1999 CSBA: 2/96 Revised: May 1, 2014

Policy #5131.62 Students

TOBACCO

The Board of Education recognizes that tobacco use presents serious health risks and desires to provide support and assistance in the prevention and intervention of tobacco use among youth.

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(cf. <u>5131.6</u> - Alcohol and Other Drugs)
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Consistent with the Education Code, the District's Governing Board considers the possession, use or distribution of any form of tobacco or nicotine product on District premises or during school related activities harmful, and such conduct is strictly prohibited. (Education Code 48901)

The District defines "tobacco and nicotine products" as, but not limited to, a lighted or unlighted cigarette, cigar, pipe or other smoking product or material, smokeless tobacco in any form, snuff, chew, clove cigarettes, electronic nicotine delivery systems and electronic cigarettes. "Electronic nicotine delivery systems and electronic cigarettes" are defined as battery-operated or other electronic products designed to deliver nicotine, flavor, and other chemicals by turning the substance into a vapor that is inhaled by the user, including, but not limited to electronic vaping devices, personal vaporizers, digital vapor devices, electronic nicotine delivery systems, and hookah pens. (Education Code 48901)

Students determined to have used or to be in possession of tobacco or nicotine products at school or school related activities may be subject to discipline under District policy, Education Code 48900(h), and/or other applicable laws. Students determined to have used or to be in possession of products at school or school related activities that can be used to consume and/or use tobacco or nicotine products, including but not limited to "electronic cigarettes" as defined above, but which do not contain tobacco, nicotine, or any other controlled substance, may be subject to discipline under District policy, Education Code 48900(k), and/or other applicable laws.

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(cf. <u>3513.3</u> - Tobacco-Free Schools)
(cf. 5144 - Discipline)
(cf. <u>5144.1</u> - Suspension and Expulsion/Due Process)
(cf. <u>5144.2</u> - Suspension and Expulsion/Due Process (Students with Disabilities))
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The district's comprehensive prevention/intervention program shall be based on an ongoing assessment of objective data regarding tobacco use in the schools and community and on research identifying strategies that have proven effective in preventing or reducing tobacco use among youth. The program shall be designed to meet a set of measurable goals and objectives and shall be periodically evaluated to assess progress.

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(cf. <u>0500</u> - Accountability)
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The district shall provide developmentally appropriate tobacco use prevention instruction for students in grades kindergarten through 12.

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(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)
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Page 1 of 4. All Rights Reserved by PGUSD. CSBA: 7/02

TOBACCO

The Superintendent or designee also may provide students with counseling and other support services to assist in the prevention or reduction of tobacco use.

(cf. <u>6164.2</u> - Guidance/Counseling Services)

Because of the additional health risks of tobacco use for prenatal development, the district shall provide outreach, motivational and other support services to prevent or reduce tobacco use among pregnant and parenting minors.

(cf. <u>5146</u> - Married/Pregnant/Parenting Students)

Information about smoking cessation programs shall be made available and encouraged for students and staff. (Health and Safety Code 104420)

(cf. 4159/4259/4359 - Employee Assistance Programs)

The Superintendent or designee shall coordinate prevention and cessation efforts with the local health department, other local agencies and community organizations and shall involve students, parents/guardians, families and the community in support of school-based programs.

(cf. 1020 - Youth Services)

(cf. <u>1400</u> - Relations Between Other Governmental Agencies and the Schools)

Legal Reference:

EDUCATION CODE

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

60041 Instructional materials, portrayal of effects of tobacco use

HEALTH AND SAFETY CODE

104350-104495 Tobacco-use prevention education

119405 Unlawful to sell or furnish electronic cigarettes to minors

PENAL CODE

Page 2 of 4. Reviewed: 11/02 Adopted: November 6, 1997

CSBA: 7/02 Revised: May 1, 2014

Students Policy #5131.62

TOBACCO

308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment

6844-6847 Child Health and Disability Prevention program; health assessments

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug-Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 8 (2005)

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, 2003

Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000

WEST ED PUBLICATIONS

Guidebook for the California Healthy Kids Survey

WEB SITES

CSBA: http://www.csba.org

California Department of Education, Tobacco-Use Prevention

Education: http://www.cde.ca.gov/ls/he/at/tupe.asp

California Department of Public Health, Tobacco Control: http://www.cdph.ca.gov/programs/tobacco

California Healthy Kids Resource Center: http://www.californiahealthykids.org

California Healthy Kids Survey: http://www.wested.org/hks

Page 3 of 4. Reviewed: 11/02 Adopted: November 6, 1997 All Rights Reserved by PGUSD. CSBA: 7/02

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TOBACCO

Centers for Disease Control and Prevention, Smoking and Tobacco Use: http://www.cdc.gov/tobacco

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

U.S. Surgeon General: http://www.surgeongeneral.gov

Students Regulation #5131.62

TOBACCO

Tobacco Use Prevention Education

Instruction for students in grades 4 through 12 shall address the following topics: (Health and Safety Code <u>104420</u>)

- 1. Immediate and long-term undesirable physiologic, cosmetic and social consequences of tobacco use
- 2. Reasons that adolescents say they smoke or use tobacco
- 3. Peer norms and social influences that promote tobacco use
- 4. Refusal skills for resisting social influences that promote tobacco use

Page 1 of 1. Issued: November 6, 1997 Reviewed: 11/02 CSBA: 7/02

Steroids

The Governing Board recognizes that the use of steroids and other performance-enhancing supplements presents a serious health and safety hazard. As part of the district's drug prevention and intervention efforts, the Superintendent or designee and staff shall make every effort to ensure that students do not begin or continue the use of steroids or other performance-enhancing supplements. This may include student lessons on the effects of steroids as part of the 7-12 grade health, physical education, or drug education program.

Students participating in interscholastic athletics are prohibited from using steroids or any other performance-enhancing supplement.

Before participating in interscholastic athletics, a student athlete and his/her parent/guardian shall sign an agreement that the student athlete shall not use alcohol or other drugs, including steroids, unless the student has a written prescription from a fully licensed physician, as recognized by the American Medical Association, to treat a medical condition.

A student who is found to have violated the agreement or this policy shall be restricted from participating in athletics and shall be subject to disciplinary procedures including, but not limited to, suspension or expulsion in accordance with law, Board policy, and administrative regulation.

Coaches shall educate students about the district's prohibition and the dangers of using steroids and other performance-enhancing supplements.

The Superintendent or designee shall ensure that district schools do not accept sponsorships or donations from supplement manufacturers that offer muscle-building supplements to students.

Legal Reference:

EDUCATION CODE

51260-51269 Drug education, especially:

51262 Use of anabolic steroids; legislative finding and declaration

CIVIL CODE

1812.97 Warning statement; posting in athletic facilities

HEALTH AND SAFETY CODE

110423.2 Dietary supplements

Management Resources:

CALIFORNIA INTERSCHOLASTIC FEDERATION BYLAWS

California Interscholastic Federation Constitution and Bylaws 2005-06

WEB SITES

CSBA: http://www.csba.org

California Interscholastic Federation: http://www.cifstate.org
National Center for Drug Free Sport: http://www.drugfreesport.com

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

Page 1 of 1. Adopted: May 1, 2008

Students Regulation #5131.63

Steroids

School personnel, including coaches, shall not sell, distribute, or promote to students performance-enhancing dietary supplements that promote muscle building. School personnel and coaches may provide only non-muscle building nutritional supplements to student athletes for the purpose of providing additional calories and electrolytes. Permissible non-muscle building nutritional supplements are identified according to the following classes: carbohydrate/electrolyte drinks, energy bars, carbohydrate boosters, and vitamins and minerals.

School personnel, including coaches, shall follow the manufacturer's recommendations when discussing the use of any drug or food supplement with a student athlete. In order to minimize the health and safety risks to student athletes, school personnel shall not supply or recommend any drug, medication, or food supplement solely to enhance an athlete's performance.

The principal or designee shall ensure that the following warning, reproduced in 10-point bold type, is posted in every locker room of schools with classes in grades 7-12 and contained in any contracts for the lease or rental of the school's athletic facilities: (Civil Code 1812.97)

Warning: Use of steroids to increase strength or growth can cause serious health problems. Steroids can keep teenagers from growing to their full height; they can also cause heart disease, stroke, and damaged liver function. Men and women using steroids may develop fertility problems, personality changes, and acne. Men can also experience premature balding and development of breast tissue. These health hazards are in addition to the civil and criminal penalties for unauthorized sale, use, or exchange of anabolic steroids.

Page 1 of 1. Issued: May 1, 2008

Instruction Policy #5131.64

ALCOHOL TESTING

To promote safety and help prevent accidents and injuries resulting from the misuse of alcohol by students the Pacific Grove Unified School District hereby authorizes the superintendent or designee to enact an alcohol testing program. This program shall at minimum comply with all laws and regulations which permit such testing. Testing may include the use of a breathalyzer.

Legal Reference:

BUSINESS AND PROFESSIONS CODE

25608 Alcohol on school property; use in connection with instruction

EDUCATION CODE

- 44049 Known or suspected alcohol or drug abuse by student
- 48900 Suspension or expulsion (grounds)
- 48900.5 Suspension, limitation on imposition; exception
- 48901 Smoking or use of tobacco prohibited
- 48901.5 Prohibition of electronic signaling devices
- 48902 Notification of law enforcement authorities; civil or criminal immunity
- 48909 Narcotics or other hallucinogenic drugs
- 48915 Expulsion; particular circumstances
- 49423 Administration of prescribed medication
- 49480 Notice to school by parent or guardian; consultation with physician
- 49602 Confidentiality of pupil information
- 51202 Instruction in personal and public health and safety
- 51203 Instruction on alcohol, narcotics and restricted dangerous drugs
- 51210 Areas of study
- 51220 Areas of study, grades 7 to 12
- 51260 Elementary and secondary school instruction in drug education by appropriately trained instructors
- 51262 Use of anabolic steroids; legislative finding and declaration
- 51264 CDE assistance for inservice training
- 51265 Gang violence and drug and alcohol abuse prevention inservice
- 51268 Collaboration to avoid duplication of effort

HEALTH AND SAFETY CODE

- 11032 Narcotics, restricted dangerous drugs and marijuana; construction of terms used in other divisions
- 11053-11058 Standards and schedules
- 11353.6 Juvenile Drug Trafficking and Schoolyard Act
- 11357 Unauthorized possession of marijuana; punishment; prior conviction; possession in school or on school grounds
- 11361.5 Destruction of arrest or conviction records
- 11372.7 Drug program fund; uses
- 11802 Joint school-community alcohol abuse primary education and prevention program
- 11965-11969 The School-Community Primary Prevention Program
- 11998-11998.3 Drug and Alcohol Abuse Master Plans
- 11999-11999.3 Alcohol and drug program funding; no unlawful use
- 124175-124200 Adolescent family life program (Department of Health Services)

PENAL CODE

13864 Comprehensive alcohol and drug prevention education

VEHICLE CODE

13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over; suspension, delay, or restriction of driving privileges

WELFARE AND INSTITUTIONS CODE

- 828 Disclosure of information re minors
- 828.1 Disclosure of criminal records; protection of vulnerable staff & students

UNITED STATES CODE, TITLE 20

- 5812 National education goals
- 7101-7143 Safe and Drug-Free Schools and Communities Act of 1994

Page 1 of 2. Adopted: September 21, 2000 All Rights Reserved by PGUSD. PGUSD: 9/00

Instruction

Regulation #5131.64

ALCOHOL TESTING

The District finds that there is an immediate concern regarding the increase in students being under the influence of alcohol while attending voluntary school sponsored events. The District also finds that students appearing under the in-fluence at such events pose a safety risk to themselves, staff and the community-at-large. In order to ensure the safety of its students, staff and the community-at-large, the Governing Board has authorized the District to administer breathalyzer tests to a District student who attends a voluntary school sponsored event.

District administration or any law enforcement agency it designates may random-ly administer a breathalyzer test to a student attending a voluntary school spon-sored event. Such testing will occur only if the event is a voluntary school sponsored event: the specific safety risks inherent to the event merit the testing; and there is a history of alcohol use at such events. The District will employ a testing method that is neither arbitrary nor capricious.

In addition, as permitted by law, District administration or its designee may ad-minister a breathalyzer test to any student if the District administrator has a "reasonable suspicion" that the student is under intoxication. or a report by a third part of a student's consumption of alcohol, among other indications, may provide a reasonable basis to conclude that a student is under the influence of alcohol. Any student who refuses to take a breathalyzer test after a reasonable suspicion has been formed that they have consumed alcohol may be disciplined for student misconduct pursuant to Education Code section 48900 (k)

Legal Reference:

BUSINESS AND PROFESSIONS CODE

25608 Alcohol on school property; use in connection with instruction

EDUCATION CODE

- 44049 Known or suspected alcohol or drug abuse by student
- 48900 Suspension or expulsion (grounds)
- 48900.5 Suspension, limitation on imposition; exception
- 48901 Smoking or use of tobacco prohibited
- 48901.5 Prohibition of electronic signaling devices
- 48902 Notification of law enforcement authorities; civil or criminal immunity
- 48909 Narcotics or other hallucinogenic drugs
- 48915 Expulsion; particular circumstances
- 49423 Administration of prescribed medication
- 49480 Notice to school by parent or guardian; consultation with physician
- 49602 Confidentiality of pupil information
- 51202 Instruction in personal and public health and safety
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- 51210 Areas of study
- 51220 Areas of study, grades 7 to 12
- 51260 Elementary and secondary school instruction in drug education by appropriately trained instructors
- 51262 Use of anabolic steroids; legislative finding and declaration
- 51264 CDE assistance for inservice training
- 51265 Gang violence and drug and alcohol abuse prevention inservice

Instruction

Regulation #5131.64

ALCOHOL TESTING

51268 Collaboration to avoid duplication of effort

HEALTH AND SAFETY CODE

11032 Narcotics, restricted dangerous drugs and marijuana; construction of terms used in other divisions

11053-11058 Standards and schedules

11353.6 Juvenile Drug Trafficking and Schoolyard Act

11357 Unauthorized possession of marijuana; punishment; prior conviction; possession in school or on school grounds

11361.5 Destruction of arrest or conviction records

11372.7 Drug program fund; uses

11802 Joint school-community alcohol abuse primary education and prevention program

11965-11969 The School-Community Primary Prevention Program

11998-11998.3 Drug and Alcohol Abuse Master Plans

11999-11999.3 Alcohol and drug program funding; no unlawful use

124175-124200 Adolescent family life program (Department of Health Services)

PENAL CODE

13864 Comprehensive alcohol and drug prevention education

VEHICLE CODE

13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over; suspension, delay, or restriction of driving privileges

WELFARE AND INSTITUTIONS CODE

828 Disclosure of information re minors

828.1 Disclosure of criminal records; protection of vulnerable staff & students

UNITED STATES CODE, TITLE 20

5812 National education goals

7101-7143 Safe and Drug-Free Schools and Communities Act of 1994

Page 2 of 2. Issued: September 21, 2000 PGUSD: 9/00

Students Policy #5131.65

BANNED SUBSTANCES

The Board of Education recognizes that the presence of banned substances on campus pose a serious threat to the health, safety and welfare of students and staff. In an effort to keep the school free of banned substances, the District may use specially trained non-aggressive dogs to sniff out and alert staff to the presence of substances prohibited by law and/or district policy.

The Superintendent or designee shall develop administrative regulations to implement this policy.

Page 1 of 1. Adopted 02/05/04

WEAPONS AND DANGEROUS INSTRUMENTS

Mandated Policy

The Governing Board desires students and staff to be free from the fear and danger presented by firearms and other weapons. The Board therefore prohibits students from possessing weapons, imitation firearms, or dangerous instruments of any kind in school buildings, on school grounds or buses, or at a school-related or school-sponsored activity away from school. (EC 48900)

Under the power granted to the Board to maintain order and discipline in the schools and to protect the safety of students, staff and the public, any school employee is authorized to confiscate a weapon, dangerous instrument or imitation firearm from any person on school grounds.

Students possessing or threatening others with a weapon, dangerous instrument or imitation firearm are subject to expulsion in accordance with law, Board policy and administrative regulations. (EC 48915)

The principal or designee shall notify law enforcement authorities when any student possesses a weapon or commits any act of assault with a firearm or other weapon. (20 U.S.C. 8922, Education Code 48902, Penal Code 245, 626.9, 626.10)

Legal Reference:

EDUCATION CODE

- 35291 Governing board to prescribe rules for discipline of the schools
- 48900 Grounds for suspension/expulsion
- 48902 Notification of law enforcement authorities
- 48915 Required recommendation for expulsions
- 48916 Readmission
- 49330-49335 Injurious objects

PENAL CODE

- 245 Assault with deadly weapon
- 417.2 Imitation firearms
- 417.4 Imitation firearm; drawing or exhibiting
- 626.9 Gun-Free School Zone Act of 1995
- <u>626.10</u> Dirks, daggers, knives, razor or stun gun; bringing or possessing in school or on school grounds; exception
- 653k Soliciting a minor to commit certain felonies
- 12001 Control of deadly weapons
- 12020-12028.5 Unlawful carrying and possession of concealed weapons
- 12403.7 Weapons approved for self defense
- 12220 Unauthorized possession of a machinegun
- <u>12401</u> Tear gas
- 12402 Tear gas weapon
- 12403.7 Weapons approved for self defense
- 12403.8 Minors 16 or over; tear gas and tear gas weapons
- UNITED STATES CODE, TITLE 20
- 6301-8962 Improving America's Schools Act, especially:
- 8921-8922 Gun-Free Schools Act of 1994

Management Resources:

Students Policy #5131.7

WEAPONS AND DANGEROUS INSTRUMENTS

Mandated Policy

CDE COMMUNICATIONS

0401.01 Protecting Student Identification in Reporting Injurious Objects

WEB SITES

CDE, Safe Schools and Violence Prevention Office: http://www.cde.ca.gov/

spbranch/safety/safetyhome CSBA: http://www.csba.org

Regulation #5131.7 Students

WEAPONS AND DANGEROUS INSTRUMENTS

Weapons and dangerous instruments include, but are not limited to:

- 1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," lasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion
- 2. Knives: any dirks, daggers or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 3 1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade (EC 48915)
- 3. Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices
- 4. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure or spring action, or any spot marker gun (Penal Code 626.10)
- 5. Any other dangerous device, instrument or weapon, especially those defined in Penal Code 12020, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon
- Any imitation firearm, defined as 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)

Note: Pursuant to Education Code 49334, a school employee who contacts a law enforcement agency about a student possessing an unauthorized weapon or dangerous instrument on campus cannot be disciplined for doing so, notwithstanding any District policy or regulation to the contrary. The employee must follow any other requirements of District policy or regulation upon notifying the law enforcement agency.

If an employee knows that a student possesses any of the above devices, he/she shall do one of the following:

- Confiscate the weapon and deliver it to the principal immediately
- Immediately notify the principal, who shall take appropriate action
- Immediately notify the local law enforcement agency and the principal

When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

The principal shall report any possession of a weapon or dangerous instrument, including imitation firearms, to the student's parents/guardians by telephone or in person, and shall follow this notification with a letter.

Page 1 of 1. Reviewed: 11/02 Issued: November 6, 1997 CSBA: 7/01 Students Policy #5132

DRESS AND GROOMING

The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction that would interfere with the educational process.

Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. A student who violates these standards shall be subject to appropriate disciplinary action.

Legal Reference:
EDUCATION CODE
35183 School dress codes; uniforms
35294.1 School safety plans
48907 Student exercise of free expression
49066 Grades; effect of physical education class apparel
CODE OF REGULATIONS, TITLE 5
302 Pupils to be neat and clean on entering school
Hartzell v. Connell (1984) 35 Cal. 3d 899

Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251

Marvin H. Jeglin et al v. San Jacinto Unified School District et al 827 F.Supp. 1459 (C.D. Cal. 1993)

Page 1 of 1.
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CSBA: 10/96

Regulation #5132 Students

DRESS AND GROOMING

In cooperation with teachers, students and parents/guardians, the principal or designee shall establish school rules governing student dress and grooming which are consistent with District policy and regulations. These school dress codes shall be regularly reviewed.

The following guidelines shall apply to all regular school activities:

- 1. Shoes must be worn at all times.
- 2. Clothing, jewelry and personal items (backpacks, fanny packs, gym bags, water bottles etc.) shall be free of writing, pictures or any other insignia which are crude, vulgar, profane or sexually suggestive, which bear drug, alcohol or tobacco company advertising, promotions and likenesses, or which advocate racial, ethnic or religious prejudice.
- 3. Hats, caps and other head coverings shall not be worn indoors.
- 4. Clothes shall be sufficient to conceal undergarments at all times. See-through or fish-net fabrics, halter tops, off-the-shoulder or low-cut tops, bare midriffs and skirts or shorts shorter than mid-thigh are prohibited.
- Gym shorts may be not be worn in classes other than physical education.
- 6. Hair shall be clean and neatly groomed.

Coaches and teachers may impose more stringent dress requirements to accom-modate the special needs of certain sports and/or classes.

No grade of a student participating in a physical education class shall be adversely affected if the student does not wear standardized physical education apparel because of circumstances beyond the student's control. (EC 49066)

The principal, staff, students and parent/guardians at each school may establish reasonable dress and grooming regulations for times when students are engaged in extracurricular or other special school activities.

Page 1 of 1. Issued: November 6, 1997 CSBA: 10/96 Students Policy #5137

POSITIVE SCHOOL CLIMATE

The Governing Board desires to enhance student learning by providing an orderly, caring, and nurturing educational and social environment in which all students can feel safe and take pride in their school and their achievements. The school environment should be characterized by positive interpersonal relationships among students and between students and staff.

All staff are expected to serve as role models for students by demonstrating positive, professional attitudes and respect toward each student and other staff members. Teachers shall use effective classroom management techniques based on clear expectations for student behavior.

Staff shall consistently enforce Board policies and regulations which establish rules for appropriate student conduct, including prohibitions against bullying, cyberbullying, harassment of students, hazing, other violence or threats of violence against students and staff, and drug, alcohol, and tobacco use.

The district's curriculum shall include age-appropriate character education which includes, but is not limited to, the principles of equality, human dignity, mutual respect, fairness, honesty, and citizenship. Teachers are encouraged to employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds.

The Superintendent or designee may develop other strategies to enhance students' feelings of connectedness with the schools, such as campus beautification projects, graffiti removal, development of extracurricular activities and after-school programs, pairing of adult mentors with individual students, recognition of student achievement, and encouragement of strong family and community involvement in the schools.

Students shall have opportunities to voice their concerns about school policies and practices and to share responsibility for solving problems that affect their school.

The schools shall promote nonviolent conflict resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations. As part of this effort, students shall be taught the skills necessary to reduce violence, including communication skills, anger management, bias reduction, and mediation skills.

Staff will receive professional development designed to improve classroom management, conflict resolution techniques, and communications with students and parents/guardians including persons of diverse backgrounds.

Legal Reference:

EDUCATION CODE

233-233.8 Hate violence prevention

32280-32289 School safety plans

32295.5 Teen court programs

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

Page 1 of 2.

DRAFT: June 8, 2017

Students Policy #5137

POSITIVE SCHOOL CLIMATE

44807 Teachers' duty concerning conduct of students

48900-48925 Suspension and expulsion

Management Resources:

CSBA PUBLICATIONS

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

Protecting Our Schools: Governing Board Strategies to Combat School Violence, rev. 1999

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

Creating Safe and Drug-Free Schools: An Action Guide, 1996

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Preventing Bullying: A Manual for Schools and Communities, 1998

(3/93 2/95) 3/08

Page 2 of 2. DRAFT: June 8, 2017

Students Policy #5141.1

ACCIDENTS

Although the District makes every reasonable effort to prevent student accidents and injuries, accidents occur. The Superintendent or designee shall develop procedures to ensure that first aid and/or medical attention is provided as quickly as possible and that parents/guardians are notified of accidents.

Universal precautions shall be observed whenever it is possible that students, employees or others may have contact with blood or body fluids as a result of the accident.

Mouthpieces, resuscitation bags or other ventilation devices shall be available at each school and during athletic competitions in the event that resuscitation is necessary.

District staff shall appropriately report and document student accidents.

Legal Reference:

EDUCATION CODE

32040-32044 First aid equipment

49300-49307 School safety patrols

49408 Emergency information

49409 Athletic events; emergency medical care; physicians and surgeons; immunity

49470 Medical and hospital services for athletic program

49471 Medical and hospital services not provided or available

49472 Medical and hospital services for pupils

49474 Ambulance services

51202 Instruction in personal and public health and safety

CODE OF REGULATIONS, Title 8

5193 California Bloodborne Pathogens Standard

Page 1 of 1. Adopted: November 6, 1997 CSBA: 3/93

Students Policy #5141.21

ADMINISTERING MEDICATIONS AND MONITORING HEALTH CONDITIONS

Medical Recommendations

The Board believes that medical recommendations are only to be made by qualified medical practitioners. If staff members are concerned about a medical recommendation for a student, the topic should be addressed with the parent during the student study team process. At this time, the information will be weighed in context with the student's overall performance. At no time should district staff make recommendations related to medications for students.

The Governing Board recognizes that students may need to take prescribed medication during the school day in order to be able to attend school without jeopardizing their health.

When the District has received written statements from the student's physician and parent/guardian, designated personnel shall assist the student in taking the medication. In addition, upon written request, designated personnel may assist the student in monitoring, testing or other treatment of an existing medical condition. (Education Code 49423)

Upon written request by the parent/guardian and with the approval of the student's physician, a student with an existing medical condition that requires frequent monitoring, testing or treatment may be allowed to self administer this service. The student shall observe universal precautions in the handling of blood and bodily fluids.

Anaphylactic Injections

The Board recognizes that some students have allergies of such severity that they may require an emergency anaphylactic injection during the course of the school day. Parents/guardians who are aware of this foreseeable need may ask the District to provide such injections in accordance with administrative regulations.

School staff who may be required to administer anaphylactic injections shall receive training from qualified medical personnel. They will be authorized to administer the injections in accordance with administrative regulations and will be afforded appropriate liability protection.

Legal Reference:

EDUCATION CODE

49407 Liability for treatment

49408 Emergency information

49423 Administration of prescribed medication for student

49423.5 Specialized health care services

49426 School nurses

49480 Continuing medication regimen; notice

BUSINESS AND PROFESSIONS CODE

2700-2837 Nursing, especially:

2726 Authority not conferred

2727 Exceptions in general

Adopted: November 6, 1997 Reviewed and Adopted: May 15, 2003

CSBA: October 1995

Regulation #5141.21 Students

ADMINISTERING MEDICATIONS AND MONTORING HEALTH CONDITIONS

Before a designated employee assists in the administration of any prescribed medication to any student during school hours, the District shall have: (Education Code 49423)

- A written statement from the student's physician detailing the method, amount and time schedules by which the medication is to be taken
- A written statement from the student's parent/guardian requesting the District to assist the student in taking the medication as prescribed by the physician

Parents/guardians shall be asked to provide a properly labeled pharmacy bottle containing the name and telephone number of the pharmacy, the student's identification, name of the physician, and dosage of the medication to be given.

The designated employee shall:

- 1. Be responsible for the medication at school and administer it in accordance with the physician's indicated instructions
- 2. Maintain a list of students needing medication during school hours, including the type of medication, times, and dosage
- Maintain a log recording the student's name and the time and date when medications were given
- Keep all medication in a locked drawer or cabinet

Parents/guardians who request that a student be allowed to self administer, monitor or treat his/her existing medical condition must make this request in writing and provide written approval by the student's physician.

Notifications

The Superintendent or designee shall inform all parents/guardian of the following requirements: (Education Code 49480)

- 1. The parent/guardian of a student on a continuing medication regimen from a non-episodic condition shall inform the school nurse or other designated certificated employee of the medication being taken, the current dosage and the name of the supervising physician.
- With the parent/guardian's consent, the school nurse may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the drug on the student's physical, intellectual and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission or overdose.

Page 1 of 2. Issued: November 6, 1997 CSBA:10/95

Regulation #5141.21 Students

ADMINISTERING MEDICATIONS AND MONTORING HEALTH CONDITIONS

Anaphylactic Injections

- 1. Parents/guardians of students who may require emergency anaphylactic injections shall provide written permission for authorized staff to administer these injections.
- 2. Each year, school employees designated by the principal shall receive training in administering anaphylactic injections. Qualified medical personnel shall provide this training.
- 3. The principal or designee shall schedule inservice meetings to:
 - a. Familiarize authorized staff with the prescribed medications and their location
 - b. Ensure that authorized staff are competent to administer anaphylactic injections
 - c. Train all school personnel to recognize the symptoms of anaphylactic reactions

Physicians and parents/guardians of students who may require anaphylactic injections may be invited to attend these meetings.

- 4. The principal or designee shall prepare a list naming the students who may need emergency anaphylactic injections. This list shall be given to all concerned staff and updated annually.
- 5. All medication for injections shall be labeled with the student's name, type of medicine and expiration date.
- 6. The parents/guardians of students who carry their own kits for the purpose of anaphylactic injections shall so inform the principal or designee, who shall prepare a list naming these students, give it to concerned staff and update the list annually.
- 7. The principal or designee shall post in the school health office a list of symptoms usually associated with anaphylactic reactions and a clear, specific procedure for administering injections in case of emergency. If authorized staff are not available at the time of an emergency, this written procedure will be followed by anyone who must administer the injection in order to save a life.

Page 2 of 2. Issued: November 6, 1997 CSBA:10/95 Students Policy #5141.22

INFECTIOUS DISEASES

The Governing Board recognizes its dual responsibility to protect the health of students from risks posed by infectious diseases and to uphold the right of students to a free and appropriate education. The District requires all staff to routinely observe universal precautions to prevent exposure to bloodborne pathogens and prevent the spread of all infectious disease.

The admission of a student with a disease that is contagious within the school setting shall be determined by the Superintendent or designee in accordance with standard procedures. The District shall exclude students only in accordance with law.

Students with Bloodborne Pathogen Infections

The Board recognizes that human immunodeficiency virus (HIV) and hepatitis B virus (HBV) are bloodborne pathogens and not casually transmitted. Children with bloodborne pathogen infections are entitled to attend school and receive a free and appropriate public education. The sole presence of bloodborne patho-gens is not sufficient reason to exclude students from attending school.

Parents/guardians are encouraged to inform the Superintendent or designee if their child has HIV/AIDS so that school staff may keep the student's parents/ guardians informed of any outbreak of disease at school. The District will work cooperatively with the student's parent/guardian and physician to minimize the child's exposure to other diseases in the school setting.

The Board desires to be supportive of students infected with bloodborne pathogens and to help their families cope with difficulties they may face. The Board believes that schools can play an important role in educating the school community about the nature of bloodborne pathogens and alleviating fears about their trans-mission.

Legal Reference:

EDUCATION CODE

48210-48214 Persons excluded

49073-49075 Privacy of pupil records

49076 Access to records by persons without written consent or under judicial order

49403 Cooperation in control of communicable disease and immunization of students

49405 Smallpox control

49406 Examination for tuberculosis (employees)

49408 Information of use in emergencies

49450 Rules to insure proper care and secrecy

49451 Parent's refusal to consent to medical exam

49602 Confidentiality of student information

CALIFORNIA CONSTITUTION

Article 1, Section 1 Right to Privacy

CIVIL CODE

56-56.37 Confidentiality of Medical Information Act

1798-1798.76 Information Practices Act

HEALTH AND SAFETY CODE

120230 Exclusion for communicable disease

120325-120380 Immunization against communicable diseases

120875-120895 AIDS information

120975-121020 Mandated blood testing and confidentiality to protect public health

120980 Unauthorized disclosures

Page 1 of 2. Reviewed: 11/02 Adopted: November 6, 1997 CSBA: 11/99 Students Policy #5141.22

INFECTIOUS DISEASES

121010 Disclosure to certain persons without written consent

121475-121520 Tuberculosis tests for pupils

CALIFORNIA CODE OF REGULATIONS, TITLE 8

5193 Bloodborne pathogen standards

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1400-1487 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

COURT DECISIONS

Phipps v. Saddleback Valley Unified School District, (1988) 204 Cal. App. 3d 1110

Doe v. Belleville Public School District, (1987) 672 F.Supp. 342

Thomas v. Atascadero Unified School District, (1987) 662 F.Supp. 376

Management Resources:

WEB SITES

CDE: http://www.cde.ca.gov

California Department of Health Services: http://www.dhs.ca.gov Centers for Disease Control and Prevention: http://www.cdc.gov NSBA, School Health Programs: http://www.nsba.org/schoolhealth/

Page 2 of 2. Reviewed: 11/02 Adopted: November 6, 1997 CSBA: 11/99

INFECTIOUS DISEASES

In determining whether to exclude a child with a suspected or diagnosed infectious disease, the Superintendent or designee shall consult the child's parent/ guardian and the student's physician and/or the County Health Department, as required by law. The Superintendent or designee also may refer to the State Department of Health Services document Control of Communicable Disease in California for assistance in this determination.

Confidentiality

The Superintendent or designee shall ensure that student confidentiality rights are strictly observed in accordance with law. No District employee shall release medical information, including knowledge of a bloodborne pathogen infection, without written consent from the parent/guardian. Such information may be shared only with those persons specifically named in the written permission.

Review Team

The parent/guardian of a student with HIV/AIDS may ask the Superintendent or designee to convene a review panel to make recommendations regarding appropriate programs and services. This panel may be an IEP team or a Section 504 review team. Panel participants should be determined in accordance with applicable law. The parent/guardian must provide written permission for the disclosure of confidential information to each review panel member.

Page 1 of 1. Reviewed: 11/02 Issued: November 6, 1997 CSBA: 11/99 Students Policy #5141.24

SPECIALIZED HEALTH CARE SERVICES

The Governing Board is aware that some District students may require specialized physical health care services during the school day in order to attend school. In accordance with the student's individualized education program or written accommodation plan, trained and qualified personnel shall perform these services under the supervision of a school nurse, public health nurse or licensed physician.

Legal Reference:

EDUCATION CODE

49423.5 Specialized physical health care services

56000-56606 Special Education Programs

CODE OF REGULATIONS, TITLE 5

3051.12 Health and Nursing Services

UNITED STATES CODE, TITLE 20

1400 et seq. Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

701 et seq. Rehabilitation Act of 1973

794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34

300.24 Related services

Management Resources:

CDE PUBLICATIONS

Guidelines and Procedures for Meeting the Specialized Physical Health Care Needs of Pupils (The Green Book)

Page 1 of 1. Adopted: November 6, 1997 CSBA: 6/94

Regulation #5141.24

Students

SPECIALIZED HEALTH CARE SERVICES

The parent/guardian of students who require specialized physical health care services during the school day shall provide a written request for the needed physical health care service. (Code of Regulations, Title 5, Section 3051.12(b) (3)(E)) This request shall include:

- 1. The student's name, address and phone number.
- 2. The physician's name, address and phone number.
- 3. The needed health care procedure.
- 4. Statement authorizing qualified school personnel to perform the procedure, as approved by the physician. (Code of Regulations, Title 5, Section 3051.12(b) (3)(E))
- 5. Statement agreeing to notify the school immediately of any change in the child's regimen or the authorizing physician.
- Statement agreeing to provide all supplies needed for the procedure.

The student's physician shall submit a written statement authorizing the administration of the specified physical health care service. (Code of Regulations, Title 5, Section 3051.12(b)(3)(E)) This statement shall indicate:

- 1. The student's name and address.
- 2. Condition for which treatment is to be given.
- 3. Specific procedure to be given. (Code of Regulations, Title 5, Section 3051.12)
- 4. Time schedules for the procedure. (Code of Regulations, Title 5, Section 3051.12)
- 5. Precautions, possible untoward reactions and recommended intervention.

The program administrator shall name the qualified school personnel who will perform the service in accordance with standardized procedures.

A qualified school nurse, public health nurse or licensed physician and surgeon shall supervise physical health care services in the school setting in accordance with law. (Education Code 49423.5, Code of Regulations, Title 5, Section 3051.12)

Qualified personnel shall be trained in accordance with law. They shall possess a current valid certificate from an approved program in cardiopulmonary resuscitation and shall be able to demonstrate current knowledge of community emergency medical resources and skill in the use of equipment and the performance of techniques necessary to provide specialized health care services. (Education Code 49423.5, Code of Regulations, Title 5, Section 3051.12(b)(1)(C))

Schools shall provide appropriate accommodations for safety and necessary physical care services. The student's personal privacy and dignity shall be assured. (Code of Regulations, Title 5, 3051.12)

Staff designated to perform the specialized service shall maintain and sign a daily record of these services on a District form. (Code of Regulations, Title 5, Section 3051.12(b)(1)(E)) This form shall be kept either in the student's classroom or in the school health office, depending on the health services being provided.

Page 1 of 1. Issued: November 6, 1997 CSBA: 6/94

Policy #5141.3 Students

HEALTH EXAMINATIONS

Mandated

Policy

The Governing Board recognizes that periodic health examinations of students may lead to the detection and treatment of conditions that impact learning. examinations also may help in determining whether special adaptations of the school program are necessary.

In addition to verifying that students have complied with legal requirements for health examinations and immunizations before enrolling in school, the District shall administer tests for vision, hearing and scoliosis as required by law.

All students who participate as cheerleaders, song leaders, or athletes in organized competitive sports shall first undergo and file with the District a current medical examination. Upon sustaining an injury or serious illness, a student may be required to have another examination before participating further. This requirement does not apply to participants in occasional play day or field day activities.

The Superintendent or designee shall ensure that staff employed to examine students exercise proper care of each student and that examination results are kept Records related to these examinations shall be available only in accordance with law. (EC 49450)

Reports to the Board regarding the number of students found to have physical problems and the effort made to correct them shall in no way reveal the identity of students. (EC 49457)

Legal Reference:

EDUCATION CODE

44871-44879 Employment qualifications

49400-49413 General powers-school boards (re pupil health)

49422 Supervision of health and physical development

49450-49457 Physical examinations (of pupils)

49460-49466 Development of standardized health assessments

HEALTH AND SAFETY CODE

120325-120380 Immunization against communicable diseases

121475-121520 Tuberculosis tests for pupils

CODE OF REGULATIONS, TITLE 5

590-596 Vision screening

3027 Hearing and vision screening for special education

3028 Audiological screening

Page 1 of 1. Adopted: November 6, 1997 CSBA: 6/96

Students

Regulation #5141.3

HEALTH EXAMINATIONS

The principal at each school shall notify parents/guardians of the rights of students and parents/guardians related to health examinations. (EC 48980)

A parent/guardian may annually file a written statement with the principal withholding consent to the physical examination of his/her child. The child shall be exempt from any physical examination but shall be subject to exclusion from attendance when contagious or infectious disease is reasonably suspected. (Education Code 49451)

Vision and Hearing Tests

Students shall have their vision and hearing tested by qualified personnel authorized by the District. (Education Code 49452, 49454)

All students shall be tested for visual acuity when they first enroll in elementary school and every three years thereafter until the student completes grade 8. External observations of the student's eyes, visual performance and perception shall be made by the school nurse and the classroom teacher. (EC 49455)

For male students, color vision shall be tested one time, after the student reaches grade 1. Results of the test shall be entered into the student's health record. (Education Code 49455)

Evaluation of a student's vision may be waived at the parent/guardian's request if the parent/guardian presents a certificate from either a medical doctor or an optometrist specifying the results of an examination of the student's vision including visual acuity, and, in male students, color vision. (Education Code 49455)

Visual defects or any other defects found as a result of the vision examination shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. If made in writing, such reports shall not include a referral to any private practitioner, and the report of a visual defect shall be made on a form prescribed by the Superintendent of Public Instruction. (Education Code 49456)

The student may be referred to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county or city department of public health. (Education Code 49456)

Scoliosis Screening

Students

Regulation #5141.3

HEALTH EXAMINATIONS

Each female student in grade 7 and each male student in grade 8 shall be screened for scoliosis. This screening shall comply with California Department of Education standards and shall be performed by qualified personnel as specified in law. (Education Code 49452.5)

Persons performing the screening shall not solicit, encourage or advise treatment of the student for scoliosis or any other condition discovered in the course of the screening. (Education Code 49452.5)

The parent/guardian of any student suspected of having scoliosis shall receive a notice that includes an explanation of scoliosis and describes the significance of treatment at an early age. This notice shall also describe the public services available for treatment and include a referral to appropriate community resources. (Education Code 49452.5)

Students Policy #5141.31

IMMUNIZATIONS

To be admitted to school, children must be fully immunized in accordance with law. Children shall be excluded from school or exempted from immunization requirements only as allowed by law.

In order to ensure that children who have not been immunized may be enrolled in school without delay, the Superintendent or designee shall arrange for qualified medical personnel to administer the immunizations at school in accordance with law. Immunizations shall not be given without parental consent.

Transfer Students

Transfer students shall be conditionally admitted for up to 30 days while their immunization records are being transferred from their previous school. If these records do not arrive within 30 days, the student shall present written documentation by a physician, nurse or clinic, showing that the required immunizations were received. If such documentation is not presented, the student shall be excluded from school until immunization requirements are met.

Legal Reference:

EDUCATION CODE

46010 Total days of attendance

48216 Immunization

48980 Required notification of rights

49403 Cooperation in control of communicable disease and immunizations

HEALTH AND SAFETY CODE

120325-120380 Immunization against communicable disease especially:

120335 Immunization requirement for admission

120440 Disclosure of immunization information

CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

Management Resources:

DEPARTMENT OF HEALTH SERVICES

Commonly Asked Questions About the New School Immunization Requirements, March 1999 WEB SITES

CDE: http://www.cde.ca.gov

California Department of Health Services: http://www.dhs.ca.gov Centers for Disease Control and Prevention: http://www.cdc.gov

Page 1 of 1. Reviewed: 11/02 Adopted: May 27, 1999 CSBA: 6/98

IMMUNIZATIONS

The Superintendent or designee shall not unconditionally admit any student to a District school or childcare and development program unless that student has presented documentation of full immunization. (Health and Safety Code 120335)

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of the rights of students and parents/guardians relating to immunizations under Education Code 49403. (Education Code 48980)

Immunizations for Grades K-12

Students entering the District in grades kindergarten through 12 shall have received the following immunizations: (Health and Safety Code 120335; 17 CCR 6020)

- 1. Measles, mumps and rubella (MMR) vaccine
 - a. Students entering at the kindergarten level shall have received two doses on or after the first birthday, except one dose may be a measles-only vaccine.
 - b. Mumps vaccine shall not be required for students age seven or older.
 - c. Students entering or advancing to seventh grade shall be required to have a second dose of measles-containing vaccine if they have not previously obtained a second dose.
- 2. Diphtheria, tetanus and pertussis (whooping cough) vaccine (DTP or DTaP)
 - a. Five doses shall be required for students ages four through six. However, four doses shall meet the requirement if at least one dose was given on or after the fourth birthday.
 - b. Four doses shall be required for students age seven or older. However, three doses shall meet the requirement if at least one dose was given on or after the second birthday.
 - c. Pertussis immunization shall not be required for students age seven or older.
 - d. A tetanus and diphtheria (Td) shot is recommended but not required for seventh-grade students who have not had a booster within the past five years.

3. Poliomyelitis (polio) vaccine

Four doses shall be required at any age. However, three doses shall meet the requirement for ages four though six if at least one dose was given on or after the fourth birthday, and three doses shall meet the requirement for ages seven to seventeen if at least one dose was given on or after the second birthday.

4. Hepatitis B vaccine

- a. Three doses shall be required for entry into kindergarten.
- Students admitted at the kindergarten level or below before August 1, 1997, shall be exempt from this requirement
- b. Students shall not be unconditionally admitted or advanced to seventh grade unless they have been fully immunized against hepatitis B. A student who has previously had three doses of hepatitis B vaccine at any age before seventh grade shall not be required to receive any additional shots.
- 5. Varicella (chickenpox) vaccine or health care provider documented varicella disease.

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Regulation #5141.31 Students

IMMUNIZATIONS

Older children under age eighteen years from out of state or out of country who enter or transfer to a California school at a higher grade level for the first time on or after July 1, 2001 are also affected. (Need to show vaccination or disease.)

Any student admitted at the kindergarten level or above before July 1, 2001, shall be exempt from this requirement for school entry.

Students who skipped kindergarten shall meet immunization requirements for hepatitis B, a second measles dose and varicella prior to entering first grade.

Students transferring into the District at a grade other than kindergarten or seventh grade shall be exempt from the requirement for a second measles dose or hepatitis B immunization.

Immunizations Below Kindergarten Level

Children younger than age four years, six months shall have received haemophilus influenza type b (Hib meningitis) vaccine. (Health and Safety Code 120335)

Other immunization requirements for children below kindergarten level depend on the child's age as specified in 17 CCR 6020.

Exemptions

Exemption from immunization requirements is allowed when: (Health and Safety Code 120365, 120370, 120375; 17 CCR 6051)

- 1. The student's parent/guardian states in writing that immunization is contrary to his/her beliefs.
- 2. The student's parent/guardian provides a written statement by a licensed physician that the physical condition or medical circumstances of the student are such that immunization is unsafe or is permanently not indicated.

However, if there is good cause to believe that the student has been exposed to one of the communicable diseases listed above, the student may be temporarily excluded from school until the local health officer is satisfied that the student is no longer at risk of developing the disease. (Health and Safety Code 120365)

Exclusions Due to Lack of Immunizations

Any student without the required evidence of immunization may be excluded from school until the immunization is obtained or until the student presents a letter or affidavit of exemption from his/her parent/guardian or physician.

Before a student is excluded from school attendance because of lack of immunization, the Superintendent or designee shall notify the parent/guardian that he/she has 10 school days in which to supply evidence of proper immunization or an appropriate letter of exemption. This notice shall refer the parent/guardian to the child's usual source of medical care. (Education Code 48216; 17 CCR $604\bar{0}$)

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IMMUNIZATIONS

If no usual source of medical care exists, the parent/guardian shall be referred to the county health department. (Education Code 48216)

The Superintendent or designee shall exclude from further attendance any student who fails to obtain the required immunization within 10 school days following receipt of the parent/guardian notice specified above, unless the student is exempt from immunization for medical reasons or personal beliefs. The student shall remain excluded from school until he/she has received another dose of each required vaccine due at that time. The student shall also be reported to the attendance supervisor or principal. (17 CCR 6055)

Conditional Enrollment

The Superintendent or designee may conditionally admit a student with documentation from a physician that: (Health and Safety Code 120340; 17 CCR 6000, 6035)

- 1. He/she has received some but not all required immunizations and is not due for any vaccine dose at the time of admission
- 2. He/she has a temporary exemption from immunization for medical reasons

The Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses when they become due as specified in 17 CCR 6035.

The Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, he/she shall be excluded from further attendance until the immunizations are received. (Health and Safety Code 120375: 17 CCR 6070)

Records

The Superintendent or designee shall record each new entrant's immunizations in the mandatory permanent student record. District staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law. (Health and Safety Code 120375, 120440; 17 CCR 6070)

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Students Policy #5141.33

HEAD LICE

Pediculosis (Head Lice) Protocol

Head lice are a frequent occurrence, particularly in elementary school. It is defined as a parasitic infestation of the hair on the head and is characterized by itching of the scalp as the result of live lice in the hair or ova (nits) attached to the hair shafts. Pediculosis is transmitted by direct contact with infested persons, their clothing, and/or personal articles. Head lice are highly transmissible and require aggressive management.

The Pacific Grove Unified School District is committed to doing everything possible to prevent the spread of lice in the schools.

HEAD LICE

Pediculosis (Head Lice) Protocol

Head lice are a frequent occurrence, particularly in elementary schools. It is defined as a parasitic infestation of the hair on the head and is characterized by itching of the scalp as the result of live lice in the hair or ova (nits) attached to the hair shafts. Pediculosis is transmitted by direct contact with infested persons, their clothing, and/or personal articles. Head lice are highly transmissible and require aggressive management.

General Procedures:

Affected students:

- 1. Any student suspected of having head lice must be screened by school staff trained in the procedure as outlined below. Suspicion may be the result of observing the lice, someone reporting the presence of lice, persistent head-scratching or sign of infection.
- 2. When there is evidence of live lice in the student's hair, the parent/guardian is notified and the student is sent home for treatment.
- 3. Parents should be encouraged to consult with their family physician or the Monterey County Health Department.
- 4. Once parent/guardian believes that the child is free of live lice, they may bring the child to school to be rechecked. The child will be readmitted to school when he/she has been examined by staff trained in the identification of live lice, and determined to be free of them.
- 5. If the lice return, a nurse will conduct a home visit to assist the family in their efforts to eradicate the problem.
- 6. Recurring or nonresponsive cases may be referred to their primary care provider or the Monterey County Health Department, for further management.

Other students:

- 1. Staff should screen school-age siblings and seat mates in class or on the bus.
- 2. If additional cases are found, screen all students in the same class or riding the same bus as the affected student.
- 3. Generally, all students in the entire school should be screened when five or more cases of live lice are present in different classrooms of the school, or the entire class should be screened when five cases of live lice are present in the same classroom.
- 4. Notify the school Principal at schools where other family members or close contacts are in attendance, so that the identified students may be examined.
- 5. Any students found to have live lice should be addressed with the above procedure.

Screening Procedure:

Any school staff may assist in screening, after being instructed in this procedure. **Confidentiality must be stressed.**

- 1. The school principal or designee should speak with the parent/guardians of any student with head lice. The student should be sent home to treat the condition.
- 2. Select a site for inspection. It should be well-lighted, reasonably private and have running water and soap available.
- 3. The attitude of those screening for head lice should be kind and matter-of-fact. No child should be made to feel guilty, dirty or bad because he/she might or does have head lice.

HEAD LICE

- 4. Briefly explain what you are doing:
 - a. Have the child face away from you, sitting or standing, depending on their height.
 - b. Have the child bend his/her head forward. If the hair is long, have the child pull his/her hair forward exposing the neck and ears. If the hair is pulled back, in a ponytail or braids, have them undo the hair so it may be thoroughly checked.
 - c. Using two clean applicator sticks, tongue blades, gloved hands or bare hands, separate the hair into small sections to facilitate observation of the scalp and hair strands. Use new applicator sticks, new gloves or wash hands between each student screened (these should be disposed of, after use, in a trash receptacle). Alcohol-based, waterless hand cleaner is acceptable for washing hands if running water is not available. Live lice and nits, once removed, should be disposed of in a trash receptacle.
 - d. Nits are firmly-cemented to the hair and would appear as small, tan, brown or white eggs.
 - e. Observe the head for signs of scalp infection or irritation.
 - f. Live lice will be apparent by their movement.
- 5. The principal or designee will notify parents/guardians and request that they treat any live lice at home before returning to school.

School Environment Control Measures

- 1. School site custodians should thoroughly vacuum the furniture, rugs, floors, lockers, gym mats, student desks and all surfaces of the affected classroom(s). For furniture, the corners and folds of the furniture should be vacuumed prior to returning the cushions. The vacuum cleaner bag must be discarded in a sealed, plastic bag, immediately after use.
- 2. Student apparel (hats, coats, etc.) should be stored in a manner that decreases the opportunity for transmission of head lice.
- 3. Discourage the sharing of hats, clothing and combs or brushes.
- 4. Any non-washable items that may have nits should be bagged and sealed tightly and stored in a cool place for at least 2 weeks so that the lice and nits die.
- 5. Encourage team or clubs to not share or to regularly launder uniforms and to have their own hats or headgear.
- 6. The use of sprays or disinfectants in the school environment is not recommended to deal with head lice infestations. Fumigation is no more effective than vacuuming and may be a needless exposure to pesticides.

Students Policy #5141.4

CHILD ABUSE PREVENTION AND REPORTING

The Governing Board is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

(cf. 1020 - Youth Services)

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

Child Abuse Prevention

The district's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, include instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, inform students of available support resources, and teach students how to obtain help and disclose incidents of abuse.

(cf. 6142.8 - Comprehensive Health Education) (cf. 6143 - Courses of Study)

Education Code 51900.6, as added by AB 2016 (Ch. 809, Statutes of 2014), authorizes districts to provide age-appropriate instruction in sexual abuse and sexual assault awareness and prevention in grades K-12, provided that students are allowed to be excused from such instruction upon the written request of their parents/guardians. It also requires the State Board of Education and Superintendent of Public Instruction to consider addressing these issues in the next revision of the state health education content standards and curriculum framework.

The district's program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction. (Education Code 51900.6)

The Superintendent or designee shall, to the extent feasible, seek to incorporate community resources into the district's child abuse prevention programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

Child Abuse Reporting

Students Policy #5141.4

CHILD ABUSE PREVENTION AND REPORTING

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

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

(cf. 5145.7 - Sexual Harassment)

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

The Superintendent or designee shall provide training regarding the duties of mandated reporters.

Legal Reference:

EDUCATION CODE

32280-32288 Comprehensive school safety plans

33195 Heritage schools, mandated reporters

33308.1 Guidelines on procedure for filing child abuse complaints

44252 Teacher credentialing

44691 Staff development in the detection of child abuse and neglect

44807 Duty concerning conduct of students

48906 Notification when student released to peace officer

48987 Dissemination of reporting guidelines to parents

49001 Prohibition of corporal punishment

51220.5 Parenting skills education

51900.6 Sexual abuse and sexual assault awareness and prevention

PENAL CODE

152.3 Duty to report murder, rape, or lewd or lascivious act

273a Willful cruelty or unjustifiable punishment of child; endangering life or health

288 Definition of lewd or lascivious act requiring reporting

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting

CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

COURT DECISIONS

Page 2 of 3 All Rights Reserved by PGUSD.

Students Policy #5141.4

CHILD ABUSE PREVENTION AND REPORTING

Camreta v. Greene (2011) 131 S.Ct. 2020

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Health Framework for California Public Schools, Kindergarten Through Grade Twelve WEB SITES

California Attorney General's Office, Suspected Child Abuse Report Form:

http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf

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

California Department of Social Services, Children and Family Services Division:

http://www.childsworld.ca.gov

U.S. Department of Health and Human Services, Child Welfare Information Gateway: https://www.childwelfare.gov/can

ADMINISTRATIVE REGULATION CHILD ABUSE PREVENTION AND REPORTING

Definitions

Definitions

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

- 1. A physical injury or death inflicted by other than accidental means on a child by another person
- 2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
- 3. Neglect of a child as defined in Penal Code 11165.2
- 4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
- 5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

(cf. 4119.21/4219.21/4319.21 - Professional Standards) (cf. 5145.7 - Sexual Harassment)

Child abuse or neglect does not include:

- 1. A mutual affray between minors (Penal Code 11165.6)
- 2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code 11165.6)

(cf. 3515.3 - District Police/Security Department)

- 3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)
- 4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the

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Reviewed and Issued: March 6, 2003 CSBA: March, 2002 Revised March 19, 2015

ADMINISTRATIVE REGULATION CHILD ABUSE PREVENTION AND REPORTING

control of a student (Education Code 49001)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

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

5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by a student (Education Code 49001)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145.2 - Athletic Competition)

6. Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)

Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; athletic coaches, administrators, and directors; administrators and employees of a licensed child day care facility; Head Start teachers; district police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. (Penal Code 11166)

Reportable Offenses

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11166.05, 11167)

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ADMINISTRATIVE REGULATION CHILD ABUSE PREVENTION AND REPORTING

Any district employee who reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer. (Penal Code 152.3, 288)

Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

(cf. 1240 - Volunteer Assistance)

Reporting Procedures

1. Initial Telephone Report

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166)

(Name of appropriate agency)	
(Address)	

ADMINISTRATIVE REGULATION CHILD ABUSE PREVENTION AND REPORTING

(Phone number)		

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168)

The Department of Justice form may be obtained from the district office or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location, and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code 11167)

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167)

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ADMINISTRATIVE REGULATION CHILD ABUSE PREVENTION AND REPORTING

3. Internal Reporting

Students

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the principal, or the Superintendent or designee. (Penal Code 11166)

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall inform the Superintendent or designee.

The principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

Training

Within the first six weeks of each school year, the Superintendent or designee shall provide training on mandated reporting requirements to district employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment. (Education Code 44691; Penal Code 11165.7)

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

The Superintendent or designee shall use the online training module provided by the California Department of Social Services. (Education Code 44691)

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. (Education Code 44691; Penal Code 11165.7)

The Superintendent or designee shall obtain and retain proof of each mandated reporter's

ADMINISTRATIVE REGULATION CHILD ABUSE PREVENTION AND REPORTING

completion of the training. (Education Code 44691)

Victim Interviews by Social Services

Whenever the Department of Social Services or another government agency is investigating suspected child abuse or neglect that occurred within the child's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The Superintendent or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her of the following requirements: (Penal Code 11174.3)

- 1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
- 2. The selected person shall not participate in the interview.
- 3. The selected person shall not discuss the facts or circumstances of the case with the child.
- 4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. (Education Code 48906)

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

Parent/Guardian Complaints

ADMINISTRATIVE REGULATION CHILD ABUSE PREVENTION AND REPORTING

Upon request, the Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

(cf. 1312.1 - Complaints Concerning District Employees)

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The district also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

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

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code 11166 and will comply with those provisions. The signed statement shall be retained by the Superintendent or designee. (Penal Code 11166.5)

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

The Superintendent or designee also shall notify all employees that:

ADMINISTRATIVE REGULATION CHILD ABUSE PREVENTION AND REPORTING

- 1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)
- 2. If a mandated reporter fails to timely report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)
- 3. No employee shall be subject to any sanction by the district for making a report unless it can be shown that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11166)

Students Exhibit #5141.4

CHILD ABUSE REPORTING NOTIFICATION

Section 11166 of the Penal Code requires any child care custodian, health practitioner, firefighter, animal control officer, or humane society officer, employee of a child protective agency or child visitation monitor who has knowledge of or observes a child in his/her professional capacity or within the scope of his/her employment whom he/she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

"Child care custodian" includes teachers; an instructional aide, a teacher's aide, or a teacher's assistant employed by any public or private school, who has been trained in the duties imposed by this article, if the school district has so warranted to the State Department of Education; a classified employee of any public school who has been trained in the duties imposed by this article, if the school has so warranted to the State Department of Education; administrative officers, supervisors of child welfare and attendance, or certificated pupil personnel employees of any public or private school; administrators of a public or private day camp; and who have been trained in the duties imposed by this article; licensees, administrators and employees of licensed community care or child day care facilities; headstart teachers.

"Health practitioner" includes physicians and surgeons, psychiatrists, psychologists, dentists, residents, interns, podiatrists, chiropractors, licensed nurses, dental hygienists, optometrists, or any other person who is licensed under Division 2 (commencing with Section 500) of the Business and Professions Code. "Child visitation monitor" means any person as defined in Section 11165.15.

(Type employee's name below line, requiring signature above)

I have been informed of the above law and will comply with its provisions.

This statement is a permanent record of the district. The cost of printing, distribution, and filing of these statements is borne by the district.

This subdivision is not applicable to persons employed by child protective agencies, public or private youth centers, youth recreation programs and youth organizations as members of the support staff or maintenance staff and who do not work with, observe, or have knowledge of children as part of their official duties.

Reference: See Policy 5141.4. Issued: November 6, 1997 All Rights Reserved by PGUSD. CSBA: 6/94 Students Policy #5141.52

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. To attempt 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 measures and strategies for use by the district, the Superintendent or designee may consult with school health professionals, school counselors, school psychologists, school social workers, administrators, other staff, parents/guardians, students, local health agencies, mental health professionals, and community organizations.

Such measures and strategies 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 in grades 7 through 12
- 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 oneself and others, and how to engage school resources and refer others for help
- 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
- 4. The provision of information to parents/guardians regarding risk factors and warning signs of suicide, the severity of the youth suicide problem, 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 youth. (Education Code 215)

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SUICIDE PREVENTION

Legal Reference:

EDUCATION CODE

215 Student suicide prevention policies

32280-32289 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

5850-5883 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, 2003

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

Preventing Suicide: A Toolkit for High Schools, 2012

National Strategy for Suicide Prevention: Goals and Objectives for Action, rev. 2012 (6/96 7/09) 3/17

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Staff Development

Suicide prevention training shall be provided to teachers, counselors, and other district employees who interact with students in grades 7 to 12. The training shall be offered under the direction of a school-employed mental health professionals (e.g., counselors, school psychologists, mental health clinicians or social workers) and/or in cooperation with one or more community mental health agencies.

Materials approved 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. Such 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 engaged in self-harm or have attempted suicide; students who are bereaved by suicide; students with disabilities; serious medical conditions; mental illness, or controlled 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 youth
- 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, controlled substance/alcohol use, feelings of isolation, interpersonal conflicts, a recent severe stressor or loss, family instability, impulsivity, and other factors
- 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 person's suicide risk, such as resiliency, coping and problem-solving skills, positive self-worth and impulse control, 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

7. District procedures for intervening when a student attempts, threatens, or discloses the desire to die by suicide

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 at appropriate secondary grades and shall be designed to help students:

- 1. Identify and analyze signs of depression and self-destructive behaviors 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

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, he/she shall promptly notify the principal or school counselor.

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 he/she has reasonable cause to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student. 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)

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A school employee shall act only within the authorization and scope of his/her credential or license. An employee is not authorized to diagnose or treat mental illness unless he/she is specifically licensed and employed to do so. (Education Code 215)

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

When 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. Contacting the student's parent/guardian as soon as possible
- 4. 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
- 5. Removing other students from the immediate area as soon as possible

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

The principal 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 principal 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 principal or designee shall consider whether he/she is required, pursuant to laws for mandated reporters of child neglect, to refer the matter to the local child protective services agency.

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

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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. He/she shall provide students, parents/guardians, and staff with information, counseling, and/or referrals to community agencies as needed. 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.

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.

(6/96 7/09) 3/17

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INSURANCE

A group student accident insurance plan shall be made available on a voluntary basis to every student registered in the District. The specific plan shall be approved by the Board and shall specify that the insurance agent assume all administrative processes. (Education Code 49470, 49472)

The Governing Board authorizes the distribution of literature concerning voluntary student insurance during the first week of every school year. All communications concerning the insurance shall be directed to the insurance company by the student's parent/guardian.

Students and parents/guardians shall be notified at the beginning of each school year that the District does not provide or make available medical and hospital care or insurance for students who are injured while participating in physical or athletic activities. Exceptions shall be made for athletic team members in accordance with the provisions of state law and board policy. (EC 49471)

Non-team Athletic Activities

Schools shall not permit the following activities on campus by individuals or by groups nor shall school groups be permitted to engage in them:

- 1. Trampolining
- 2. Scuba Diving
- Skateboarding
- 4. Hang Gliding

If the following activities are deemed advisable by individual schools, they may be engaged in under school sponsorship and administrative procedures only if each participant is covered by an insurance policy providing the same coverage as that required for interscholastic athletic team members:

- 1. Sailing
- 2. Water Skiing
- 3. Snow Trips
- 4. Bicycling
- 5. Motorcycling
- 6. Rifle Club
- 7. Powder Puff Football
- 8. Riding Club (Horseback)
- 9. FFA Rodeo
- 10. Backpacking
- 11. Breakdancing (headspin specifically prohibited)
- 12. Other activities determined by the school principal

The activity sponsor shall verify that each participant has the required coverage. The cost of coverage shall be borne by the students, the student body, or by a combination of both.

Athletic Team Members Insurance

Each member of a school athletic team shall be covered by an insurance policy for medical and hospital expenses resulting from accidental bodily injury.

Pursuant to Education Code 32220, "member of an athletic team" also includes:

Members of school bands or orchestras, cheerleaders and their assistants, pompon girls, team managers and their assistants, and any student or pupil selected by the school or student body organization to directly assist in the conduct of the athletic event. Such members shall be covered only while they are being transported by or under the sponsorship or arrangements of the District or a student body organization, to or from a school or other place of instruction and the place at which the athletic event is being conducted.

Pursuant to Education Code 32221, the insurance shall provide the following coverage:

INSURANCE

A group or individual medical plan with accidental benefits of a least two hundred dollars (\$200) for each occurrence and major medical coverage of a least ten thousand dollars (\$10,000), with no more than one hundred dollars (\$100) deductible and no less than 80 percent payable for each occurrence.

The insurance shall provide for coverage during the student's:

- 1. Participation in athletic events sponsored by the District or student body organization.
- 2. Participation in practice for an athletic event.
- 3. Transportation provided by the school District, or under its sponsorship, to and place for the athletic event.

The insurance required by this policy and Education Code 32221 shall not be required of those students who have insurance or a reasonable equivalent of health benefits provided them through other means.

The Governing Board shall make an insurance plan available for purchase by students participating in athletic events as provided by Education Code 32221.

The Board shall authorize the expenditure of District or student body funds for the purchase of insurance for those students whose parents/guardians are unable to pay for the cost of the insurance. (Education Code 32221)

Legal Reference:

EDUCATION CODE

32220-32224 Insurance for athletic teams

33353.5 Interscholastic federation; insurance program; non-transaction of insurance

35331 Insurance for field trips and excursions

48980 Parental notifications

49470-49474 District medical services and insurance

51760 Insurance, work experience programs

52530 Insurance for healing arts program students

INSURANCE CODE

10493 Benefit and relief association

Students Regulation #5143

INSURANCE

Athletic Teams

"Members of a school athletic team" include: (Education Code 32220)

- 1. Members of any extramural athletic team engaged in athletic events on or out-side school grounds
- 2. Members of school bands or orchestras, cheerleaders and their assistants, pompom girls, team managers and their assistants, and any student selected by the school or student body organization to directly assist in the conduct of the athletic event, including incidental activities, but only while such members are being transported by or under the sponsorship or arrangements of the District or the District's student body organization to or from a school or other place of instruction and the place at which the athletic event is being conducted

Insurance for members of school athletic teams shall provide coverage for injury arising while students are: (Education Code 32221)

- 1. Engaging in or preparing for an athletic event sponsored or arranged by the District or student body
- 2. Being transported by the school District, or under its sponsorship, to and from the school and place of the athletic event

For such students, the District shall provide a group or individual medical plan with accidental benefits of at least \$200 for each occurrence and major medical coverage of at least \$10,000, with no more than \$100 deductible and no less than 80 percent payable for each occurrence. (Education Code 32221)

Receipt of insurance benefits may be subject to the following conditions:

- 1. The Superintendent or designee shall certify whether an injured student applying for insurance benefits is a District student and is a member of an athletic team.
- 2. The injured student or his/her parents/guardians shall notify the Superin-tendent or designee of the injury not later than 60 days from the date of injury.
- 3. Medical or hospital care or treatment shall begin within 120 days from the date of injury.
- 4. The period of time for which benefits shall be payable shall be limited to 52 weeks from the date the student received his/her first medical or hospital care or treatment.

The Superintendent or designee shall provide or make available:

1. Medical or hospital service or insurance protection against injuries to students while participating in any excursion or field trip under the jurisdiction of, or sponsored by or controlled by, the District. (Education Code 35331)

The costs of the medical or hospital service or insurance protection for such stu-dents may be paid by the student, or the student's parent/guardian. (EC 35331)

2. Insurance protection for medical and hospital expenses resulting from accidental bodily injury to each member of a school athletic team as defined in law and administrative regulation (Education Code 32221)

The costs of insurance protection for athletic team members shall be paid by either the District, student body organization or any other persons on behalf of the individual team members or students covered by the insurance. If a parent/guardian of an athletic team member is financially unable to pay the costs of insurance protection, the costs shall be paid by the District and/or student body organization. (Education Code 32221)

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Pacific Grove Unified School District

Students Regulation #5143

INSURANCE

The insurance shall not be required of athletic team members who have insur-ance or a reasonable equivalent of health benefits provided through other means, including but not limited to purchase by the student or his/her parent/guardian. (Education Code 32221)

In addition, the Superintendent or designee may make insurance available to parents/guardians at their own expense.

1. Medical and/or hospital service for students who are injured on school grounds during the school day, at any other place that a school-sponsored activity is being held, or while being transported by the District to and from school, another place of instruction or a school activity

The costs of the medical and/or hospital service for such students may be paid by either the student, or the student's parent/guardian. (EC 49472)

- 2. Insurance protection for medical and hospital expenses resulting from acci-dental bodily injury to members of an organized rooting section and student spectators at athletic events
- 3. Insurance protection for medical and hospital expenses resulting from accidental bodily injury to participants in occasional playday or field day activities in which students from two or more District schools participate in athletic contests
- 4. Medical and/or hospital service to students participating in other athletic activities sponsored or controlled by or under the jurisdiction of the District

The Superintendent or designee may distribute printed matter furnished by the insurer or membership corporation to students and their parents/guardians.

Page 2 of 2. Revised: 2000 CSBA: 7/00

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

The Superintendent or designee may approve, for each school, a complement of effective, age-appropriate strategies for correcting student behavior. Such strategies may include, but are not limited to: conferences with students and their parents/guardians; use of study, guidance, or other intervention-related teams; enrollment in a program teaching pro-social behavior or anger management; and participation in a restorative justice program.

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

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

School personnel and volunteers shall not allow any disciplinary action taken against a student to result in the denial or delay of a school meal. (Education Code 49557.5)

Seclusion and behavioral restraint are prohibited as a means of discipline and shall not be used to correct student behavior except as permitted pursuant to Education Code 49005.4 and in accordance with district regulations. (Education Code 49005.2)

Board policies and regulations shall outline acceptable student conduct and provide the basis for sound disciplinary practices.

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

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

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

The Superintendent or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively and equitably implement the disciplinary strategies adopted

DISCIPLINE

for district schools, including but not limited to, knowledge of school and classroom management skills and their consistent application, effective accountability and positive intervention techniques, and the tools to form strong cooperative relationships with parents/guardians.

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

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

Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49001)

However, corporal punishment does not include any pain or discomfort suffered by a student as a result of his/her voluntary participation in an athletic or other recreational competition or activity. In addition, an employee's use of force that is reasonable and necessary to protect himself/herself, students, staff, or other persons, to prevent damage to property, or to obtain possession of weapons or other dangerous objects within the control of the student is not corporal punishment. (Education Code 49001)

Adopted: November 6, 1997

Revised: April 25, 2019

Legal Reference:

CIVIL CODE

1714.1 Parental liability for child's misconduct

EDUCATION CODE

32280-32289 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48927 Suspension and expulsion

48980-48985 Notification of parents or guardians

49000-49001 Prohibition of corporal punishment

49005-49006.4 Seclusion and restraint

49330-49335 Injurious objects

49550-49564.5 Meals for needy students

52060-52077 Local control and accountability plan

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

DISCIPLINE

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

1751-1769j School Lunch Program

1773 School Breakfast Program

Management Resources:

CSBA PUBLICATIONS

Recent Legislation on Discipline: AB 240, Fact Sheet, March 2015

The Case for Reducing Out-of-School Suspensions and Expulsions, Fact Sheet, April 2014

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-

Nonconforming Students, Policy Brief, February 2014

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

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

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

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

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

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

STATE BOARD OF EDUCATION POLICIES

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

WEB SITES

CSBA: http://www.csba.org
CDE: http://www/cde.ca.gov

Students Regulation #5144

DISCIPLINE

Site-Level Rules

Rules for student discipline shall be developed at each school site. In developing these rules, the principal or designee shall solicit the participation, views and advice of one representative selected by each of the following groups: (Education Code 35291.5)

- 1. Parents/guardians
- 2. Teachers
- 3. School administrators
- 4. School security personnel, if any
- 5. For middle school and high school, students enrolled in the school

The rules shall be consistent with law, Governing Board policy and District regulations. Each school shall file a copy of the rules with the Superintendent or designee and the Board and shall include the discipline rules in the comprehensive school safety plan. (Education Code 32282, 35291.5)

Site-level discipline rules shall be revised as necessary to align with any changes in state law, District discipline policies, regulations, or goals for school safety and climate as specified in the District's local control and accountability plan (LCAP), and shall undergo the site-level review and adoption process at least every four years. (Education Code 35291.5)

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

It shall be the duty of each employee of the school to enforce the school rules on student discipline. (Education Code 35291.5)

Disciplinary Strategies

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Except when students' presence causes a danger to themselves or others or they commit a single act of grave nature or offense for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5) Disciplinary strategies may include, but are not limited to:

- 1. Discussion or conference between school staff and the student and his/her parents/guardians;
- 2. Referral of the student to the school counselor or other school support service personnel for case management and counseling;
- 3. Convening of a study team, guidance team, resource panel, or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and his/her parents/guardians;

Adopted: November 6, 1997

Revised: April 25, 2019

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4. When applicable, referral for a comprehensive psycho-social or psycho-educational assessment, including for the purposes of creating an individualized education program (IEP) or a Section 504 Plan;

- 5. Enrollment in a program for teaching pro-social behavior or anger management;
- 6. Participation in a restorative justice program;
- 7. A positive behavior support approach with tiered interventions that occur during the school day on campus:
- 8. Participation in a social and emotional learning program that teaches students the ability to understand and manage emotions, develop caring and concern for others, make responsible decisions, establish positive relationships, and handle challenging situations capably;
- 9. Participation in a program that is sensitive to the traumas experienced by students, focuses on students' behavioral health needs, and addresses those needs in a proactive manner;
- 10. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups;
- 11. Recess restriction as provided in the section below entitled "Recess Restrictions" (Elementary);
- 12. Detention after school hours as provided in the section below entitled "Detention After School";
- Community service as provided in the section below entitled "Community Service"; 13.
- In accordance with Board policy, administrative regulation, and/or applicable District 14. guidelines and rules, restriction or disqualification from participation in extracurricular activities:
- 15. Reassignment to an alternative educational environment;
- 16. Suspension and expulsion in accordance with law, Board policy, and administrative regulation.

(Education Code 48900.5)

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

Revised: April 25, 2019

Recess Restriction

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A teacher may restrict a student's recess time only when he/she believes that this action is the most effective way to bring about improved behavior. (Education Code 44807.5)

When recess restriction may involve the withholding of physical activity from a student, the teacher shall try other disciplinary measures before imposing the restriction. Recess restriction shall be subject to the following conditions:

- 1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.
- 2. The student shall remain under a certificated employee's supervision during the period of restriction.
- 3. Teachers shall inform the principal of any recess restrictions they impose.

Detention After School

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

The student shall not be detained unless the principal or designee speaks to the parent/guardian.

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

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

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

If the District offers Saturday school, students may be offered the choice of serving their detention on Saturday rather than after school.

Community Service

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

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

Adopted: November 6, 1997

Revised: April 25, 2019

Notice to Parents/Guardians and Students

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Pacific Grove Unified School District

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

The Superintendent or designee shall also provide written notice of the rules related to discipline to transfer students and their parents/guardians at the time of their enrollment in the District. (Education Code 35291.5)

Adopted: November 6, 1997

Revised: April 25, 2019



AND RELATED INTERVENTIONS FOR GRADES K-12



In recent years, the adoption of researched-based alternatives to suspension within school communities has proven to help create positive school climates. We must continue to address racial disproportionality in school disciplinary practices, and also remain cautious when ensuring that campus safety does not further drive students into the school-to-prison pipeline. Although there are instances when suspension and or expulsion is warranted, "each school day is full of teachable moments but exclusionary methods of discipline – such as out-of-school suspensions and expulsions – deprive students of the chance to receive the instruction they need to grow into healthy, thriving adults." (Public Counsel)

As you know, in the Pacific Grove Unified School District we have adopted and are implementing school-wide positive behavior interventions and supports in effort to identify positive ways of supporting students and improve behavior, which in turn enhance/while simultaneously enhancing school climate and culture. School and community based interventions are to be implemented as a proactive approach and be considered as an alternative to suspension when appropriate. Proper interventions aid in meeting the academic, social, and emotional needs of students.

Repeated incidents may include all consequences for previous offenses, in addition to those listed for the subsequent incident. Students may be suspended or expelled if the act is related to a school activity or school attendance, including but not limited to the following: (a) while on school grounds; (b) while going to or coming from school; (c) during a school lunch period, whether on or off campus; or (d) during or while going to or coming from a school sponsored activity.

The following discipline matrix indicates the types of disciplinary action that may apply to each offense. These actions may be applied to a first time or repeated incident. Progressive consequences, when applicable, are listed for each subsequent offense within the respective education code violation. School officials use this matrix as a guide intended to standardize disciplinary procedures throughout the District. The recommendations are not intended to substitute for the judgment of professional personnel based upon knowledge of the student's behavior record and statutory restraints.

All of the following:
Parent/Guardian conference
Contact law enforcement
5 Day Suspension
Mandatory recommendation for expulsion
Recommendation for expulsion expected, but <i>not mandatory</i>
1st Offense: Parent/Guardian conference, 5 Day
Suspension, Recommendation for expulsion (unless
principal, in writing, recommends otherwise), Contact law enforcement
2nd Offense: Recommendation for expulsion
Recommendation for Expulsion shall be based on one or both of the following:
on one or boar or are remaining.
Other means of correction are not feasible or have repeatedly failed to bring about proper
conduct
Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others

VIOLATION	CONSEQUENCE (Cont'd)
Terroristic threats against school officials or school	Possible Interventions
property	Contact Parent
Ed Code 48900 (.7)	 Provide conflict resolution/anger
	management skills
A two (or more)-on-one fight	 Behavior Contract and track progress
Ed Code 48900 (a2)	 Outside agency/resource referral
Incident Type: Assault or Battery	
	1st Offense: Parent/Guardian conference, 3-5 Days
Harassing, threatening, or intimidating a pupil who	of Suspension, Possible Restorative Practices,
is a complaining witness or a witness in a school	Possible referral to law enforcement
disciplinary proceeding for the purpose of either	
preventing that pupil from being a witness or	2nd Offense: 5 Day Suspension, Possible
retaliating against that pupil	recommendation for expulsion, Contact law
Ed Code 48900 (o)	enforcement
Fighting, caused, attempted to cause, or threatened	Possible Interventions
to cause physical injury	 Contact Parent/Guardian
Ed Code 48900 (a1) (Mutual Combat)	 Provide conflict resolution/anger
	management skills
	 Behavior Contract and track progress
	 Teaching problem solving - Negotiation and
	problem-solving approaches can be used to
	assist students in identifying alternative
	behavior choices
	 Outside agency referral
	1st Offense: Parent/Guardian conference,
	Detention, 1-3 Day(s) of in/out of school Suspension
	2nd Offense: 2.5 Days of Cyananaian Dassible
	2nd Offense: 3-5 Days of Suspension, Possible
	recommendation for expulsion, Contact law
	enforcement if deemed necessary
	3rd Offense: 5 Day Suspension, Recommendation
	for expulsion, Contact law enforcement if deemed
	necessary
	<u> </u>
Willfully used force or violence upon another	Possible Interventions
person, except in self-defense	 Contact Parent/Guardian
Ed Code 48900 (a2) (Assault / Attack)	 Provide conflict resolution/anger
	management skills
Aiding or abetting the infliction or attempted	 Behavior Contract and track progress
infliction of physical injury to a person	Outside agency referral
Ed Code 48900 (t) - Aiding/ abetting physical injury	
	1st Offense: Parent/Guardian conference,
	Detention, 1-5 Day(s) of in/out of school Suspension,
	Contact law enforcement if deemed necessary
	2nd Offenses F Day Oversessing Day 111
	2nd Offense: 5 Day Suspension, Possible
	recommendation for expulsion, Contact law
	enforcement
	3rd Offense: 5 Day Suspension, Recommendation
	for expulsion, Contact law enforcement
	Tor expansion, contact law embroement

VIOLATION or sell of any kniv

Possession of or sell of any knives

Ed Code 48900 (b)

Possession, use of or sell of imitation firearms, imitation explosives, tear gas/pepper spray/laser pointers or scopes, or other dangerous weapons or objects, or any item capable of causing death or great bodily harm

Ed Code 48900 (m) – Possession of imitation firearm and 48900 (b) – other dangerous objects

CONSEQUENCE (Cont'd)

Possible Interventions

- Contact Parent/Guardian
- Mentoring or modified version of Check in check out
- Behavior Contract including
- Outside agency referral

1st Offense: Parent/Guardian conference, Detention, Contact law enforcement, 1-5 Day(s) of Suspension in/out of school

2nd Offense: Suspension 3-5 days, Contact law enforcement

3rd Offense: Recommendation for expulsion, Contact law enforcement

Possession or lighting of firecrackers

Ed Code 48900 (b) – Possession of weapon/other dangerous object

Starting fires or setting off fire alarms

Ed Code 48900 (a1) (k)

Incident Type: Causing or Attempting Injury to Another and/or Disrupted school activities/School Rules Violation

Possible Interventions

- Parent /Guardian contact
- Provide fire safety counseling
 - The properties of fire (what is fire, how rapidly it can spread and how is it controlled).
 - Education about fire safety hazards and the dangers of smoke inhalation.
 - Fire survival (dangers of smoke inhalation, the need for adult supervision, emergency procedures).
 - The costs of arson to the community and the legal consequences.
 - Restitution
- Behavior Contract
- Outside agency referral (MCBH)

1st Offense: Parent/Guardian conference, Detention, Restitution, 1-2 Day(s) of in/out of school Suspension, Report to fire and law enforcement if deemed necessary

2nd Offense: 2-3 Days of Suspension, Report to fire department and law enforcement

3rd Offense: 5 Day Suspension, Possible recommendation for expulsion, Report incident to fire department and law enforcement

VIOLATION Possessed, used, or been under the influence of any controlled substance, alcohol, or intoxicant Ed Code 48900 (c) Possessed or sold "look alike" substance representing drugs or alcohol Ed Code 48900 (d) Possessed or sold drug paraphernalia Ed Code 48900 (j)

Vandalism, graffiti, defacing school property or property of others including but not limited to books, computers, electronic files, databases and email

Ed Code 48900 (f) – Damage to school or private property

Theft or attempting to, or knowingly stealing or receiving school or private property

CONSEQUENCE (Cont'd)

Possible Interventions

- Parent /Guardian contact
 - Parent involvement/enhanced supervision and monitoring where appropriate
- Outside agency referral (i.e.: Community Human Services)
- With assistance from Family Services Specialist, provide referral to Sun Street Centers
- Mentoring
- Behavior Intervention Plan
- Behavior Contract with reward system
- Group counseling with substance abuse prevention focus
- Peer tutoring options
- Staff and parents can enhance protective factors in the life of the student, which refers to positive influences within a young person's environment such as family, school, and community connection

1st Offense: Parent/Guardian conference, Contact law enforcement if necessary, 2-5 Days of Suspension, Possible referral to drug intervention program not at District expense, Possible recommendation for expulsion

2nd Offense: 5 Day Suspension, Contact law enforcement, Possible recommendation for expulsion (unless principal, in writing, recommends otherwise)

3rd Offense: 5 Day Suspension, Recommendation for expulsion, Contact law enforcement,

Possible Interventions

- Parent /Guardian contact
- Campus beautification
- Counseling with focus on perspective taking and empathy
- Restitution
- Community Service
- Behavior contract with focus on respect agreement
- Mentoring
- Check in check out

1st Offense: Parent/Guardian conference, Detention, Possible removal from class, Restitution, Contact law enforcement if deemed necessary, 1-3 Day(s) of in/out of school Suspension

VIOLATION	CONSEQUENCE (Cont'd)
Ed Code 48900 (g) – Stealing school or private property Ed Code 48900 (l) – Receiving stolen property	 2nd Offense: 3-5 Days of Suspension, Possible removal from class, Restitution, Contact law enforcement, Possible recommendation for expulsion, depending on severity of incident 3rd Offense: 5 Day Suspension, Possible removal from class, Restitution, Contact law enforcement, Recommendation for expulsion, depending on severity of incident
Possessed and/or used tobacco products and/or	Possible Interventions
paraphernalia including lighters and matches Ed Code 48900 (h)	 Contact Parent/Guardian Provide learning opportunities with a focus on: Comprehend the health risks Analyze the influences of family, peers culture and media on usage patterns Develop interpersonal skills to resist temptations and practice goal setting and decision making skills to protect against use Develop goals related to reducing smoking or tobacco use (i.e., develop a quit plan) 1st Offense: Warning and/or detention, Parent/Guardian conference, 1-3 Days of in-school Suspension 2nd Offense: 1-3 Day(s) of Suspension, Contact law enforcement if warranted, Possible participation in an intervention program not at District expense 3rd Offense: 3-5 Days of Suspension, Contact law enforcement if warranted, Possible participation in an intervention program not at District expense
Obscenity/Profanity/Vulgarity, inappropriate	Possible Interventions
language/attire and/or ethnic/racial slurs offensive materials on personal/school items Gestures - including gang signs Ed Code 48900 (i) – Obscene act, engaged in habitual profanity or vulgarity	 Contact Parent/Guardian Acknowledge positive behavior Teach substitute words Counseling with focus on perspective taking, social skills/friendship and emotional management Behavior contract with focus on respect agreement Check in check out with specific goals related to appropriate language Reflection sheet 1st Offense: Warning and/or detention/parent/guardian conference or 1-3 Day(s) of in/out of school Suspension

VIOLATION	CONSEQUENCE (Cont'd)
VIOLATION	2nd Offense: 2 Days of In School Suspension, or 3-
	5 Days of Suspension
	S 2 dys or Suspension
	3rd Offense: 1-2 day(s) of In-School Suspension/3-5
	Day(s) of Suspension, Possible recommendation for
	expulsion
	·
Bullying: Including, but not limited to, bullying	Possible Interventions
committed by means of an electronic act, as defined	Contact Parent/Guardian
in subdivisions (f) and (g) of Section 32261, directed	 Possible sanctions include having the
specifically toward a pupil or school personnel	student
Ed Code 48900 (r)	o apologize;
	 discuss the incident with the teacher,
	principal, and/or parents;
	 pay for damaged belongings;
	 spend time in the office or another
	classroom;
	 forfeit recess or other privileges.
	Weekly meetings to communicate to
	students clear and consistently enforced
	expectations and to engage them as
	resources in preventing bullying behavior.
	Ongoing communication with parents.
	Appropriate and serious talks with bullies and
	victims.
	 Appropriate and serious talks with the parents of bullies and victims.
	Role playing of non-aggressive behavior with
	bullies.
	Role playing of assertive behavior with
	victims
	Learning opportunities for
	Conflict resolution
	 Friendship/Relationship skills
	 Coping skills
	 Relaxation techniques
	1st Offense: Parent/Guardian conference, Detention
	2nd Offense: 1-5 Day(s) of Suspension, Possible
	citation by police department
	3rd Offense: 3-5 Days of Suspension, Possible
	recommendation for expulsion (depending on
	severity), Possible citation by police department
	better, it decisies station by police department

Sexual harassment (Grades 4-12) Ed Code 48900 (.2) Possible Interventions Group or individual counseling with a focus on: Express one's sexuality in ways that are congruent with one's values Discriminate between life-enhancing sexual behaviors and those that are harmful to self and/or others Express one's sexuality while respecting the rights of others Seek new information to enhance one's sexuality Engage in sexual relationships that are consensual, non-exploitative, honest, pleasurable, and protected Appropriate ways to communicate/refrain from communicate/refr	Possible Interventions
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VIOLATION CONSEQUENCE (Cont'd)

Hate violence (Grades 4-12): harassment, teasing, threats, intimidation, or bullying including but not limited to a physical or mental disability, gender, nationality, race, religion or sexual orientation Ed Code 48900 (.3)

Possible Interventions

- Peer and student mentoring: Mentoring programs allow young people to build sustained, positive relationships with older peers and adults, and motivate them to emulate positive behavior. Such interactions help reduce risk behaviors in students, and create a safe and secure atmosphere in school so that students feel comfortable talking to adults if they need to. Peer mentoring can also help to increase understanding between diverse groups, strengthen the sense of community within a school, and build the self-esteem of those participating.
- Conflict resolution and peer mediation: Comprehensive conflict resolution programs train selected students to serve as neutral third parties who will mediate disputes among their peers.
 - Teachers and administrators are also trained to intervene in student conflicts in ways that foster team-building, problem-solving, and leadership skills. By teaching young people how to peacefully resolve their conflicts, and providing them with positive problem-solving strategies and role models, such programs foster a school climate of respect and caring.
- A strong commitment to reaching all students and staff with the message that violence, harassment, and intolerance are unacceptable in the school environment. Involving all students, staff, parents, and interested community members in learning about violence and how to prevent it.
- Eliminating barriers to communication among groups of students Involving students in violence prevention initiatives as critical and valued partners. Collaborating closely and effectively with community, media, and policing agencies.

1st Offense: Parent/Guardian conference, Detention, Possible suspension 1-5 Day(s) in/out of school, Possible expulsion recommendation (depends on severity), Possible referral to police department

2nd Offense: 3-5 Days of Suspension, Possible expulsion recommendation (depends on severity), Possible referral to police department, Participation in cultural sensitivity training and/or anger management

VIOLATION	CONSEQUENCE (Cont'd)
	3rd Offense: 5 Day Suspension and Recommendation for expulsion, Referral to police department, Participation in cultural sensitivity training and/or anger management
Inappropriate use of computers	Possible Interventions Contact Parent/Guardian Review the appropriate use of technology policy with student Student and parent/guardian sign and agree to appropriate use of technology policy terms 1st Offense: Parent/Guardian conference, Lose 1 week of computer usage, Possible removal from class 2nd Offense: Lose computer privileges for rest of quarter/semester OR limit computer use to supervised classroom related activities times only. 3rd Offense: Lose computer privileges for rest of the
	year
Cheating in classroom including plagiarism and using electronic devices	Possible Interventions Parent/Guardian conference and create plan of action Remove underlying factors that foster cheating in the first place. "Often cheating is an expression of other problems Arrange learning opportunities about cheating which include: Ask children to consider where the world would be today if everybody cheated. 1st Offense: Parent/Guardian conference, Earn a failing grade on test or assignment 2nd Offense: Earn a failing grade on test or assignment, Possible "U" in citizenship, Possible removal from class, Detention 3rd Offense: 1 Day of In-school Suspension, Saturday Academy, Earn a failing grade on test or assignment, Possible removal from class

VIOLATION	CONSEQUENCE (Cont'd)
Use of skateboards, roller skates or roller blades	Possible Interventions
Possession or use of chains and non-approved hats/headgear on campus Violation of district policy for use of cameras, iPods/MP3/ players, cellular phones and other electronic devices Incident Type: School Rules Violation	 Contact Parent/Guardian Behavior contract with student signature Review the appropriate use of technology policy with student Student and parent/guardian sign and agree to appropriate use of technology policy terms Provide school-wide behavior expectations in classrooms and assemblies when appropriate including appropriate use of the above categories 1st Offense: Warning, Confiscation of item for the day, Possible parent conference, Possible detention 2nd Offense: Confiscation of item (to be returned at parent conference), Detention
	3rd Offense: Item to be returned at end of school year, 1-2 Day(s) of Suspension, Saturday Academy
Excessive unexcused tardiness and excessive	Follow Truancy Abatement Program Protocol
absences, truancies, or class cuts	
Incident Type: Attendance Problem Violation of school rules	Possible Interventions
Violation of school rules	 Contact Parent/Guardian Behavior contract with student signature Provide school-wide behavior expectations in classrooms and assemblies when appropriate including appropriate use of the above categories Reflection sheet Behavior plan with identified function of behavior and subsequent interventions identified Acknowledge and reinforce appropriate classroom and school behavior conduct Peer groups/interest based clubs Learning opportunities for Conflict resolution Friendship/Relationship skills Coping skills Relaxation techniques Acknowledge and reinforce appropriate classroom and school behavior conduct 1st Offense: Warning, Possible detention, Parent/Guardian conference 2nd Offense: 1-2 Day(s) of In-school Suspension 3rd Offense: 1-2 Day(s) of In-School Suspension, Saturday Academy

VIOLATION	CONSEQUENCE (Cont'd)
Classroom/Campus Disruption, disobedience	Possible Interventions Contact Parent/Guardian Behavior contract with student signature Check-in-Check-out Breaks are better (scheduled breaks) Restorative Practices Prompting/reminder of the behavior expectation Chunk assignments into small parts if suspecting academic reasons for behavioral disruption Establish clear routines and procedures and expectations in classroom(s) Provide school-wide behavior expectations in classrooms and assemblies when appropriate including appropriate use of the above categories Alternative Seating Reflection sheet Apology letter or "if you knew me letter" Acknowledge and reinforce appropriate classroom and school behavior conduct 1st Offense: Teacher conference, Parent/Guardian conference, Possible detention 2nd Offense: Detention or 1-2 Day(s) of In-school Suspension, Possible removal from class 3rd Offense: 2 Days of In-school Suspension, Saturday Academy, Removal from class

VIOLATION	CONSEQUENCE (Cont'd)
Dress code violation	Contact Parent/Guardian Behavior contract with student signature Review the appropriate Dress Code Policy with student Student and parent/guardian sign and agree to appropriate Dress Code Policy Terms Provide school-wide behavior expectations in classrooms and assemblies when appropriate including appropriate Dress Code use Acknowledge and reinforce appropriate dress code compliance
	1st Offense: Warning, Parent/Guardian contact, Change or cover
	2nd Offense: Parent/Guardian contact, Change or cover, Possible detention, Possible 1 Day of In-School Suspension
	3rd Offense: Parent/Guardian contact, Change or cover, 1-2 Day(s) of In-school Suspension, Saturday Academy

SUSPENSION AND EXPULSION/DUE PROCESS

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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 wellbeing, and promotes their learning and development. The Superintendent 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.

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 and the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or other 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
- 4. During, going to, or coming from a school-sponsored activity

Suspended or expelled students shall be excluded from all school-related extra-curricular activities during the period of suspension or expulsion.

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

Appropriate Use of Suspension and Expulsion

Except when a student commits an act that violates Education Code <u>48900(a)-(e)</u> or his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct.

Except when a student commits an act listed in Education Code <u>48915(c)</u>, the Superintendent or designee shall have the discretion to determine whether to recommend to the Board that the student be expelled.

To correct the behavior of any student who is subject to discipline, the Superintendent or designee shall, to the extent allowed by law, and consistent with the requirements of school safety and security,

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SUSPENSION AND EXPULSION/DUE PROCESS

Mandated Policy

first use alternative disciplinary strategies specified in AR 5144 - Discipline. (Education Code 48900.5, 48900.6)

Alternatives to suspension or expulsion shall also be used with students who are truant, tardy, or otherwise absent from assigned school activities.

District staff shall not suspend any student in kindergarten through third grade for disruption or willful defiance. This limitation shall not apply to the right of a classroom teacher to suspend a student from the teacher's own classroom pursuant to Education Code 48910. (Education Code 48900(k))

No student in grades kindergarten through 12 shall be expelled for disruption or willful defiance. (Education Code 48900(k))

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to classroom or school removal.

A student who reports to school authorities that another student has made a threat of violence involving a dangerous weapon may not be held liable for defamation unless the report was knowingly false. (Civil Code 48.8)

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and 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)

Supervised Suspension Classroom

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code <u>48900</u> and <u>48900.2</u>, 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 may establish a supervised suspension classroom program which meets the requirements of law. (Education Code 48911.1)

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)

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SUSPENSION AND EXPULSION/DUE PROCESS

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Decision Not to Enforce Expulsion Order

Upon voting to expel a student, the Board may suspend enforcement of the expulsion order pursuant to the requirements of law and administrative regulation. (Education Code 48917)

Maintenance and Monitoring of Outcome Data

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

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981 Enrollment of students in community school

8239.1 Probation 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

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

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

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

<u>626.10</u> Dirks, daggers, knives, razors, or stun guns

868.5 Supporting person; attendance during testimony of witness

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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

7961Gun-free schools

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

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

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

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. 347 (1997)

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

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

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

Management Resources:

CSBA PUBLICATIONS

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

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 Drug-Free Schools:

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

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SUSPENSION AND EXPULSION/DUE PROCESS

Mandated Regulation

Definitions

Suspension from school 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 <u>48910</u>. Removal from a particular class shall not occur more than once every five school days.

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

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

School property, for the purposes described in Education Code $\frac{48900}{}$, includes, but is not limited to, electronic files and databases. (Education Code $\frac{48900}{}$ (u))

Student includes a student's parent/guardian or legal counsel. (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. Transfer students and their parents/guardians shall be notified at the time of enrollment. (Education Code 35291, 48900.1, 48980)

(cf. <u>5144</u> - Discipline)

(cf. 5145.6 - Parental Notifications)

SUSPENSION AND EXPULSION/DUE PROCESS

Mandated Regulation

Grounds for Suspension and Expulsion

Any student, including a student with disabilities, may be subject to suspension or expulsion when it is determined that he or she:

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

- 1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))
- 2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code <u>48900(b)</u>)

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(cf. 5131 - Conduct)
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(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 <u>11053-11058</u>, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))

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(cf. 5131.6 - Alcohol and Other Drugs)
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- 4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code <u>11053-11058</u>, 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 <u>48900(d)</u>)
- 5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))
- 6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))
- 7. Stole or attempted to steal school property or private property (Education Code 48900(g))
- 8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))

(cf. 5131.62 - Tobacco)

SUSPENSION AND EXPULSION/DUE PROCESS

Mandated Regulation

- 9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))
- 10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code <u>11014.5</u> (Education Code <u>48900(j)</u>)
- 11. Disrupted school activities or otherwise willfully defied 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))

Effective January 1, 2015, no student in kindergarten through grade three may be suspended, and no student may be expelled for engaging in disruptive or willfully defiant conduct. This prohibition shall not apply to the right of a classroom teacher to suspend a student from the teacher's own classroom pursuant to Education Code 48910 and shall not prohibit expulsions for conduct that is subject to expulsion on other grounds.

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(cf. <u>5131.4</u> - Student Disturbances)
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- 12. Knowingly received stolen school property or private property (Education Code 48900(1))
- 13. Possessed an imitation firearm; i.e. 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))
- 14. Committed or attempted to commit a sexual assault as defined in Penal Code <u>261</u>, <u>266c</u>, <u>286</u>, <u>288</u>, <u>288a</u>, or 289, or committed a sexual battery as defined in Penal Code <u>243.4</u> (Education Code <u>48900(n)</u>)
- 15. 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))
- 16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))
- 17. Engaged in, or attempted to engage in, hazing as defined in Education Code 48900(q). (Education Code 48900(q))
- 18. Engaged in an act of bullying as defined in Education Code 48900(r) (Education Code 48900(r))

(cf. 1114 - District-Sponsored Social Media)

(cf. <u>5131.2</u> - Bullying)

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

SUSPENSION AND EXPULSION/DUE PROCESS

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(cf. <u>6164.6</u> - Identification and Education under Section 504)

20. Made written or oral terroristic threats against school officials and/or school property (Education Code 48900.7)

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

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

(cf. 5145.7 - Sexual Harassment)

22. 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)

(cf. <u>5145.9</u> - Hate-Motivated Behavior)

23. 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)

Removal from Class by a Teacher

A teacher may remove a student from his/her class for the remainder of the day and the following day only for acts specified in Education Code <u>48900</u> and listed under "**Grounds for Suspension and Expulsion**" above. (Education Code <u>48910</u>)

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

As soon as possible after the teacher decides to remove the student, he/she shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. 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 removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal or designee. (Education Code $\frac{48910}{1}$)

A student removed from class shall not be placed in another regular class during the period of removal. However, a student assigned to more than one class per day may continue to attend other

SUSPENSION AND EXPULSION/DUE PROCESS

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regular classes except those held at the same time as the class from which he/she was removed. (Education Code 48910)

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

Suspension by Superintendent, Principal, or Designee

The Superintendent, principal, or designee may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above. A student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)

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

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

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code $\frac{48915}{(c)}$)

- 1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
- 2. Brandishing a knife, as defined in Education Code 48915(g), at another person
- 3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
- 4. Committing or attempting to commit a sexual assault as defined in Penal Code <u>261</u>, <u>266c</u>, <u>286</u>, <u>288</u>, <u>288a</u>, or 289, or committing a sexual battery as defined in Penal Code <u>243.4</u>
- 5. Possessing an explosive as defined in 18 USC <u>921</u>

(cf. 5125 - Student Records)

A decision by the Superintendent, Principal or designee to suspend a student shall be final.

Length of Suspension

SUSPENSION AND EXPULSION/DUE PROCESS

Mandated Regulation

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

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

(cf. 6184 - Continuation Education)

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

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

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

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

- 2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior. The principal or designee 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 be notified in writing of the suspension.

SUSPENSION AND EXPULSION/DUE PROCESS

Mandated Regulation

(Education Code <u>48911</u>) This notice shall state the specific offense committed by the student. (Education Code <u>48900.8</u>)

In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

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

Although the parent/guardian is required to respond without delay to a request for a conference about his/her child's behavior, 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)

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. (Education Code 48911)

Any extension of the original period of suspension shall be 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. Extension of the suspension may be made only if 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 placement would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

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. <u>6173.1</u> - Education for Foster Youth)

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

Suspension by the Board

SUSPENSION AND EXPULSION/DUE PROCESS

Mandated Regulation

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion" 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 if any of the acts listed under "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

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

(cf. 9321 - Closed Session Purposes and Agendas)

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

Supervised Suspension Classroom

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 a supervised suspension classroom in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

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

At the time a student is assigned to a supervised 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 shall be made in writing. (Education Code 48911.1)

Students Regulation #5144.1

SUSPENSION AND EXPULSION/DUE PROCESS

Mandated Regulation

Authority to Expel

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

The Board shall order expelled, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion" (Education Code 48915)

For all other grounds listed above under "**Grounds for Suspension and Expulsion**", the Board shall order a student expelled, upon the recommendation of the Superintendent, principal, or designee, only if the Board 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

Mandatory Recommendation for Expulsion

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

- 1. Causing serious physical injury to another person, except in self-defense
- 2. Possession of any knife as defined in Education Code <u>48915(g)</u> 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 <u>11053-11058</u>, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
- 4. Robbery or extortion
- 5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

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

Mandatory Recommendation and Mandatory Expulsion

SUSPENSION AND EXPULSION/DUE PROCESS

Mandated Regulation

The Superintendent, principal, or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence

However, possession of an imitation firearm, as defined in Education Code <u>48900(m)</u>, shall not be regarded as an offense requiring a mandatory recommendation for expulsion and mandatory expulsion.

- 2. Brandishing a knife, as defined in Education Code 48915(g), at another person
- 3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
- 4. Committing or attempting to commit a sexual assault as defined in Penal Code <u>261</u>, <u>266c</u>, <u>286</u>, <u>288</u>, <u>288a</u>, or 289, or committing a sexual battery as defined in Penal Code <u>243.4</u>
- 5. Possessing an explosive as defined in 18 USC <u>921</u>

Upon finding that the student committed any of the above acts, the Board shall order the student expelled. (Education Code 48915)

Students Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed one of the acts listed above under "Grounds for Suspension and Expulsion." (Education Code 48918(a))

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

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

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code <u>48925</u>. Unless the student requests in writing that the expulsion hearing be

SUSPENSION AND EXPULSION/DUE PROCESS

Mandated Regulation

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 offense listed above under "Grounds for Suspension and Expulsion" for which expulsion is permitted or mandatory, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

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

A stipulated expulsion shall be effective upon approval by the Board. If a proposed stipulated expulsion is rejected by the Board, the case shall proceed with a hearing as set forth below.

Rights of Complaining Witness

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

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

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

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

SUSPENSION AND EXPULSION/DUE PROCESS

Mandated Regulation

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 $\frac{48915.1}{1}$, 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 $\frac{48915}{1}$ (a) or (c).
- (cf. <u>5119</u> 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 non-attorney advisor.

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.

Non-attorney advisor 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

At least 10 days prior to a hearing to determine if a student who is a foster youth as defined under Education Code 48853.5 should be expelled for an offense not requiring a mandatory recommendation for expulsion, the Superintendent or designee shall notify the student's attorney and a representative of an appropriate county child welfare agency. If the hearing is pursuant to an offense requiring a mandatory expulsion recommendation, the Superintendent or designee may provide the same notification. The notice shall be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

SUSPENSION AND EXPULSION/DUE PROCESS

Mandated Regulation

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code <u>54953</u> and Education Code <u>35145</u>, 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 unless another student's privacy rights would be violated. (Education Code <u>48918</u>(c))

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

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

- **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))
- **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))

SUSPENSION AND EXPULSION/DUE PROCESS

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

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))

- **Testimony by Complaining Witnesses:** The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
 - a. Any complaining witness shall be given five days' notice before being called to testify.
 - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
 - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
 - d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
 - e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
 - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
 - g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
 - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.

SUSPENSION AND EXPULSION/DUE PROCESS

Mandated Regulation

- (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
- (3) The person conducting the hearing may:
- (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
- (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
- (c) Permit one of the support persons to accompany the complaining witness to the witness stand
- **Decision:** The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may 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(d))

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." 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. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. 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 <u>48918(f)</u>)

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion order for a period of one year. (Education Code 48917, 48918)

SUSPENSION AND EXPULSION/DUE PROCESS

Mandated Regulation

Final Action by the Board

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

(cf. <u>9321.1</u> - Closed Session Actions and Reports)

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

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

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

- 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 <u>48916.5</u>)

Written Notice to Expel

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

- 1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under **''Grounds for Suspension and Expulsion''** (Education Code <u>48900.8</u>)
- 2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code48916)

Students Regulation #5144.1

SUSPENSION AND EXPULSION/DUE PROCESS

Mandated Regulation

- 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 <u>48918</u>)
- 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 Not to Enforce Expulsion Order

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

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

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

- 1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
- 2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
- 3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct. (Education Code48917)
- 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 <u>48917</u>)

SUSPENSION AND EXPULSION/DUE PROCESS

Mandated Regulation

6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))

7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

Right to 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)

The student shall submit 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 <u>245</u>. (Education Code <u>48902</u>)

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

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

Post-Expulsion Placements

The Board shall refer expelled students to a program of study that is: (Education Code $\frac{48915}{48915.01}$)

SUSPENSION AND EXPULSION/DUE PROCESS

Mandated Regulation

- 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 such a site
- 3. Not housed at the school site attended by the student at the time of suspension

(cf. <u>6158</u> - Independent Study)

(cf. <u>6185</u> - Community Day School)

When the placement described above is not available and when the County Superintendent so certifies, students expelled for acts described in items #6-13 and #21-23 under "Grounds for Suspension and Expulsion" 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

Readmission procedures shall be as follows:

- 1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
- 2. 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.
- 3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code <u>49073</u>- 49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
- 4. 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.
- 5. 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)

SUSPENSION AND EXPULSION/DUE PROCESS

Mandated Regulation

6. 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. (Education Code 48916)

7. 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. <u>5119</u> - Students Expelled from Other Districts)

(7/12 11/12) 4/14

Suspension/Expulsion of Special Education Students

- 1. A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities except as set forth in Administrative Regulation 5144.2
- 2. In accordance with the procedures set out in Administrative Regulation 5144.2, the Superintendent or designee may suspend a student with a disability for up to 10 consecutive days for a single incident of misconduct, and for up to 20 days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530.)

SUSPENSION AND EXPULSION/DUE PROCESS

Mandated Regulation

- 3. If a student's removal from his/her current educational placement for disciplinary reasons is determined to be a change of placement pursuant to 34 CFR 300.536, or the student is suspended for more than 10 days in the same school year, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur.
- 4. All applicable procedural safeguards prescribed by federal and state law and this Regulation apply to proceedings to expel special education students except that parental consent is not required as a condition for expulsion proceedings or the decision to expel.
- 5. The Board may order a special education student expelled only if each of the conditions for such an expulsion as set out in Administrative Regulation 5144.2 are met, including, but not limited to the following:
 - a. On the date the decision to take disciplinary action is made, the student's parent/guardian is notified of the decision and provided with a procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530.)
 - b. A manifestation determination review is conducted and the manifestation determination review team determines that the student's conduct was not a manifestation of his/her disability.
- 6. Following expulsion of a special education student, the student's IEP team shall determine the services necessary to enable him/her to participate in the general education curriculum in another setting and allow him/her to progress toward meeting the goals set out in his/her IEP. (20 USC 1415(k)(1)(D); 34 CFR 300.530.)

SUSPENSION AND EXPULSION/DUE PROCESS (INDIVIDUALS WITH DISABILITIES)

Students with Disabilities Under the IDEA

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

Procedures for Students Not Yet Eligible for Special Education Services

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

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

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

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

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

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures under 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which may include suspension or expulsion without receiving any educational services. (20 USC 1415(k)(5); 34 CFR 300.534)

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SUSPENSION AND EXPULSION/DUE PROCESS (INDIVIDUALS WITH DISABILITIES)

Suspension

The Superintendent or designee may suspend a student identified with a disability pursuant to the IDEA who violates a code of conduct for up to 10 consecutive school days for a single incident of misconduct, in accordance with the procedures in Education Code 48911(g). The Superintendent or designee may suspend a student for up to 20 cumulative school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; Education Code 48911; 34 CFR 300.530)

Bus Suspension or In-School Suspensions

A bus suspension may count toward the cumulative days of suspension if bus transportation is a required part of a student's IEP and if it is a change in placement. If the IEP of a student with a disability requires the District to provide the student with transportation, the District shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation. (Education Code 48915.5)

An "in-school suspension" or "supervised suspension classroom" as authorized by Education Code 48911.1 would not count towards the 20-day limit as long as the student is afforded the opportunity to continue to appropriately participate in the general curriculum, receive services specified in his/her IEP, and participate with non-disabled students to the extent he/she would have in the current placement. (71 Fed.Reg. 156, p. 46715; Education Code 48911.1)

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

Change in Placement

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

- 1. The removal is for more than 10 consecutive school days; or
- 2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
 - a. The series of removals total more than 10 school days in a school year;
 - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals; and

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SUSPENSION AND EXPULSION/DUE PROCESS (INDIVIDUALS WITH DISABILITIES)

c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

Services During Suspension

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

Interim Alternative Educational Placement Due to Dangerous Behavior

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

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

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

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

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

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SUSPENSION AND EXPULSION/DUE PROCESS (INDIVIDUALS WITH DISABILITIES)

Manifestation Determination

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

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

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

- a. Caused by, or had a direct and substantial relationship to the student's disability; or
- b. A direct result of the District's failure to implement the student's IEP.

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

3. Determination that Behavior is a Manifestation of the Student's Disability: When the student's conduct has been determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment, unless one had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 30.530)

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

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SUSPENSION AND EXPULSION/DUE PROCESS (INDIVIDUALS WITH DISABILITIES)

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

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

Due Process Appeals

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

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

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

Readmission

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

Decision Not to Enforce Expulsion Order

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

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SUSPENSION AND EXPULSION/DUE PROCESS (INDIVIDUALS WITH DISABILITIES)

Notification to Law Enforcement Authorities

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

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

Report to County Superintendent of Schools

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

Discipline of Students Identified as Disabled Only Under Section 504

Students identified as individuals with a disability under Section 504 of the Rehabilitation Act of 1973 ("Section 504") are general education students who are subject to the same grounds and procedures for suspension and expulsion that apply to students without disabilities, except as otherwise specified in this administrative regulation.

The Superintendent or designee may suspend a student identified with a disability pursuant to Section 504 who violates a code of conduct, for up to 10 consecutive school days for a single incident of misconduct, in accordance with the procedures in Education Code section 48911(g). The Superintendent or designee may suspend a student for up to 20 cumulative school days in a school year, as long as the suspensions do not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; Education Code 48911; 34 CFR 300.530)

Bus Suspension or In-School Suspensions

A bus suspension may count toward the cumulative days of suspension if bus transportation is a required part of student's Section 504 Plan and if it is a change in placement. If the Section 504 Plan of a student with a disability requires the District to provide the student with transportation, the District shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation. (Education Code 48915.5)

An "in-school suspension" or "supervised suspension classroom" as authorized by Education Code 48911.1 would not count towards the 20-day limit as long as the student is afforded the opportunity to continue to appropriately participate in the general curriculum, receive services specified in his/her Section 504 Plan, and participate with non-disabled students to the extent he/she would have in the current placement. (71 Fed. Reg. 156, p. 46715; Education Code 48911.1)

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SUSPENSION AND EXPULSION/DUE PROCESS (INDIVIDUALS WITH DISABILITIES)

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid Section 504 Plan has been suspended during the school year.

Change in Placement

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

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

Manifestation Determination

The following procedural safeguards shall apply when a student with a disability having a Section 504 Plan is suspended for more than 10 consecutive school days in a school year, when a series of removals of a student constitutes a pattern, or when a disciplinary change of placement of a student is contemplated due to a violation of the District's code of conduct:

- 1. <u>Notice</u>: On the date the decision is made to impose disciplinary action that would result in a change of placement, the student's parent/guardian shall be notified of the decision and invited to the manifestation determination review meeting and provided a copy of the procedural safeguards for Section 504.
- 2. <u>Manifestation Determination Review</u>: Immediately, if possible, but in no case later than 10 school days after the date of the decision is made to impose disciplinary action that would result in a change in placement, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

At the manifestation determination review, the District, the student's parent/guardian, and relevant members of the Section 504 team (as determined by the District and parent/guardian) shall review all

SUSPENSION AND EXPULSION/DUE PROCESS (INDIVIDUALS WITH DISABILITIES)

relevant information in the student's file, including the student's Section 504 Plan, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

- Caused by or had a direct and substantial relationship to the student's disability a.
- b. A direct result of the District's failure to implement the student's Section 504 Plan.

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

- Determination that Behavior is a Manifestation of the Student's Disability: When the 3. student's conduct has been determined to be a manifestation of his/her disability, the student shall be returned to the placement from which he/she was removed, unless the parent/guardian and Superintendent or designee agree to a change of placement.
- 4. Determination that Behavior is Not a Manifestation of the Student's Disability: When it has been determined that the student's conduct was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities.

Exception to Requirement to Hold Manifestation Determination Review

A student with a disability under Section 504 who is currently using illegal drugs or alcohol and is to be disciplined for use or possession of illegal drugs or alcohol, does not have the procedural protections provided by Section 504, including the right to a manifestation determination review prior to a disciplinary change in placement.

Due Process Appeals of Manifestation Determination

- If the parent /guardian disagrees with any District decision regarding the manifestation 1. determination, he/she may appeal the decision by requesting a hearing.
- 2. Whenever a hearing is requested as specified above, the parent/guardian or the District shall have an opportunity for an expedited due process hearing consistent with the requirements specified in 34 CFR 300.507, 300.508 (a)- (c), and 300.510-300.514. A decision shall be made within 45 days of the receipt of request for hearing.
- 3. If the student's parent/guardian or the District initiated an expedited due process hearing as detailed above, the student shall remain suspended and/or expelled for the time period pending the decision of the hearing officer, unless the parent /guardian and District agree otherwise. (20 US 1415(k)(4); 34 CFR 300.533)

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Revised: October 1, 2015

SUSPENSION AND EXPULSION/DUE PROCESS (INDIVIDUALS WITH DISABILITIES)

4. To request an expedited hearing parent must submit a written request within 30 days of the manifestation determination decision for an expedited hearing by completing the District's Section 504 Complaint form and submitting the completed form to:

District Section 504 Coordinator 435 Hillcrest Avenue Pacific Grove, CA 93950

Readmission

Readmission procedures for expelled students with disabilities under Section 504 shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, a Section 504 meeting shall be convened to review and as necessary, to modify the student's Section 504 Plan.

Decision Not to Enforce Expulsion Order

The Governing Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities under Section 504 in the same manner as they are applied to all other students. (Education Code 48917)

Notifications to Law Enforcement Authorities

Law enforcement notifications requirements involving students with disabilities under Section 504 shall be the same as those specified for all students in AR 5144.1 – Suspension and Expulsion/Due Process.

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

Legal Reference:

EDUCATION CODE

35146 Closed sessions (re suspensions)

35291 Rules (of governing board)

48203 Reports of severance of attendance of disabled students

48900-48925 Suspension and expulsion

49076 Access to student records

56000 Special education; legislative findings and declarations

56320 Educational needs; requirements

56321 Development or revision of individualized education program

56329 Independent educational assessment

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Students Regulation #5144.2

SUSPENSION AND EXPULSION/DUE PROCESS (INDIVIDUALS WITH DISABILITIES)

56340-56347 Individual education program teams

56505 State hearing

PENAL CODE

245 Assault with deadly weapon

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act

626.10 Dirks, daggers, knives, razors or stun guns

UNITED STATES CODE, TITLE 18

930 Weapons

1365 Serious bodily injury

UNITED STATES CODE, TITLE 20

1412 State eligibility

1415 Procedural safeguards

UNITED STATES CODE, TITLE 21

812 Controlled substances

UNITED STATES CODE, TITLE 29

706 Definitions

794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities

300.530-300.537 Discipline procedures

COURT DECISIONS

Schaffer v. Weast, (2005) 546 U.S. 549

Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489

M.P. v. Governing Board of Grossmont Union High School District, (1994) 858 F.Supp. 1044

Honig v. Doe, (1988) 484 U.S. 305

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

California Department of Education, Special Education: http://www.cde.ca.gov/sp/se

U.S. Department of Education, Office of Special Education Programs:

http://www.ed.gov/about/offices/list/osers/osep

Office of Civil Rights ("OCR") decisions regarding Section 504 discipline; (307 IDELR 07 (OCR 1989); 307 IDELR 05 (OCR 1988) OSEP Memorandum 95-16, 22 IDELR 531); Grossmont (CA) Union High School District 113 LRP 27939 (OCR 04/17/13)

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Revised: October 1, 2015

Students Exhibit #5144.2

SUSPENSION AND EXPULSION/ DUE PROCESS (INDIVIDUALS WITH SPECIAL NEEDS)

ADDENDUM TO SELPA NOTICE OF IEP MEETING

You are hereby notified that your son/daughter,	, has been
recommended for expulsion has p	previously been
identified as a student with exceptional needs.	
was suspended by the principal for	days, until
·	
The reasons for the proposed expulsion are	
(Use attachments if needed)	
(Use attachments if needed.)	
The principal considered other options as described be	elow but has rejected
those options. (Description of other options considered	•
why they were rejected.)	a, ii any, and reasons
with they were rejected.	
The principal used the following evaluations, assessmen	nts, tests and/or
records in reaching his/her decision to propose expuls	ion:
1	
2	
3	·
4	
5	·
Other factors relevant to the principal's recommendation	on are:
Please be aware that:	
ricase de aware litat.	

Reference: See Regulation #5144.2 Issued: November 6, 1997
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Students Exhibit #5144.2

1. A preexpulsion assessment of	will be con	ducted.	
should report to	at		
(time) for this assessment.	You are required by	law to make	
available for this asse	ssment. You may ob	tain an	
independent pre-expulsion assessment if you disagree with the district's pre-			
expulsion assessment.			
2. An IEP meeting will be held on time and place of the IEP meeting are no			
immediately by calling the undersigned	•		
within 24 hours of receiving this letter.			
3. You may request that the meeting be school days. If you make such a reques continued during the three-day postpor	t, your child's suspen		

- 4. You may ask a representative to appear at the hearing on your behalf.
- 5. If you do not request a continuance immediately or appear at the IEP meeting in person or through a representative, the meeting will be held without you.
- 6. You have the right to participate in the IEP team meeting concerning this proposal and to appeal any IEP team decisions or recommendations with which you disagree to the State Department of Education, which will schedule a due process hearing to resolve the issues.

Such an appeal must be made in writing addressed to:

Superintendent of Public Instruction California Department of Education 1430 N Street Sacramento, CA 95814

with a copy to the local school district Superintendent and the SELPA Director of Monterey County.

THE WRITTEN APPEAL MUST BE DELIVERED OR POSTMARKED NO LATER THAN 15 DAYS FOLLOWING THE DATE OF THE IEP MEETING.

Reference: See Regulation #5144.2 Issued: November 6, 1997 All Rights Reserved by PGUSD. CSBA: 3/93

Students Exhibit #5144.2

7. You also have the right to appeal any decision from the State Department of Education resulting from a fair hearing on the issues with which you disagree to state or federal court. If you are represented by counsel in these proceedings and prevail, you are entitled to be reimbursed for attorney's fees.

District Administrator in Charge of Special Education or Principal

Reference: See Regulation #5144.2 Issued: November 6, 1997
All Rights Reserved by PGUSD. CSBA: 3/93

Students Policy #5145.11

QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT

The Governing Board believes that the safety of district students and staff is essential to achieving the goal of student learning. In accordance with standards specified in law, law enforcement officers may interview and question students on school premises and may remove them when appropriate.

(cf. 0450 - Comprehensive Safety Plan)

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

(cf. 3515.3 - District Police/Security Department)

(cf. 4158/4258/4358 - Employee Security)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.12 - Search and Seizure)

All Police Matters

The Superintendent or designee shall collaborate with local law enforcement agencies to establish procedures which enable law enforcement officers to carry out their duties on school campus, including, when necessary, the questioning and/or apprehension of students.

When any law enforcement officer requests an interview with a student, the principal or designee shall request the officer's identity, his/her official capacity, and the legal authority under which the interview is to be conducted. The principal or designee shall maintain a record of all documentation relative to law enforcement interviews of students.

The principal or designee shall accommodate the interview in a way that causes the least possible disruption for the student and school and provides the student appropriate privacy.

At the law enforcement officer's discretion and with the student's approval, the principal or designee may be present during the interview.

If a minor student is removed from school into the custody of law enforcement, the principal or

designee shall immediately notify the parent/guardian or responsible relative regarding the student's

release and the place to which he/she is reportedly being taken, except when the minor has been taken

into custody as a victim of suspected child abuse. (Education Code 48906)

Parents/guardians will be notified in advance with an opportunity to attend the interview conducted by a law enforcement officer unless: (1) the urgency of the situation makes the notice impracticable or will otherwise delay or hinder the investigation; or (2) the law enforcement officer directs the District otherwise under circumstances including, but not limited to, child abuse or neglect, threat of danger to health and safety, or as otherwise allowed by law.

The District has a School Resource Officer dedicated to the District schools who may occasionally be present during the investigation of school discipline matters. The School Resource Officer may be present to observe investigations conducted by the administration and in those circumstances, advance parental notification is not required. If the School Resource Officer performs a custodial interrogation, parents/guardians will be notified in advance with the opportunity to attend the

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Students Policy #5145.11

OUESTIONING AND APPREHENSION BY LAW ENFORCEMENT

interview, unless: (1) the urgency of the situation makes the notice impracticable or will otherwise delay or hinder the investigation; or (2) the School Resource Officer directs the District otherwise under circumstances including, but not limited to, child abuse or neglect, threat of danger to health and safety, or as otherwise allowed by law.

Subpoenas

Although subpoenas may legally be served at school on students age 12 or older, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. When served at school, the principal or designee shall take reasonable steps to protect the student's privacy rights and to minimize loss of class time for the student.

Legal Reference:

EDUCATION CODE

44807 Duty concerning conduct of pupils

48264 Arrest of truants

48265 Delivery of truant

48902 Notice to law enforcement authorities

48906 Release of minor pupil to peace officers; notice to parent/guardian

48909 Narcotics and other hallucinogenic drugs (re arrest)

CODE OF CIVIL PROCEDURE

416.60 Service of summons or complaint to a minor

PENAL CODE

830-832.18 Peace officers

1328 Service of subpoena

WELFARE AND INSTITUTIONS CODE

627 Custody of minor

CODE OF REGULATIONS, TITLE 5

303 Duty to remain at school

COURT DECISIONS

Camreta v. Greene. (2011) 131 S.Ct. 2020

People v. Lessie, (2010) 47 Cal. 4th 1152

In re William V., (2003) 111 Cal.App.4th 1464

ATTORNEY GENERAL OPINIONS

54 Ops.Cal.Atty.Gen. 96 (1971)

34 Ops.Cal.Atty.Gen. 93 (1959)

Management Resources:

WEBSITES

California Department of Justice, Office of the Attorney General: http://oag.ca.gov

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SEARCH AND SEIZURE

The Governing Board is fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. As necessary to protect the health and welfare of students and staff, school officials may search students, their property, and/or district property under their control and may seize illegal, unsafe, or otherwise prohibited items.

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(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 3515.3 - District Police/Security Department)
(cf. 5131 - Conduct)
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
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The Board urges that employees exercise discretion and good judgment. When conducting a search or seizure, employees shall act in accordance with law, Board policy, and administrative regulation.

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(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 5145.3 - Nondiscrimination/Harassment)
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The Superintendent or designee shall ensure that staff who conduct student searches receive training regarding the requirements of the district's policy and administrative regulation and other legal issues, as appropriate.

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

School officials may search any individual student, his/her property, or district property under his/her control when there is a reasonable suspicion that the search will uncover evidence that he/she is violating the law, Board policy, administrative regulation, or other rules of the district or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation. The types of student property that may be searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, and student vehicles parked on district property.

Cellular phones or other electronic communication devices may be searched with consent from the student or in any other manner consistent with the procedures and instructions in Administrative Regulation 5145.12 – Search and Seizure, and Penal Code section 1546.1.

Any search of a student, his/her property, or district property under his/her control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the danger to the health or safety of students or staff, such as the possession of weapons, drugs, or other dangerous instruments, and whether the item(s) to be searched by school officials is/are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the

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All Rights Reserved by PGUSD. Revised: October 25, 2018

SEARCH AND SEIZURE

student's age, gender, and the nature of the alleged violation.

Employees shall not conduct strip searches or body cavity searches of any student. (Education Code 49050)

Searches of individual students shall be conducted in the presence of at least two district employees.

The principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

Searches of Multiple Student Lockers/Desks

All student lockers and desks are the property of the district. The principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned, and not of the District, for purposes of further searches, if any.

Use of Metal Detectors

The Board believes the presence of weapons in the schools threatens the district's ability to provide the safe and orderly learning environment to which district students and staff are entitled. The Board also believes that metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students and staff.

The Superintendent or designee shall use metal detectors at district schools as necessary to help provide a safe learning environment. He/she shall establish a plan to ensure that metal detector searches are conducted in a uniform and consistent manner.

Use of Contraband Detection Dogs

In an effort to keep the schools free of dangerous contraband, the district may use specially trained, nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or Board policy.

The dogs may sniff the air around lockers, desks, or vehicles on district property or at district-sponsored events. Dogs shall not sniff within the close proximity of students or other persons and may not sniff any personal items on those persons without their consent.

Legal Reference:

EDUCATION CODE

32280-32289 School safety plans

35160 Authority of governing boards

35160.1 Broad authority of school districts

48900-48927 Suspension and expulsion

Page 2 of 3. All Rights Reserved by PGUSD. Adopted: February 8, 2018

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SEARCH AND SEIZURE

49050-49051 Searches by school employees 49330-49335 Injurious objects

PENAL CODE

626.9 Firearms 626.10 Dirks, daggers, knives or razors

1546.1 Electronic Communications Privacy Act

CALIFORNIA CONSTITUTION

Article I, Section 28(f) Right to Safe Schools

COURT DECISIONS

Safford Unified Sch. Dist. No. 1 v. Redding, (2009) 557 U.S. 364

B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260

Jennings v. Joshua Independent School District, (5th Cir. 1989) 877 F.2d 313

O'Connor v. Ortega, (1987) 480 U.S. 709

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

Horton v. Goose Creek Independent School District, (5th Cir. 1982) 690 F.2d 470

Zamora v. Pomeroy, (10th Cir. 1981) 639 F.2d 662

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 257 (2001)

75 Ops.Cal.Atty.Gen. 155 (1992)

Management Resources:

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

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

WEBSITES

CSBA: http://www.csba.org

California Attorney General's Office: http://caag.state.ca.us

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

National Institute of Justice: http://www.ojp.usdoj.gov/nij

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SEARCH AND SEIZURE

Use of Metal Detectors

The Superintendent or designee shall ensure that the following safeguards are used when making metal detector scans:

- Before walk-through, students shall be asked to empty their pockets and belongings of metallic objects.
- 2. If an initial metal detector activation occurs, students shall be asked to remove other metallic objects that they may be wearing (e.g., belt and jewelry) and to walk through a second time.
- 3. If a second activation occurs, a hand-held metal detector shall be used.
- 4. If the activation is not eliminated or explained, staff shall escort the student to a private area where an expanded search shall be conducted by a staff member of the same gender as the student in the presence of another district employee.
- 5. The search shall be limited to the detection of the cause of the activation.

Use of Contraband Detection Dogs

Contraband detection dogs shall not be used in classrooms or other district facilities when the rooms are occupied, except for demonstration purposes with the handler present. When used for demonstration purposes, the dog shall be separated from the students and not allowed to sniff any individual.

Prior to conducting an inspection, students shall be asked to leave the room that will be subject to the canine sniff. No student shall be forced to leave personal items behind for inspection, unless school officials have reasonable suspicion to search the item.

Only the dog's official handler shall determine what constitutes an alert by the dog. If the dog alerts on a particular item or place, the student having the use of that item or place, or responsibility for it, shall be called to witness the inspection. If a dog alerts on a locked vehicle, the student who brought the vehicle onto district property shall be asked to unlock it for inspection.

(cf. 5131.6 - Alcohol and Other Drugs)

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

Notifications

At the beginning of each school year and upon enrollment, the Superintendent or designee shall inform students and parents/guardians about the district's policies and procedures for searches, including notice regarding:

- The possibility of random searches of students, their belongings, their vehicles parked on 1. district property, and district properties under a student's control, including lockers or desks
- The district's contraband dog detection program 2.

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SEARCH AND SEIZURE

3. The use of metal detector scans

In addition, the Superintendent or designee shall ensure that signs are posted at all schools at which metal detectors are to be used to explain that anyone may be scanned by metal detectors for guns, knives, or other illegal weapons when on campus or attending athletic or extracurricular events.

Search of Student Cell Phones and Electronic Devices

School officials who wish to search a student's phone/electronic device must adhere to the general rules for individual searches discussed in Board Policy 5145.12. In addition to the general individual search rules, officials wishing to search student electronic devices should follow the following procedures:

- 1. Student Consent: request the student to submit to a search of their electronic device (Pen. Code § 1546.1(a)(3)
- 2. Parent/Guardian Consent: if the student does not consent, request parent/guardian consent.
- 3. Emergency Exception: if the search is desired because of a good faith belief that is necessary to prevent a present emergency and risk of death or serious physical injury to any person, the search may be conducted without consent. The emergency exception does not apply to a search necessary to find evidence of past wrongs, even if those past wrongs resulted in death or serious physical injury.
- 4. Non-Emergency Situations: if a student's conduct does not fall under the emergency exception, or otherwise constitute a serious act of wrongdoing, and consent has not been granted:
 - a. Consider whether alternative sources will suffice, and
 - b. If proprietary of search is in question, contact the Superintendent's office.
- 5. Temporary Possession of Electronic Device by Administrators:
 - a. Administrators may hold on to a student electronic device while an investigation is presently occurring to prevent tampering with other student witnesses or the destruction of evidence.
 - b. Holding on to a student's electronic device while awaiting confirmation from the Superintendent's office on whether a search without consent is appropriate.
 - c. Holding on to a student's electronic device while waiting for law enforcement personnel to arrive is appropriate.

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Education Equity: Immigration and Citizenship Status

The Governing Board recognizes the District's responsibilities outlined by Assembly Bill 699 and authorizes the Superintendent or designee to develop administrative regulations and procedures to provide for District compliance of those requirements. Certain provisions of this policy may also be addressed in other District policies and regulations and all the provisions shall be interpreted together as working in coordination with one another.

(cf. BP 0100 – Mission, Philosophy, and Goals)

Collecting and Retaining Student Information

The Superintendent or designated administrator shall maintain in writing District policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.

If the District possesses information that could indicate immigration status, citizenship status, or national origin information, the District shall not use the acquired information to discriminate against any students or families or bar children from enrolling in or attending school.

If parents or guardians choose not to provide information that could indicate their or their children's immigration status, citizenship status, or national origin information, the District shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.

The District shall not allow school resources or data to be used to create a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin.

- (cf. BP 0410 Nondiscrimination in District Programs and Activities)
- (cf. BP 5020 Parent Rights and Responsibilities)
- (*cf.* BP 5111 Admission)
- (cf. BP 5111.1 District Residency)
- (cf. BP 5125 Student Records)
- (cf. BP 5125.1 Release of Directory Information)
- (cf. BP 5145.3 Nondiscrimination/harassment)
- (cf. BP 5145.6 Parental Notifications)

Inquiries Regarding Immigration Status, Citizenship Status, and National Origin Information

District personnel shall not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians; nor shall personnel seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student's immigration status, such as a green card, voter registration, a passport, or citizenship papers.

Where any law contemplates submission of national origin related information to satisfy the requirements of a special program, District personnel shall solicit that documentation or information separately from the school enrollment process.

Page 1 of 12 Adopted: August 23, 2018

Education Equity: Immigration and Citizenship Status

Where permitted by law, the Superintendent or designee of the District shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means shall include among them documentation or information that are available to persons regardless of immigration status, citizenship status, or national origin, and that do not reveal information related to citizenship or immigration status.

Where residency, age, and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this policy, the District's procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this policy.

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(cf. BP 0410 – Nondiscrimination in District Programs and Activities)
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- (cf. BP 5020 Parent Rights and Responsibilities)
- (*cf.* BP 5111 Admission)
- (cf. BP 5111.1 District Residency)
- (cf. BP 5145.3 Nondiscrimination/harassment)
- (cf. BP 5145.6 Parental Notifications)

Inquiries About Social Security Numbers or Cards

The District shall not solicit or collect entire Social Security numbers or cards.

The District shall solicit and collect the last four digits of an adult household member's Social Security number only if required to establish eligibility for federal benefit programs.

When collecting the last four digits of an adult household member's Social Security number to establish eligibility for a federal benefit program, the District shall explain the limited purpose for which this information is collected, and clarify that a failure to provide this information will not bar the student from enrolling in or attending the school.

The District shall treat all students equitably in the receipt of all school services, including, but, not limited to, the gathering of student and family information for the free and reduced lunch program, transportation and educational instruction.

- (cf. BP 0410 Nondiscrimination in District Programs and Activities)
- (cf. BP 3553 Free and Reduced-Price Meals)
- (cf. BP 5020 Parent Rights and Responsibilities)
- (cf. BP 5030 Heathy Educational Environment)
- (*cf.* BP 5111 Admission)
- (cf. BP 5111.1 District Residency)
- (cf. BP 5145.3 Nondiscrimination/harassment)
- (cf. BP 5145.6 Parental Notifications)

Procedures Regarding Information Sharing

The District shall avoid the disclosure of information that might indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by Family Educational Rights and Privacy Act (FERPA).

Page 2 of 12 Adopted: August 23, 2018

Education Equity: Immigration and Citizenship Status

District personnel shall take the following action steps upon receiving an information request related to a student's or family's immigration or citizenship status:

- 1. Notify a designated District official about the information request.
- 2. Provide students and families with appropriate notice and a description of the immigration officer's request.
- 3. Document any verbal or written request for information by immigration authorities.
- 4. Unless prohibited, provide students and parents/guardians with any documents issued by the immigration-enforcement officer.

Except for investigations of child abuse, child neglect, or child dependency, or when the subpoena served on the District prohibits disclosure, the District shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.

The District shall require written parental or guardian consent for release of student information, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information to immigration authorities for immigration-enforcement purposes; no student information shall be disclosed to immigration authorities for immigration enforcement purposes without a court order or judicial subpoena.

The District's request for written or parental or guardian consent for release of student information must include the following information: (1) the signature and date of the parent, guardian, or eligible student providing consent; (2) a description of the records to be disclosed; (3) the reason for release of information; (4) the parties or class of parties receiving the information; and (5) if requested by the parents, guardians or eligible student, a copy of the records to be released. The District shall permanently keep the consent notice with the record file.

The parent, guardian, or eligible student is not required to sign the consent form. If the parent, guardian or eligible student refuses to provide written consent for the release of student information that this not otherwise subject to release, the District shall not release the information.

- (cf. BP 0410 Nondiscrimination in District Programs and Activities)
- (cf. BP 5020 Parent Rights and Responsibilities)
- (cf. BP 5125 Student Records)
- (cf. BP 5125.1 Release of Directory Information)
- (cf. BP 5145.3 Nondiscrimination/harassment)
- (cf. BP 5145.6 Parental Notifications)

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Education Equity: Immigration and Citizenship Status

Annual Information Notice to Parents and Guardians

General Information Policy

The District must provide an annual notice to parents and guardians of the school's general information policies that includes:

- 1. Assurances that the District will not release information to third parties for immigrationenforcement purposes, except as required by law or court order
- 2. A description of the types of student records maintained by the District.
- 3. A list of the circumstances or conditions under which the District might release student information to outside people or entities.
- 4. A statement that, unless the District is providing information for a legitimate educational purpose under FERPA and the California Education Code or directory information, the District shall notify parents or guardians and eligible students—and receive their written consent—before it releases a student's personally identifiable information.

Directory Information Policy - If the District decides to release directory information, the District shall provide an annual notice to parents and guardians, and "eligible students" in attendance, of the District's directory information policy that includes:

- 1. The categories of information that the District has classified as public directory information that may be disclosed without parental consent and which should only include the information specifically identified in Education Code section 49061, subdivision (c).
- 2. A statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin (except where the District receives consent as required under state law).
- 3. The recipients of the directory information.
- 4. A description of the parent's or guardian's abilities to refuse release of the student's directory information, and how to refuse release.
- 5. The deadline in which the parent, guardian or student must notify the school in writing that he or she does not want the information designated as directory information.
- (cf. BP 0410 Nondiscrimination in District Programs and Activities)
- (cf. BP 1240 Volunteer Assistance)
- (*cf.* BP 3312 Contracts)
- (cf. BP 3600 Consultants—Contract Process)
- (cf. BP 5020 Parent Rights and Responsibilities)
- (cf. BP 5125 Student Records)
- (cf. BP 5125.1 Release of Directory Information)
- (cf. BP 5145.3 Nondiscrimination/harassment)
- (cf. BP 5145.6 Parental Notifications)

Monitoring and Receiving Visitors onto Campus

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Education Equity: Immigration and Citizenship Status

No outsider—which would include immigration-enforcement officers—shall enter or remain on school grounds of the District during school hours without having registered with the principal or designee. If there are no exigent circumstances necessitating immediate action, and if the immigration officer does not possess a judicial warrant or court order that provides a basis for the visit, the officer must provide the following information to the principal or designee:

- 1. Name, address, occupation;
- 2. Age, if less than 21;
- 3. Purpose in entering school grounds;
- 4. Proof of identity; and
- 5. Any other information as required by law.

The District shall adopt measures for responding to outsiders that avoids classroom interruptions, and preserves the peaceful conduct of the school's activities, consistent with local circumstances and practices.

The District shall post signs at the entrance of its school grounds to notify outsiders of the hours and requirements for registration.

District personnel shall report entry by immigration-enforcement officers to any on-site school police or other appropriate administrator as would be required for any unexpected or unscheduled outside visitor coming on campus.

(cf. BP 1250 – Visitors to the Schools)

(cf. BP 5137 – Positive School Climate)

(cf. BP 5145.11 – Questioning and apprehension by law enforcement)

Responding to On-Campus Immigration Enforcement

As early as possible, District personnel shall notify the Superintendent or designated administrator of any request by an immigration-enforcement officer for school or student access, or any requests for review of school documents (including for the services of lawful subpoenas, petitions, complaints, warrants, etc.).

In addition to notifying the Superintendent or designated administrator, District personnel shall take the following action steps in response to an officer present on the school campus specifically for immigration-enforcement purposes:

- 1. Advise the officer that before proceeding with his or her request, and absent exigent circumstances, school personnel must first receive notification and direction from the Superintendent or administrator.
- 2. Ask to see, and make a copy of or note, the officer's credentials (name and badge number). Also ask for and copy or note the phone number of the officer's supervisor.
- 3. Ask the officer for his/her reason for being on school grounds and document it.
- 4. Ask the officer to produce any documentation that authorizes school access.

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Education Equity: Immigration and Citizenship Status

- 5. Make a copy of all documents provided by the officer. Retain one copy of the documents for school records.
- 6. If the officer declares that exigent circumstances exist and demands immediate access to the campus, District personnel should comply with the officer's orders and immediately contact the Superintendent or other administrator.
- 7. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation. If the immigration-enforcement officer has:
- a. An ICE (Immigrations and Customs Enforcement) administrative warrant, District personnel shall inform the agent that he or she cannot consent to any request without first consulting with the District's counsel or other designated agency official.
- b. A federal judicial warrant (search-and-seizure warrant or arrest warrant; prompt compliance with such a warrant is usually legally required. If feasible, consult with the District's legal counsel or designated administrator before providing the agent access to the person or materials specified in the warrant.
- c. A subpoena for production of documents or other evidence, immediate compliance is not required. Therefore, District personnel shall inform the District's legal counsel or other designated official of the subpoena, and await further instructions on how to proceed.
- 8. While District personnel should not consent to access by an immigration-enforcement officer, except as described above, he/she should not attempt to physically impede the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, District personnel shall document his or her actions while on campus.
- 9. After the encounter with the officer, District personnel shall promptly take written notes of all interactions with the officer. The notes shall include the following items:
- a. List or copy of the officer's credentials and contact information:
- b. Identity of all school personnel who communicated with the officer;
- c. Details of the officer's request;
- d. Whether the officer presented a warrant or subpoena to accompany his/her request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;
- e. District personnel's response to the officer's request:
- f. Any further action taken by the agent; and
- g. Photo or copy of any documents presented by the agent.
- 10. District personnel shall provide a copy of those notes, and associated documents collected from the officer, to the District's legal counsel or other designated agency official.
- 11. In turn, the District's legal counsel or other designated official shall submit a timely report to the District's governing board regarding the officer's requests and actions and the District's response(s).
- 12. E-mail the Bureau of Children's Justice in the California Department of Justice, at BCJ@doj.ca.gov, regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes.
- (cf. BP 0410 Nondiscrimination in District Programs and Activities)
- (cf. BP 1250 Visitors/Outsiders)

Education Equity: Immigration and Citizenship Status

(cf. BP 5020 – Parent Rights and Responsibilities)

(cf. BP 5125 – Student Records)

(cf. BP 5125.1 – Release of Directory Information)

(cf. BP 5137 – Positive School Climate)

(cf. BP 5145.3 – Nondiscrimination/harassment)

(cf. BP 5145.11 – Questioning and apprehension by law enforcement)

Parental Notification of Immigration-Enforcement Actions

District personnel must receive consent from the student's parent or guardian before a student can be interviewed or searched by any officer seeking to enforce the civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge, or presents a valid, effective court order.

District personnel shall immediately notify the student's parents or guardians if a law-enforcement officer requests or gains access to a student for immigration-enforcement purposes, unless such access was in compliance with a judicial warrant or subpoena that restricts the disclosure of the information to the parent or guardian.

(cf. BP 1250 – Visitors/Outsiders)

(cf. BP 5020 – Parent Rights and Responsibilities)

(cf. BP 5125 – Student Records)

(cf. BP 5125.1 – Release of Directory Information)

(cf. BP 5137 – Positive School Climate)

(cf. BP 5145.6 – Parental Notifications)

(cf. BP 5145.11 – Questioning and apprehension by law enforcement)

Responding to the Detention or Deportation of a Student's Family Member

The District shall encourage that families and students have and know their emergency phone numbers and know where to find important documentation, including birth certificates, passports, Social Security cards, doctors' contact information, medication lists, lists of allergies, etc., which will allow them to be prepared in the event that a family member is detained or deported.

The District shall permit students and families to update students' emergency contact information as needed throughout the school year, and provide alternative contacts if no parent or guardian is available.

The District shall ensure that families may include the information of an identified trusted adult guardian as a secondary emergency contact in case a student's parent or guardian is detained.

The District shall communicate to families that information provided within the emergency cards will only be used in response to specified emergency situations, and not for any other purpose.

In the event a student's parent/guardian has been detained or deported by federal immigration authorities, the District shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, the District shall release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student. The District shall only contact Child Protective Services if the District

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Education Equity: Immigration and Citizenship Status

personnel are unsuccessful in arranging for the timely care of the child through the emergency contact information that the school has, a Caregiver's Authorization Affidavit, or other information or instructions conveyed by the parent or guardian.

- (cf. BP 1250 Visitors/Outsiders)
- (cf. BP 5137 Positive School Climate)
- (cf. BP 5020 Parent Rights and Responsibilities)
- (cf. BP 5145.6 Parental Notifications)

Responding to Hate Crimes and Bullying

Adopting and Publicizing Anti-Bullying and Anti-Harassment Policy - The District shall adopt and publicize policies that prohibit discrimination, harassment, intimidation, and bullying on the basis of a student's actual or perceived nationality, ethnicity, or immigration status. Those policies must be translated in the student's primary language if at least 15 percent of the students enrolled in the school speak a single primary language other than English.

The District shall notify parents and guardians of their children's right to a free public education, regardless of immigration status or religious beliefs. This information shall include information related to the "Know Your Rights" immigration enforcement established by the Attorney General. The District shall inform students who are victims of hate crimes of their right to report such crimes.

Processing Complaints of Harassment and Bullying - The District shall adopt a process for receiving complaints of and investigating complaints of discrimination, harassment, intimidation, and bullying based on any of the following actual or perceived characteristics: disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, association with a person or group with one or more of the aforementioned characteristics, immigration status.

The complaint process must include, but is not limited to, the following steps

- 1. A requirement that, if school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so;
- 2. A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools under the jurisdiction of the District; and
- 3. An appeal process afforded to the complainant should he or she disagree with the resolution of a complaint.
- 4. The District shall ensure that complaint procedures contain confidentiality safeguards for immigration status information.
- 5. The District shall prohibit retaliation against a person who submits a complaint of discrimination, harassment, intimidation, or bullying.
- (cf. BP 0100 Mission, Philosophy, and Goals)
- (cf. BP 0410 Nondiscrimination in District Programs and Activities)
- (cf. BP 1312.3 Uniform Complaint Procedures)
- (cf. BP 5131.3 Bullying/Cyberbullying)
- (cf. BP 5137 Positive School Climate)
- (cf. BP 5145.3 Nondiscrimination/harassment)

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Education Equity: Immigration and Citizenship Status

Training Students, Teachers, and Staff on Anti-Bullying and Anti-Harassment Policy

The District shall educate students about the negative impact of bullying other students based on their actual or perceived immigration status or their religious beliefs or customs.

The District shall also train teachers, staff, and personnel to ensure that they are aware of their legal duty to take reasonable steps to eliminate a hostile environment and respond to any incidents of harassment based on the actual or perceived characteristics noted above. Such training should, at minimum, provide agency personnel with the skills to do the following:

- 1. Discuss the varying immigration experiences among members of the student body and school community:
- 2. Discuss bullying-prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims;
- 3. Identify the signs of bullying or harassing behavior;
- 4. Take immediate corrective action when bullying is observed; and
- 5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

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(cf. BP 0100 – Mission, Philosophy, and Goals)
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(cf. BP 0410 – Nondiscrimination in District Programs and Activities)

(cf. BP 1312.3 – Uniform Complaint Procedures)

(cf. BP 5131.2 – Bullying)

(cf. BP 5137 – Positive School Climate)

(cf. BP 5145.3 – Nondiscrimination/harassment)

Legal Reference:

Assembly Bill 699

EDUCATION CODE

200-262.4 Prohibition of discrimination

32210 Willful disturbance of public school or meeting

32211 Threatened disruption or interference with classes

48050-48054 Nonresidents

48200-48208 Persons Included

48350-48361 Open Enrollment Act

48902 Notice to law enforcement authorities

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Students Policy #5145.13

Education Equity: Immigration and Citizenship Status

48906 Release of minor pupil to peace officers; notice to parent, guardian

48985 Notice to parent in language other than English

49060-49079 Student records

49408 Information of use in emergencies

49602 Confidentiality of pupil information

51100-51102 Parent/guardian rights

FAMILY CODE

650 Use of Caregiver's Authorization

PENAL CODE

626-626.10 Crimes on school grounds

627-627.7 Access to school premises

CODE OF REGULATIONS, TITLE 5

430-438 Individual student records

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

UNITED STATES CODE, TITLE 42

2001d et seq. Title VI, Civil Rights Act of 1964

CODE OF FEDERAL REGULATIONS, TITLE 34

99.31 Under what conditions is prior consent not required to disclose information?

104.4 Discrimination prohibited

COURT DECISIONS

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

Reeves v. Rocklin Unified School District, (2003) 109 Cal. App. 4th 652

Management Resources:

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Page 10 of 12 All Rights Reserved by PGUSD.

Students Policy #5145.13

Education Equity: Immigration and Citizenship Status

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

WEB SITES

California Office of the Attorney General: http://oag.ca.gov

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

California Department of Fair Employment and Housing: http://www.dfeh.ca.gov

California Department of Justice: http://www.justice.gov

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

U.S. Immigration and Customs Enforcement: http://www.ice.gov

U.S. Immigration and Customs Enforcement, Online Detainee Locator System: http://locator.ice.gov/odls

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Students Policy #5145.2

FREEDOM OF SPEECH/ EXPRESSION: PUBLICATIONS CODE

Mandated Policy

CSBA: 3/93

Free inquiry and exchange of ideas are essential parts of a democratic education. The Governing Board respects students' rights to express ideas and opinions, take stands, and support causes, whether controversial or not, through their speech, writings, printed materials and/or the wearing of buttons, badges and other insignia. (EC 48907)

Student freedom of expression shall be limited only as allowed by law in order to maintain an orderly school environment and to protect the rights, health and safety of all members of the school community. Students shall not be disciplined solely on the basis of constitutionally protected speech or other communication.

Because District schools have a closed forum, students may not post or distribute materials regarding the meetings of non-curricular student-initiated groups.

The Superintendent or designee shall ensure that due process is followed when resolving disputes regarding student freedom of expression.

Legal Reference:

EDUCATION CODE

48907 Exercise of free expression; rules and regulations

48950 Speech and other communication

51520 Prohibited solicitations on school premises

Perumal v. Saddleback Valley Unified School District, (1988) 198 Cal. App. 3rd 64

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

Collin v. Smith, (1978) 447 F. Supp. 676, affd. (1078) 578 F.2d 1197, cert. den.

(1978) 439 U.S. 916

Page 1 of 1. Adopted: November 6, 1997

Students

Regulation #5145.2

FREEEDOM OF SPEECH/ EXPRESSION: PUBLICATIONS CODE

Mandated Requirements

Students are prohibited from making any expressions or distributing or posting any materials which are obscene, libelous or slanderous, or which demonstrably incite students to commit unlawful acts on school premises, violate school rules, or substantially disrupt the school's orderly operation. (Education Code 48907)

Conduct by a student, in class or out of it, which for any reason materially disrupts classwork or involves substantial disorder or invasion of the rights of others is not immunized by the constitutional guarantee of free speech. (Tinker v. Des Moines School District (1969) 393 U.S. 503)

The use of "fighting words" or epithets is not constitutionally protected where:

- 1. The speech, considered objectively, is abusive and insulting rather than a communication of ideas, and
- 2. The speech is actually used in an abusive manner in a situation that presents an actual danger that it will cause a breach of the peace. (Collin v. Smith (1978) 447 F. Supp. 676, affd. (1978) 578 F.2d 1197, cert. den. (1978) 439 U.S. 916)

Students shall be free to post or distribute handbills, leaflets and other printed material, whether produced within or outside of the school. Students may collect signatures on petitions concerning either school or out-of-school issues.

All printed matter and petitions distributed, circulated or posted on school property shall bear the name and the address or contact location of the sponsoring organization or individual.

Printed materials or petitions may be distributed only:

- 1. Before school begins, during lunch time, or after dismissal.
- 2. In locations that do not obstruct the normal flow of traffic within school or at entrances.
- 3. Without undue noise.

No student shall use coercion to induce students or any other persons to accept printed matter or to sign petitions. No funds or donations shall be collected for any material distributed.

Clothing/Buttons and Badges

Students

Regulation #5145.2

FREEDOM OF SPEECH/ EXPRESSION: PUBLICATIONS CODE

Mandated Requirements

Buttons, badges, armbands or clothing bearing slogans or sayings may be worn unless their message falls within the categories prohibited above. No teacher or administrator shall interfere with this practice on the grounds that the message may be unpopular with students or faculty.

Bulletin Boards

Bulletin boards may be provided where students and student organizations may post materials of general interest.

Appeals

The following procedures shall be used to address disputes regarding student freedom of expression:

- 1. The student and faculty member shall first attempt to resolve the problem by
- 2. If the student and faculty member are unable to resolve the dispute, the student and/or faculty member may bring the matter to the principal or designee, who shall hear both sides and strive to resolve the dispute as quickly as possible.
- 3. If the principal or designee is unable to resolve the dispute, the student and/or faculty member may bring the matter to the Superintendent or designee, who shall hear both sides and strive to resolve the dispute as quickly as possible.
- 4. If the Superintendent or designee is unable to resolve the dispute, the student and/or faculty member may ask for a hearing to determine whether a depri-vation of freedom of expression was justified under the above regulations. This hearing shall be held before the Board or impartial person(s) appointed by the Board as soon as possible after it is requested. Both sides shall be given an opportunity to demonstrate that Board policy and administrative regula-tions were properly applied.

Page 2 of 2. Issued: November 6, 1997 CSBA: 3/93

Philosophy

Students have the fundamental right to a safe and secure environment. Students and parents place their trust in school officials to take all reasonable steps to provide a setting that is free of humiliation, intimidation and threat. Accordingly, the district and staff shall not tolerate any incidents of unlawful discrimination, including harassment, intimidation, or bullying. To this end, the administration has the duty to implement programs that encourage students to behave with civility and common decency, and to establish and enforce codes of conduct that hold students accountable should they violate this policy.

Definitions

For purposes of this policy, harassment consists of verbal or physical conduct relating to an individual's race, color, religion, ancestry, nationality, national origin, immigration status, ethnicity, ethnic group identification, marital or parental status, pregnancy, physical or mental disability, age, economic status, sex, sexual orientation, gender, gender identity, gender expression, genetic information religion, marital status, pregnancy, parental status, physical or mental disability, or any other legally protected category or association with a person or group with one or more of these actual or perceived characteristics when:

- 1. The harassing conduct is sufficiently severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment; or
- 2. The harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or
- 3. The harassing conduct otherwise adversely affects an individual's learning opportunities.

For the purposes of this policy, bullying occurs when a student is intimidated by verbal, written, or physical conduct or actions by one or more persons, as defined in Board Policy 5131.3. Bullying includes assault; extortion; oral or written threats; teasing; putdowns; name-calling; threatening looks, gestures, or actions; cruel rumors; false accusations; social isolation; and hazing, which is defined as ritualistic behavior that subjects persons to abusive or humiliating tasks and ridicule. Intimidation refers to actions that would inflict or attempt to inflict fear, humiliation, or injury.

Application

This policy shall apply to all academic programs and extracurricular activities, including schoolsponsored events away from school and while traveling to and from any school activity.

The Board of Education prohibits unlawful discrimination, including harassment, intimidation, or bullying of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to any individual's conduct, which may interfere with a student's ability to participate in or benefit from school services, activities or privileges. Upon witnessing an act of unlawful discrimination, including harassment, intimidation, or bullying, staff members are expected

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Revised: June 4, 2020

to immediately intervene, unless intervention would pose a threat to the staff member's safety. All incidents of unlawful discrimination, including harassment, intimidation, or bullying are to be reported to the school principal for investigation.

Any student who feels that he/she is being or has been subjected to unlawful discrimination, including harassment, intimidation, or bullying shall immediately report the incident to a school employee. Any student who has witnessed unlawful discrimination, including harassment, intimidation, or bullying is expected to immediately report the incident to a school employee. Parents and/or guardians, on behalf of their child, are similarly expected to immediately report incidents of unlawful discrimination, including harassment, intimidation, or bullying to the principal. A school employee to whom a complaint is made shall report it to the principal or designee immediately. If the alleged offender is the principal or designee, the person reporting the complaint shall report the incident to the Superintendent or designee. Any student who retaliates against another for reporting unlawful discrimination, including harassment, intimidation, or bullying may be subject to disciplinary action as defined in this policy.

In addition, the student, parent, or employee may file a formal complaint with the Superintendent or designee in accordance with the district's uniform complaint procedures (BP 1312.3).

Investigation

An investigation shall be conducted by school district officials or by a third party designated by the school district. The investigation shall include interviews of all students directly involved and contact with the parent(s) of the involved students. The investigation may include interviews with students, parents, and staff; review of school records; and identification of parent and family issues.

In determining whether alleged conduct constitutes a violation of this policy, the investigator should consider the surrounding circumstances, the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The investigation will be completed thoroughly and as soon as practicable.

The administration shall take appropriate steps to protect the privacy of accusers and/or victims and to assure that they are not subjected to retaliation for making a complaint.

Disciplinary Action/Intervention

Any student who engages in unlawful discrimination, including harassment, intimidation, or bullying will be subject to disciplinary action and/or intervention including, but not limited to, warning, counseling, parent contact, detention, restriction of activities, exclusion, suspension, involuntary transfer, and expulsion (BP 5144). Depending on the severity of the incident, the principal may also take additional steps to ensure student safety. These may include, but are not limited to, implementing a safety plan; separating and supervising the students involved; providing staff support for students; and developing a supervision plan with the parents. Any employee who permits or engages in harassment or bullying may be subject to disciplinary action including, but not limited to, warning,

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Revised: June 4, 2020

suspension, transfer, and dismissal. Consequences shall be commensurate with the findings of the investigation. Any student or employee who engages in unlawful discrimination, including harassment, intimidation, or bullying of a student may also be subject to criminal prosecution.

Documentation

The Superintendent or designee shall maintain a record of reported cases of unlawful discrimination, including harassment, intimidation, or bullying to enable the district to monitor, address and prevent repetitive harassing behavior in its schools.

Communication Of Policy

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the District's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. The Superintendent or designee shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the educational program. The Superintendent or designee shall report his or her findings and recommendations to the Board after each review. Each school site administrator shall be responsible for implementing programs that are designed to promote positive social interactions and to inform students of their rights and responsibilities under this policy.

School Discipline Plans shall prohibit unlawful discrimination, including harassment, intimidation, or bullying . All parents and/or guardians will receive a copy of the School Discipline Plan upon registering their child at any school site in the District. Students in grades 6 through 12 will also receive a copy of the School Discipline Plan each year. School Discipline Plans shall be articulated among the district's schools sites to encourage consistent and developmentally appropriate application of this policy.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex, especially:

221.5 Prohibited sex discrimination

<u>221.7</u> School-sponsored athletic programs; prohibited sex discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

48904 Liability of parent/guardian for willful student misconduct

48907 Student exercise of free expression

48950 Freedom of speech

48985 Translation of notices

49020-49023 Athletic programs

51006-51007 Equitable access to technological education programs

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51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

CODE OF REGULATIONS, TITLE 5

4621 District policies and procedures

4622 Notice requirements

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

PENAL CODE

422.55 Interference with constitutional right or privilege

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

432 Student record

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended

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

6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 34

99.31 Disclosure of personally identifiable information

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

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Prohibition of discrimination based on age

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

CSBA PUBLICATIONS

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

Page 4 of 5 Adopted: September 15, 2011

Revised: June 4, 2020

Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014 Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004 U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

WEB SITES

CSBA: http://www.csba.org

California Department of Education: http://www.cde.ca.gov California Safe Schools Coalition: http://www.casafeschools.org First Amendment Center: http://www.firstamendmentcenter.org National School Boards Association: http://www.nsba.org

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

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Mandated Policy

The district designates the individual identified below as the employee responsible for coordinating the district's efforts to comply with state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual shall also serve as the compliance officer specified in AR 1312.3 – Community Relations – Uniform Complaint Procedures as the responsible employee to handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying, based on actual race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer may be contacted at:

Director, Human Resources 435 Hillcrest Avenue Pacific Grove, CA 93950 (831)-646-6507

(Education Code 234.1; 5 CCR 4621)

(cf. 1312.1 – Community Relations – Public Activities Involving Staff, Students and School Facilities – Complaints Concerning School Personnel)

(cf. 1312.3 – Community Relations – Uniform Complaint Procedures

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public, posting them on the district's web site and other prominent locations and providing easy access to them through district supported social media, when available.

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(cf. 1113 – Community Relations – Communication with the Public – Publicizing School Meetings) (cf. 1114 – Community Relations – Communication with the Public – School District Publications)
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2. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel they have been the victim of any such behavior. (Education Code 234.1)

Page 1 of 8 Adopted: August 25, 2016

Mandated Policy

- 3. Annually notify all students and parents/guardians of the district's nondiscrimination policy. The notice shall inform students and parents/guardians of the possibility that students will participate in a sex-segregated school program or activity together with another student of the opposite biological sex, and that they may inform the compliance officer if they feel such participation would be against the student's religious beliefs and/or practices or a violation of his/her right to privacy. In such a case, the compliance officer shall meet with the student and/or parent/guardian who raises the objection to determine how best to accommodate that student. The notice shall inform students and parents/guardians that the district will not typically notify them of individual instances of transgender students participating in a program or activity.
- 4. The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

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

- 5. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include guidelines for addressing issues related to transgender and gender-nonconforming students.
- (cf. 1240 Community Relations Participation by the Public Volunteer Assistance)
- (cf. 4131 Personnel Certificated Personnel Staff Development)
- (cf. 4331 Personnel Management and Confidential Personnel Staff Development)
- 6. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)
- 7. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure their safety from threatened or potentially discriminatory behavior.

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Mandated Policy

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 – Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti.

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(cf. 5131.5 – Student – Vandalism and Theft)
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- 2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination and how to respond.
- 3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination.
- 4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to students, parents/guardians, and the community.

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(cf. 4012.6 – Personnel – All Personnel – Personnel Files)
(cf. 5125 – Student – Student Progress – Student Records)
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5. Taking appropriate disciplinary action against perpetrators and anyone determined to have engaged in wrongdoing, including any student who is found to have made a complaint of discrimination that he/she knew was not true.

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(cf. 5144 – Student – Student Welfare – Discipline)
(cf. 4218 – Personnel – Classified Personnel – Dismissal/ Suspension/ Disciplinary Action)
(cf. 5144 – Student – Student Welfare – Discipline)
(cf. 5144.1 – Student – Student Welfare – Suspension and Expulsion/ Due Process)
(cf. 5144.2 – Student – Student Welfare – Suspension and Expulsion/ (Individuals with Special Needs)
(cf. 6159.4 – Instruction – Instructional Arrangements – Behavioral Interventions for Special Education Students)
```

Any student who feels that he/she has been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

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Mandated Policy

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to who such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so.

When any report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is submitted to or received by the principal or compliance officer, he/she shall inform the student or parent/guardian of the right to file a formal complaint pursuant to the provisions in AR 1312.3 – Community Relations – Uniform Complaint Procedures. Any report of unlawful discrimination involving the principal, compliance officer, or any other person to whom the complaint would ordinarily be reported or filed shall instead be submitted to the Superintendent or designee. Even if the student chooses not to file a formal complaint, the principal or compliance officer shall implement immediate measures necessary to stop the discrimination and to ensure all students have access to the educational program and a safe school environment.

Upon receiving a complaint of discrimination, the compliance officer shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.3.

Transgender and Gender-Nonconforming Students

Gender identity means a student's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

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Mandated Policy

Transgender student means a student whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

Acts of verbal, nonverbal, or physical aggression intimidation, or hostility that are based on sex, gender identity, or gender expression, regardless of whether they are sexual in nature, where the act has the purpose of effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited under state and federal law. Examples of types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

- 1. Refusing to address a student by name and the pronouns consistent with his/her gender identity.
- 2. Disciplining or disparaging a transgender student because his/her mannerisms, hairstyle, or style of dress correspond to his/her gender identity, or a non-transgender student because of his/her mannerisms, hairstyle, or style of dress do not conform to stereotypes for his/her gender or are perceived as indicative of the other sex.
- 3. Blocking a student's entry to the bathroom that corresponds to his/her gender identity because the student is transgender or gender-nonconforming.
- 4. Taunting a student because he/she participates in an athletic activity more typically favored by a student of the other sex.
- 5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information.
- 6. Use of gender-specific slurs.
- 7. Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression.

The district's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students. Examples of bases for complaints include, but are not limited to, the above list as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

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To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. Right to privacy: A student's transgender or gender-nonconforming status is his/her private information and the district will only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In the latter instance, the district shall limit disclosure to individuals reasonably believed to be able to protect the student's well-being. Any district employee to whom a student discloses his/her transgender or gender-nonconforming status shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this procedure, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three (3) school days.

As appropriate given the physical, emotional, and other significant risks to the student, the compliance officer may consider discussing with the student any need to disclose the student's transgender or gender-nonconformity status to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. 1340 – Community Relations – Public Activities Involving Staff, Students and School Facilities – Access to District Records)
(cf. 3580 – Business – District Records – Development, Maintenance and Disposal)

- 2. Determining a Student's Gender Identity: The compliance officer shall accept the student's assertion unless district personnel present a credible basis for believing that the student's assertion is for an improper purpose. In such a case, the compliance officer shall document the improper purpose and, within seven (7) school days of receiving notification of the student's assertion, shall provide a written response to the student and, if appropriate, to his/her parents/guardians.
- 3. Addressing a Student's Transition Needs: The compliance officer shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify potential issues, including transition-related issues, and to develop strategies for addressing them. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and

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other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the student's arrangements are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: The district may maintain sex-segregated facilities, such as restrooms and locker rooms, and sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs. A student shall be entitled to access facilities and participate in programs and activities consistent with his/her gender identity. If available and requested by any student, regardless of the underlying reason, the district shall offer options to address privacy concerns in sex-segregated facilities, such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, and area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

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(cf. 6145 – Instruction – Curriculum – Extracurricular and Co-Curricular Activities)
(cf. 6153 – Instruction – Instructional Arrangements – School Sponsored Trips)
(cf. 7110 – Facilities – Concepts and Roles – Facilities Master Plan)
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5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.

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(cf. 5125 – Student – Student Progress – Student Records)
(cf. 5125.1 – Student – Student Progress – Release of Directory Information)
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6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her official district record. However, inadvertent slips or honest mistakes

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Students

Administrative Regulation #5145.3

NONDISCRIMINATION / HARASSMENT

Mandated Policy

by district personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying district policy.

7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.

(cf. 5132 – Student – Student Activities – Dress And Grooming)

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PARENTAL NOTIFICATIONS

The Governing Board desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send parents/guardians and students all notifications required by law and any other notifications he/she believes will promote parental understanding and involvement.

Notice of the rights and responsibilities of parents/guardians as specified in Education Code <u>48980</u> shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code <u>48981</u>)

No activity specified in Education Code <u>48980</u> shall be undertaken with respect to any particular student unless his/her parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code <u>48983-48984</u>)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

At the beginning of the school year, or whenever a student enrolls in a district school during the school year, his/her parents/guardians shall be given all required parental notifications at that time.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, he/she shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

Legal Reference:

Legal Reference:

EDUCATION CODE

221.5 Prohibited sex discrimination

231.5 Sexual harassment policy

234.7 Student protections relating to immigration and citizenship status

262.3 Appeals for discrimination complaints; information regarding availability of civil remedies

310 Language acquisition programs

313 Reclassification of English learners, parental consultation

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PARENTAL NOTIFICATIONS

- 313.2 Long-term English learner, notification
- 440 English language proficiency assessment; instruction in English language development
- 8483 Before/after school program; enrollment priorities
- 17288 Building standards for university campuses
- 17611.5-17612 Notification of pesticide use
- 32221.5 Insurance for athletic team members
- 32255-32255.6 Right to refuse harmful or destructive use of animals
- 32390 Fingerprint program; contracts; funding; consent of parent/guardian
- 33479.3 The Eric Paredes Sudden Cardiac Arrest Prevention Act
- 35160.5 Extracurricular and cocurricular activities
- 35178.4 Notice of accreditation status
- 35182.5 Advertising in the classroom
- 35183 School dress codes; uniforms
- 35186 Complaints concerning deficiencies in instructional materials and facilities
- 35211 Driver training; district insurance, parent/guardian liability
- 35256 School Accountability Report Card
- 35258 School Accountability Report Card
- 35291 Rules for student discipline
- 37616 Consultation regarding year-round schedule
- 39831.5 School bus rider rules and information
- 44050 Employee codes of conduct, employee interactions with students
- 44808.5 Permission to leave school grounds
- 46010.1 Notice regarding excuse to obtain confidential medical services
- 46014 Regulations regarding absences for religious purposes
- 46600-46611 Interdistrict attendance agreements
- 48000 Minimum age of admission
- 48070.5 Promotion or retention of students
- 48204 Residency requirements
- 48205 Absence for personal reasons
- 48206.3 Students with temporary disabilities; individual instruction; definitions
- 48207-48208 Students with temporary disabilities in hospitals
- 48213 Prior notice of exclusion from attendance
- 48216 Immunization
- 48260.5 Notice regarding truancy
- 48262 Need for parent conference regarding truancy
- 48263 Referral to school attendance review board or probation department
- 48301 Interdistrict transfers
- 48350-48361 Open Enrollment Act
- 48354 Option to transfer from school identified under Open Enrollment Act
- 48357 Status of application for transfer from school identified under Open Enrollment Act
- 48412 Certificate of proficiency
- 48432.3 Voluntary enrollment in continuation education
- 48432.5 Involuntary transfers of students
- 48850-48859 Education of foster youth and homeless students
- 48900.1 Parental attendance required after suspension
- 48904 Liability of parent/guardian for willful student misconduct

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PARENTAL NOTIFICATIONS

- 48904.3 Withholding grades, diplomas, or transcripts
- 48906 Notification of release of student to peace officer
- 48911 Notification in case of suspension
- 48911.1 Assignment to supervised suspension classroom
- 48912 Closed sessions; consideration of suspension
- 48915.1 Expelled students; enrollment in another district
- 48916 Readmission procedures
- 48918 Rules governing expulsion procedures
- 48929 Transfer of student convicted of violent felony or misdemeanor
- 48980 Required notification at beginning of term
- 48980.3 Notification of pesticide use
- 48981 Time and means of notification
- 48982 Parent signature acknowledging receipt of notice
- 48983 Contents of notice
- 48984 Activities prohibited unless notice given
- 48985 Notices to parents in language other than English
- 48987 Child abuse information
- 49013 Use of uniform complaint procedures for complaints regarding student fees
- 49063 Notification of parental rights
- 49067 Student evaluation; student in danger of failing course
- 49068 Transfer of permanent enrollment and scholarship record
- 49069 Absolute right to access
- 49070 Challenging content of student record
- 49073 Release of directory information
- 49073.6 Student records, social media
- 49076 Access to student records
- 49077 Access to information concerning a student in compliance with court order
- 49403 Cooperation in control of communicable disease and immunization
- 49423 Administration of prescribed medication for student
- 49451 Physical examinations: parent's refusal to consent
- 49452.5 Screening for scoliosis
- 49452.7 Information on type 2 diabetes
- 49452.8 Oral health assessment
- 49456 Results of vision or hearing test
- 49471-49472 Insurance
- 49475 Student athletes; concussions and head injuries
- 49480 Continuing medication regimen for nonepisodic conditions
- 49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
- 49557.5 Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
- <u>51225.1</u> Exemption from district graduation requirements
- <u>51225.2</u> Course credits; foster youth, homeless youth, former juvenile court school students and military-connected students
- 51225.3 Graduation requirements; courses that satisfy college entrance criteria
- 51229 Course of study for grades 7-12
- 51513 Personal beliefs; privacy

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PARENTAL NOTIFICATIONS

51938 HIV/AIDS and sexual health instruction	519	938	HIV/	AIDS	and	sexual	health	instructio
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- 52164 Language census
- 52164.1 Census-taking methods; determination of primary language; assessment of language skills
- 52164.3 Reassessment of English learners; notification of results
- 54444.2 Migrant education programs; parent involvement
- 56301 Child-find system; policies regarding written notification rights
- 56321 Special education: proposed assessment plan
- 56321.5-56321.6 Notice of parent rights pertaining to special education
- 56329 Written notice of right to findings; independent assessment
- 56341.1 Development of individualized education program; right to audio record meeting
- <u>56341.5</u> Individualized education program team meetings
- 56343.5 Individualized education program meetings
- 56521.1 Behavioral intervention
- 58501 Alternative schools; notice required prior to establishment
- 60615 Exemption from state assessment
- 60641 California Assessment of Student Performance and Progress
- 69432.9 Submission of grade point average to Cal Grant program

CIVIL CODE

1798.29 District records, breach of security

HEALTH AND SAFETY CODE

- 1596.857 Right to enter child care facility
- 104420 Tobacco use prevention
- 104855 Availability of topical fluoride treatment
- 116277 Lead testing of school drinking water
- 120365-120375 Immunizations
- 120440 Sharing immunization information
- 124100-124105 Health screening and immunizations

PENAL CODE

- 626.81 Notice of permission granted to sex offender to volunteer on campus
- 627.5 Hearing request following denial or revocation of registration

CODE OF REGULATIONS, TITLE 5

- **852** Exemptions from state assessments
- 863 Reports of state assessment results
- 3052 Behavioral intervention
- 4622 Notification of uniform complaint procedures
- 4631 Uniform complaint procedures; notification of decision and right to appeal
- 4702 Student transfer from school identified under Open Enrollment Act
- 4917 Notification of sexual harassment policy
- 11303 Reclassification of English learners
- 11511.5 English language proficiency assessment; test results
- 11523 Notice of proficiency examinations
- 18066 Child care policies regarding excused and unexcused absences
- 18094-18095 Notice of Action; child care services
- 18114 Notice of delinquent fees; child care services
- 18118-18119 Notice of Action; child care services

CODE OF REGULATIONS, TITLE 17

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Policy #5145.6 Students

PARENTAL NOTIFICATIONS

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6040 Time period to obtain needed immunizations

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1232h Privacy rights

1415 Procedural safeguards

6311 State plan

6312 Local educational agency plans

6318 Parent and family engagement

7908 Armed forces recruiter access to students

UNITED STATES CODE, TITLE 42

1758 Child nutrition programs

11431-11435 McKinney-Vento Homeless Assistance Act

CODE OF FEDERAL REGULATIONS, TITLE 7

<u>245.5</u> Eligibility criteria for free and reduced-price meals

245.6a Verification of eligibility for free and reduced-price meals

CODE OF FEDERAL REGULATIONS, TITLE 34

99.7 Student records, annual notification

99.30 Disclosure of personally identifiable information

99.34 Student records, disclosure to other educational agencies

99.37 Disclosure of directory information

104.32 District responsibility to provide free appropriate public education

104.36 Procedural safeguards

104.8 Nondiscrimination

106.9 Dissemination of policy, nondiscrimination on basis of sex

200.48 Teacher qualifications

300.300 Parent consent for special education evaluation

300.322 Parent participation in IEP team meetings

300.502 Independent educational evaluation of student with disability

300.503 Prior written notice regarding identification, evaluation, or placement of student with disability

300.504 Procedural safeguards notice for students with disabilities

300.508 Due process complaint

300.530 Discipline procedures

CODE OF FEDERAL REGULATIONS, TITLE 40

763.84 Asbestos inspections, response actions and post-response actions

763.93 Asbestos management plans

Management Resources:

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

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

Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005

WEB SITES

U.S. Department of Agriculture, Food and Nutrition Service: http://www.fns.usda.gov (3/07 11/12) 3/18

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Students Policy #5145.7

SEXUAL HARASSMENT

Mandated Policy

The Governing Board is committed to maintaining a learning environment that is free of harassment. The Board prohibits the unlawful sexual harassment of any student by any employee, student, or other person at school or at any school-related activity.

The Principal or designee shall ensure that students receive age-appropriate information related to sexual harassment. Students shall be assured that they need not endure any form of sexual behavior or communication, including harassment because of sexual orientation. They shall further be assured that they need not endure, for any reason, any harassment that impairs the educational environment or a student's emotional well-being at school.

Any student who engages in the sexual harassment of anyone at school or a school-related activity shall be subject to disciplinary action. For students in grades K-3, this disciplinary action shall depend on the maturity of the students and the circumstances involved. For students in grades 4 through 12, the disciplinary action may include suspension and/or expulsion.

Any employee who engages in, permits or fails to report sexual harassment shall be subject to disciplinary action up to and including dismissal. In addition, criminal or civil charges may be brought against the alleged harasser; sexual harassment also may be considered a violation of laws relating to child abuse.

Students shall be informed that they should immediately contact a staff member if they feel they are being harassed. Within 24 hours, staff shall report complaints of sexual harassment to the principal or designee or to another District administrator. Staff shall similarly report any such incidents they may observe, even if the harassed student has not complained. (EC 212.6)

The principal or designee shall immediately investigate any report of the sexual harassment of a student. Upon verifying that sexual harassment occurred, he/she shall ensure that appropriate action is promptly taken to end the harassment, address its effects on the person subjected to the harassment, and prevent any further instances of the harassment. In addition, the student may file a formal complaint with the Superintendent or designee in accordance with the District's uniform complaint procedures.

The District prohibits retaliatory behavior against any complainant or any participant in the complaint process. Information related to a complaint of sexual harassment shall be confidential to the extent possible, and individuals involved in the investigation of such a complaint shall not discuss related information outside the investigation process.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

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CSBA: 2/97

Revised: June 4, 2020

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SEXUAL HARASSMENT

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GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 2 0

1221 Application of laws

1232g Family Educational Rights and Privacy Act

UNITED STATES CODE, TITLE 20

1681 - 1688 Title IX, Discrimination

UNITED STATES CODE, TITLE 42

2000d - 2000d-7 Title VI, Civil Rights Act of 1964

2000e - 2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1 - 106.71 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Davis v. Monroe County Board of Education (1999) No. 97-843, 1999 U.S. Lexis 3452, -- U.S.--

Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989

Nabozny v. Podlesny (1996, 7th Cir.) 92 F.3d 446

Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447

Oona R.-S. etc. v. Santa Rosa City Schools et al (1995) 890 F.Supp. 1452

Rosa H. v. San Elizario Ind. School District, (W.D. Tex. 1995) 887 F. Supp. 140, 143

Clyde K. v. Puyallup School District #3 (1994) 35 F.3d 1396

Patricia H. v. Berkeley Unified School District (1993) 830 F.Supp. 1288

Franklin v. Gwinnet County Schools (1992) 112 S. Ct. 1028

Kelson v. City of Springfield, Oregon (1985, 9th Cir.) 767 F.2d 651

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime: A Guide for Schools, January 1999

OFFICE OF CIVIL RIGHTS

Sexual Harassment Guidance, 62 FR 49, 1997

WEB SITES

OCR: http://www.ed.gov/offices/OCR

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CSBA: 2/97 Revised: June 4, 2020

Students

Regulation #5145.7

SEXUAL HARASSMENT

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when: (Education Code 212.5)

- 1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress.
- 2. Submission to or rejection of the conduct by an individual is used as the basis for academic decisions affecting the individual.
- 3. The conduct has the purpose or effect of having a negative impact on the individual's academic performance, or of creating an intimidating, hostile or offensive educational environment.
- 4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the school.

Types of conduct which are prohibited in the District and which may constitute sexual harassment include, but are not limited to:

- 1. Unwelcome sexual flirtations or propositions
- 2. Sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
- 3. Graphic verbal comments about an individual's body, or overly personal conversation
- 4. Sexual jokes, notes, stories, drawings, pictures or gestures
- 5. Spreading sexual rumors
- 6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
- 7. Touching an individual's body or clothes in a sexual way
- 8. Purposefully cornering or blocking normal movements
- 9. Limiting a student's access to educational tools
- 10. Displaying sexually suggestive objects

Notifications

A copy of the District's sexual harassment policy and regulation shall:

- 1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year and in the student handbook. (EC 48980)
- 2. Be displayed in a prominent location near each school principal's office (Education Code 212.6)

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Students

Regulation #5145.7

SEXUAL HARASSMENT

- 3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester or summer session (Education Code 212.6)
- 4. Appear in any school or District publication that sets forth the school's or District's comprehensive rules, regulations, procedures and standards of conduct (Education Code 212.6)
- 5. Be provided to employees and employee organizations

Investigation of Complaints at School (Site-Level Grievance Procedure)

- 1. The principal or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:
 - a. The student who is complaining
 - b. The person accused of harassment
 - c. Anyone who saw the harassment take place
 - d. Anyone mentioned as having related information
- 2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.
- 3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:
 - a. The Principal or designee
 - b. The parent/guardian of the student who complained
 - c. The parent/guardian of the person accused of harassing someone
 - d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth
 - e. Child protective agencies responsible for investigating child abuse reports
 - f. Legal counsel for the District
- 4. When the student who complained and the person accused of harassment so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided.

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Students

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SEXUAL HARASSMENT

- 5. The principal or designee shall tell the student who complained that he/she has the right to file a formal complaint at any time in accordance with the District's uniform complaint procedures. If the student wishes to file a formal complaint, the principal or designee shall assist the student in doing this.
- 6. In reaching a decision about the complaint, the principal or designee may take into account:
 - a. Statements made by the persons identified above
 - b. The details and consistency of each person's account
 - c. Evidence of how the complaining student reacted to the incident
 - d. Evidence of past instances of harassment by the accused person
 - e. Evidence of past harassment complaints that were found to be untrue
- 7. To judge the severity of the harassment, the principal or designee may take into consideration:
 - a. How the misconduct affected one or more students' education
 - b. The type, frequency and duration of the misconduct
 - c. The number of persons involved
 - d. The age and sex of the person accused of harassment
 - e. The subject(s) of harassment
 - f. The place and situation where the incident occurred
 - g. Other incidents at the school, including incidents of harassment that were not related to sex
- 8. The principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.
- 9. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If he/she verifies that sexual harassment occurred, this report shall describe the actions he/she took to end the harassment, address the effects of the harassment on the person harassed, and prevent retaliation or further harassment.
- 10. Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the student who complained has been further harassed. The principal or designee shall keep a record of this information.

Enforcement

Students

Regulation #5145.7

SEXUAL HARASSMENT

The Superintendent or designee shall take appropriate actions to reinforce the District's sexual harassment policy. As needed, these actions may include any of the following:

- 1. Removing vulgar or offending graffiti
- 2. Providing staff in-service and student instruction or counseling
- 3. Notifying parents/guardians
- 4. Notifying child protective services
- 5. Taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

Students Policy #5145.8

REFUSAL TO HARM OR DESTROY ANIMALS

The Governing Board supports the right of students to refrain from participating in instruction that involves dissecting or otherwise harming or destroying animals when they have a moral objection to such activities.

Students shall not be discriminated against because of a decision to exercise this right. (Education Code 32255.1)

After notifying the teacher of his/her objection pursuant to law and adminis-trative regulations, the student shall be excused from the project and may be provided an appropriate alternative project. The Board encourages staff, whenever possible to provide an alternative project that teaches the same knowledge and skills as the original project. In any case, staff shall ensure the effective use of students' time by providing instructional activities relevant to the course of study.

Legal Reference:

EDUCATION CODE

32255-32255.6 Student's right to refrain from harmful/destructive use of animals 48980 Parental notification at beginning of term

48981-48984 Method and content of notification; signature required

Page 1 of 1. Adopted: July 16, 1998 CSBA: 2/98

Students

Regulation #5145.8

REFUSAL TO HARM OR DESTROY ANIMALS

At the beginning of each academic year, the District shall notify parents/ guar-dians, in writing, of students' right to refrain from instruction involving harm or destruction of animals. (Education Code 48980, 48981)

In addition, each teacher of a course that uses live or dead animals or animal parts shall inform students of their right to refrain from the harmful or destructive use of animals. (Education Code 32255.4)

Students who wish to refrain from such instruction shall notify the teacher and shall provide a note from their parent/guardian substantiating the objection. (Education Code 32255.1)

A teacher's determination of whether a student may pursue an alternative project or be excused from the project shall not be arbitrary or capricious. (EC 32255.3)

If the teacher believes an adequate alternative project is possible, he/she may work with the student to develop and agree upon an alternative project which would provide the knowledge, information or experience required by the course of study. Alternative projects include but are not limited to the use of video tapes, models, films, books and computers. The alternative project shall involve time and effort comparable to that required by the original project. (EC 32255, 32255.1)

Students who participate in an alternative project shall pass all course examina-tions in order to receive course credit. Students may request an alternative test, however, if a regular examination requires the harmful or destructive use of animals. (Education Code 32255.1)

This right shall apply to all K-12 courses, except classes and activities conducted as part of agricultural education that provide instruction on the care, management and evaluation of domestic animals. (Education Code 32255.5, 32255.6)

Page 1 of 1. Issued: July 16, 1998 CSBA: 2/98

Students Exhibit #5145.8

PACIFIC GROVE UNIFIED SCHOOL DISTRICT

555 Sinex Avenue

Pacific Grove, California 93950

Dear Parents:

The main intent of Assembly Bill 2507 (Speier), now incorporated into the California Education Code Section 32255, is to give students in kindergarten through grade twelve who have a moral objection, the right to refuse or refrain from participation in activities that they feel would constitute the "harmful and destructive use of animals."

If the student chooses to refrain from participation and if the teacher believes that an adequate alternate educational project is possible, then the teacher @a work to develop an alternate avenue for helping the student obtain the knowledge, information, or experience. The alternative project shall involve time and effort comparable to that required by the original project.

The State Department of Education remains committed to supporting the many valuable benefits of dissection including the unique insights and skins that this knowledge impowers students while protecting the individual student's right to refrain from dissection.

Pacific Grove teachers recognize that students have sensitive feelings about animals and can assure parents and students that the regular planned curriculum in science classes in Pacific Grove involves neither harm nor injury to animals in their classes.

Please refer to the full statement of the conditions of this policy on the back of this letter.

PLEASE NOTE: You do not need to return the lower portion of this letter if you wish your son/daughter to participate in laboratory dissection and other regular classroom activities according to the planned course of curriculum.

I hereby request because of a moral objection, exemption of my son/daughter ______from participation in laboratory dissection or other activities that we consider to be "harmful and destructive use of animals" under Education Code Section 32255. We understand that alternate projects and examinations may be developed and assigned, and my son/daughter may be given an alternate evaluation plan.

Reference: See Policy #5145.8. Issued: November 6, 1997
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Students	Exhibit #5145.8
Jiuuchis	

Date

Parent/guardian signature

Please sign and return within one week.

Reference: See Policy #5145.8. Issued: November 6, 1997
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Students Policy #5145.9

ALCOHOL SCREENING

To promote safety and help prevent accidents and injuries resulting from the misuse of alcohol by students the Pacific Grove Unified School District hereby authorizes the superintendent or designee to enact an alcohol screening program. This program shall, at minimum, comply with all laws and regulations which permit such testing. Testing may include the use of a breathalyzer for screening purposes only.

Students____ Administrative Regulation: #5145.9

The District finds that there is an immediate concern regarding the increase in students being under the influence of alcohol while attending voluntary school sponsored events. The District also finds that students appearing under the influence at such events pose a safety risk to themselves, staff and the community-at-large. In order to ensure the safety of its students, staff and the community-at-large, the Governing Board has authorized the District to administer breathalyzer tests to District students and their guests who attends a voluntary school sponsored event.

District administration or any law enforcement agency it designates may administer a breathalyzer test to students and their guests attending a voluntary school sponsored event. Such testing will occur only if the event is a voluntary school sponsored event; the specific safety risks inherent to the event merit the testing; and there is a history of alcohol use at such events. The District will employ a screening method that is neither arbitrary nor capricious.

In addition, as permitted by law, District administration or its designee may administer a breathalyzer test to any student or guest if the District administrator has a "reasonable suspicion" that the student is under intoxication or a report by a third part of a student's or guest's consumption of alcohol, among other indications, may provide a reasonable basis to conclude that a student is under the influence of alcohol. Any student who refuses to take a breathalyzer screening after a reasonable suspicion has been formed that they have consumed alcohol may be disciplined for student misconduct pursuant to Education Code section 48900 (k).

Students Policy #5146

ELECTRONIC SIGNALING DEVICES (e.g., CELL PHONES, CAMERAS)

The Board of Education believes that electronic signaling and imaging devices, e.g. cell phones and cameras, offer the opportunity for individuals to invade students' privacy, disrupt the educational program, and inappropriately share information. This could bring about substantial issues and problems for all students on our campus. Therefore, the Board of Education is directing the Superintendent to establish regulations that will assist in reducing the possibilities of inappropriate use of electronic signaling devices. (See BP 5131)

Legal Reference: *EDUCATION CODE* 48901.5 Suspension or Expulsions

Students Regulation #5146

ELECTRONIC SIGNALING OR IMAGING DEVICES

An electronic signaling or imaging device shall be defined collectively as a cell phone, pager, cellular/digital media player, camera, and/or a tablet.

Prohibited Use of Electronic Signaling or Imaging Devices Generally

Pursuant to Education Code section 48901.5(b), which permits a school district to regulate the use of any electronic signaling device that operates through the use of radio waves, students are prohibited from using personal electronic devices in such a manner that disrupts the educational program or school activity or which are used for illegal or unethical activities such as cheating on assignments or tests. In addition, no such equipment may be used in any manner which invades another's privacy, exposes another to ridicule, shame, or embarrassment.

No cameras, cell phones containing devices to capture digital images and/or take photographs, or any similar image capturing technology ("equipment") may be used at any time in any classroom, bathroom, gym, locker room, dressing area or other area where students or staff may be engaged in personal hygiene activities, changing clothes or otherwise have a reasonable expectation of privacy. In addition, no such equipment may be used in any manner which invades another's privacy, places another in a false light, is used to cheat on tests or other assignments, exposes another to ridicule, shame or embarrassment, is used in any manner which is substantially or materially disruptive, or which a reasonably prudent person would deem to be inappropriate.

No student shall record sound or video in a classroom without the advanced approval by the school site principal and the classroom teacher.

Use of Electronic Signaling or Imaging Devices Generally

The Board recognizes the increasing value of incorporating devices into certain lessons at school. The abilities of smartphones, tablets, and other such devices rival that of a computer and can greatly enhance student learning. Furthermore, as digital textbooks and supplementary materials become common, grades and homework assignments are posted online, and video lessons are utilized more frequently, the general educational usefulness of these devices will only increase. In such cases where these devices are utilized in the classroom, such use will be strictly in relation to the educational purpose in mind and done only with express permission of the teacher.

Elementary School

Except with prior consent for health reasons, electronic signaling or imaging devices must be turned off and put away throughout the school day. Students may not carry personal devices with them on campus during the school day without express permission from the principal. Devices are not to be used during the school day for phone calls. Phones are located in each

Page 1 of 3 All Rights Reserved by PGUSD Students Regulation #5146

ELECTRONIC SIGNALING OR IMAGING DEVICES

classroom which the student may request to use. On those days when a particular lesson or project would be enhanced with such devices, the teacher will notify the parents and students are allowed to bring their device to school. These devices will be collected and stored by the teacher on that day. Devices will be used only during the time frame of the particular lesson/project and returned to the student at the end of the day.

Middle School

Except with prior consent for health reasons, students are not to carry an electronic signaling or imaging device during school hours, except to place or retrieve them from their locker prior to attending their first class of the day or when leaving school, unless the student has the express permission from the principal or designee to carry the device.

Students may use their electronic signaling or imaging device only before and after school, and only outside the buildings except in circumstances as outlined under Use of Electronic Signaling or Imaging Devices Generally. Otherwise, electronic signaling or imaging devices must be left in lockers and turned off during the school day.

High School

Except with prior consent for health reasons or express permission from the teacher for educational purposes as outlined in Use of Electronic Signaling or Imaging Devices Generally, electronic signaling or imaging devices are not to be displayed or used during class. Electronic signaling or imaging devices may be used between class, during nutrition break, lunch, and after school.

Electronic signaling or imaging devices must be secured away from the student such as in a locker, backpack or with the teacher, during tests or quizzes.

Students shall not use electronic signaling or imaging devices even in hands-free mode, while driving on school grounds or to and from a school-related activity.

General Discipline for Violation of Cell Phone Guidelines for All Grade-Level Students

If a student violates the limits or restrictions upon use of an electronic signaling or imaging device under District Board policy or administrative regulation, the law, or other rules of the District relating to the use of electronic signaling or imaging devices, then the student will be subject to disciplinary consequences. Such disciplinary consequences may include, but are not limited to, confiscation of the electronic signaling or imaging device, detention, a conference with the student and the student's parent/guardian, suspension, or more severe disciplinary consequences.

For the first infraction, students will be issued a warning when they have violated their Page 2 of 3 Issued June 16, 2005 Revised Oct 25, 2018

Students Regulation #5146

ELECTRONIC SIGNALING OR IMAGING DEVICES

school-level rules and their electronic signaling or imaging device will be confiscated. The electronic signaling or imaging device will be kept in the central office in a secure location. The electronic signaling or imaging device will be returned to the student at the end of the day.

If a second infraction occurs, the electronic signaling or imaging device will be confiscated and a parent/guardian conference will be held. The parent/guardian of the student who has their electronic signaling or imaging device confiscated shall be notified by the administration. The electronic signaling or imaging device will be returned to the parent/guardian at the conclusion of the conference.

If a third infraction occurs, other disciplinary measures will result, in accordance with Board policy and administrative regulation, the device may be taken away and held by administration for up to a week, and/or possible suspension according to Board Policy Education Code §5144 and 5144.1.

If the student whose electronic signaling or imaging device has been confiscated needs to use the phone to contact a parent/guardian, then he/she may request to use the phone in the school's central office.

Search of Student's Electronic Signaling or Imaging Device for All Grade-Level Students

A student's electronic signaling or imaging device may be searched by District officials in accordance with Administrative Regulation 5145.12.

Pacific Grove Unified School District does not accept any responsibility for the loss, damage or theft of an electronic signaling or imaging device.

INSTRUCTION

Instruction Policy #6020

PARENT INVOLVEMENT

Mandated Policy

The Governing Board recognizes that parents/guardians are their children's first and most influential teachers and that sustained parental involvement in the education of children contributes greatly to student achievement and a positive school environment. The Superintendent or designee shall work with staff and parents/guardians to develop meaningful opportunities at all grade levels for parents/guardians to be involved in district and school activities; advisory, decision-making, and advocacy roles; and activities to support learning at home.

Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so.

The Superintendent or designee shall regularly evaluate and report to the Board on the effectiveness of the district's parent involvement efforts, including, but not limited to, input from parents/guardians and school staff on the adequacy of parent involvement opportunities and barriers that may inhibit parent/guardian participation.

Title I Schools

Title I is a federal program that provides funding to help disadvantaged students meet state academic and performance standards. Each year the Superintendent or designee shall identify specific objectives of the district's parent involvement program for schools that receive Title I funding. He/she shall ensure that parents/guardians are consulted and participate in the planning, design, implementation, and evaluation of the parent involvement program. Education Code 11503

The Superintendent or designee shall ensure that the district's parent involvement strategies are jointly developed with and agreed upon by parents/guardians of students participating in Title I programs. Those strategies shall establish expectations for parent involvement and describe how the district will carry out each activity listed in 20 USC 6318.

The Superintendent or designee shall consult with parents/guardians of participating students in the planning and implementation of parent involvement programs, activities, and regulations. He/she also shall involve parents/guardians of participating students in decisions regarding how the district's Title I funds will be allotted for parent involvement activities. 20 USC 6318

The Superintendent or designee shall ensure that each school receiving Title I funds develops a school-level parent involvement policy in accordance with 20 USC 6318.

Non-Title I Schools

The Superintendent or designee shall develop and implement strategies applicable to each school that does not receive federal Title I funds to encourage the involvement and support of parents/guardians in the education of their children, including, but not limited to, strategies describing how the district and schools will address the purposes and goals described in Education Code 11502. Education Code 11504

Instruction Policy #6020

PARENT INVOLVEMENT

Mandated Policy

Reference

- cf. 0420 School Plans/Site Councils
- cf. 0420.1 School-Based Program Coordination
- cf. 0420.5 School-Based Decision Making
- cf. 0520.1 High Priority Schools Grant Program
- cf. 0520.2 Title I Program Improvement Schools
- cf. 1220 Citizen Advisory Committees
- cf. 1230 School-Connected Organizations
- cf. 1240 Volunteer Assistance
- cf. 1250 Visitors/Outsiders
- cf. 5020 Parent Rights and Responsibilities
- cf. 5145.6 Parental Notifications
- cf. 0500 Accountability
- cf. 6171 Title I Programs
- cf. 3100 Budget

Legal Reference:

EDUCATION CODE

- 11500-11506 Programs to encourage parent involvement
- 48985 Notices in languages other than English
- 51101 Parent rights and responsibilities
- 64001 Single plan for student achievement

LABOR CODE

230.8 Time off to visit child's school

UNITED STATES CODE, TITLE 20

- 6311 Parental notice of teacher qualifications and student achievement
- 6312 Local educational agency plan
- 6314 School wide programs
- 6316 School improvement
- 6318 Parent involvement

CODE OF FEDERAL REGULATIONS, TITLE 28

- 35.104 Definitions, auxiliary aids and services
- 35.160 Communications

Management Resources:

CSBA PUBLICATIONS

Parent Involvement: Development of Effective and Legally Compliant Policies, Governance and Policy Services Policy Briefs, August 2006

Instruction Policy #6020

PARENT INVOLVEMENT

Mandated Policy

STATE BOARD OF EDUCATION POLICIES

89-01 Parent Involvement in the Education of Their Children, rev. 1994

U.S. DEPARTMENT OF EDUCATION NON-REGULATORY GUIDANCE

Parental Involvement: Title I, Part A, April 23, 2004

WEB SITES

CSBA: http://www.csba.org

California Department of Education, Family, School, Community Partnerships:

http://www.cde.ca.gov/ls/pf

California Parent Center: http://parent.sdsu.edu California State PTA: http://www.capta.org

National Coalition for Parent Involvement in Education: http://www.ncpie.org

National PTA: http://www.pta.org

No Child Left Behind: http://www.ed.gov/nclb

Parent Information and Resource Centers: http://www.pirc-info.net Parents as Teachers National Center: http://www.parentsasteachers.org

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

Instruction Regulations #6020

PARENT INVOLVEMENT

Mandated Regulation

District Strategies for Title I Schools

To ensure that parents/guardians of students participating in Title I programs are provided with opportunities to be involved in their children's education, the Superintendent or designee shall:

- 1. Involve parents/guardians of participating students in the joint development of the Title I local educational agency LEA plan pursuant to 20 USC 6312 and the process of school review and improvement pursuant to 20 USC 6316 20 USC 6318
- 2. Provide coordination, technical assistance, and other support necessary to assist Title I schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance 20 USC 6318
- 3. Build the capacity of schools and parents/guardians for strong parent involvement 20 USC 6318
- 4. Coordinate and integrate Title I parent involvement strategies with State Preschool 20 USC 6318
- 5. Conduct, with involvement of parents/guardians, an annual evaluation of the content and effectiveness of the parent involvement policy in improving the academic quality of the schools served by Title I 20 USC 6318
- 6. Involve parents/guardians in the activities of schools served by Title I 20 USC 6318

The district's Board policy and administrative regulation containing parent involvement strategies shall be incorporated into the LEA plan and distributed to parents/guardians of students participating in Title I programs. 20 USC 6318

School-Level Policies for Title I Schools

At each school receiving Title I funds, a written policy on parent involvement shall be developed jointly with and agreed upon by parents/guardians of participating students. Such policy shall describe the means by which the school will: 20 USC 6318

- 1. Convene an annual meeting, at a convenient time, to which all parents/guardians of participating students shall be invited and encouraged to attend, in order to inform parents/guardians of their school's participation in Title I and to explain Title I requirements and the right of parents/guardians to be involved
- 2. Offer a flexible number of meetings, such as meetings in the morning or evening, for which related transportation, child care, and/or home visits may be provided as such services relate to parent involvement
- 3. Involve parents/guardians in an organized, ongoing, and timely way in the planning, review, and improvement of Title I programs, including the planning, review, and improvement of the

Page 1 of 4 Issued 12-07-06

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Instruction Regulations #6020

PARENT INVOLVEMENT

Mandated Regulation

school's parent involvement policy and, if applicable, the joint development of the plan for schoolwide programs pursuant to 20 USC 6314

The school may use an existing process for involving parents/guardians in the joint planning and design of the school's programs provided that the process includes adequate representation of parents/guardians of participating students.

- 4. Provide the parents/guardians of participating students all of the following:
 - a. Timely information about Title I programs
 - b. A description and explanation of the school's curriculum, forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet
 - c. If requested by parents/guardians, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions related to their children's education, and, as soon as practicably possible, responses to the suggestions of parents/guardians
- 5. If the school wide program plan is not satisfactory to the parents/guardians of participating students, submit any parent/guardian comments when the school makes the plan available to the district
- 6. Jointly develop with the parents/guardians of participating students a school-parent compact that outlines how parents/guardians, the entire school staff, and students will share responsibility for improved student academic achievement and the means by which the school and parents/guardians will build a partnership to help students achieve state standards

This compact shall address:

- a. The school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables participating students to achieve the state's student academic achievement standards
- b. Ways in which parents/guardians will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, and television viewing; volunteering in the classroom; and participating, as appropriate, in decisions related to their children's education and the positive use of extracurricular time
- c. The importance of communication between teachers and parents/guardians on an ongoing basis through, at a minimum:
 - (1) Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the student's achievement

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Instruction Regulations #6020

PARENT INVOLVEMENT

Mandated Regulation

- (2) Frequent reports to parents/guardians on their children's progress
- (3) Reasonable access to staff, opportunities to volunteer and participate in their child's classroom, and observation of classroom activities
- 7. Build the capacity of the school and parents/guardians for strong parent involvement by implementing the activities described in items #3a-f in the section "District Strategies for Title I Schools" above
- 8. To the extent practicable, provide full opportunities for the participation of parents/guardians with limited English proficiency, parents/guardians with disabilities, and parents/guardians of migrant children, including providing information and school reports required under 20 USC 6311 h in a format and language such parents/guardians can understand

If the school has a parent involvement policy that applies to all parents/guardians, it may amend that policy to meet the above requirements. 20 USC 6318

Each school's parent involvement policy shall be made available to the local community and distributed to parents/guardians of participating students in an understandable and uniform format and, to the extent practicable, provided in a language the parents/guardians can understand. 20 USC 6318

Each school receiving Title I funds shall annually evaluate the effectiveness of its parent involvement policy. Such evaluation may be conducted during the process of reviewing the school's single plan for student achievement in accordance with Education Code 64001.

The principal or designee, jointly with parents/guardians of participating students, shall periodically update the school's policy to meet the changing needs of parents/guardians and the school. 20 USC 6318

District Strategies for Non-Title I Schools

For each school that does not receive federal Title I funds, the Superintendent or designee shall, at a minimum:

- 1. Engage parents/guardians positively in their children's education by helping them develop skills to use at home that support their children's academic efforts at school and their children's development as responsible members of society Education Code 11502, 11504
- 2. Inform parents/guardians that they can directly affect the success of their children's learning, by providing them with techniques and strategies that they may use to improve their children's academic success and to assist their children in learning at home (Education Code 11502, 11504)

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CSBA: 6/96

Instruction Regulations #6020

PARENT INVOLVEMENT

Mandated Regulation

- 3. Build consistent and effective communication between the home and school so that parents/guardians may know when and how to assist their children in support of classroom learning activities Education Code 11502, 11504
- 4. Train teachers and administrators to communicate effectively with parents/guardians (Education Code 11502, 11504)
- 5. Integrate parent involvement programs into school plans for academic accountability
- cf. 1230 School-Connected Organizations
- cf. 6171 Title I Programs
- cf. 0420 School Plans/Site Councils
- cf. 1220 Citizen Advisory Committees
- cf. 6011 Academic Standards
- cf. 6162.5 Student Assessment
- cf. 6162.51 Standardized Testing and Reporting Program
- cf. 6162.52 High School Exit Examination
- cf. 4131 Staff Development
- cf. 4231 Staff Development
- cf. 4331 Staff Development
- cf. 1020 Youth Services
- cf. 4115 Evaluation/Supervision
- cf. 4215 Evaluation/Supervision
- cf. 4315 Evaluation/Supervision
- cf. 6300 Preschool/Early Childhood Education
- cf. 5145.6 Parental Notifications
- cf. 5121 Grades/Evaluation of Student Achievement
- cf. 5123 Promotion/Acceleration/Retention
- cf. 0520.1 High Priority Schools Grant Program
- cf. 1240 Volunteer Assistance
- cf. 5020 Parent Rights and Responsibilities
- cf. 5113 Absences and Excuses
- cf. 6145 Extracurricular/Co-curricular Activities
- cf. 6154 Homework/Makeup Work

Page 4of 4 Issued 12-07-06

Instruction Policy 6112

TIME ALLOCATIONS

The Board of Education believes that all students should receive a comprehensive education. As such, a defined course of study for elementary, middle and high school students shall be approved by the Board of Education and reflect at a minimum the course content identified in the California Education Code and follow the California Content Standards.

The Board of Education realizes that there are many demands on the use of time during the instructional day. In an effort to assist teachers in securing adequate time to instruct their students, in the core subject areas of Language Arts and Mathematics, the Board requests that the Superintendent develop a regulation that will establish a base line for instructional minutes which will apply to the core subject areas of Reading, Writing and Mathematics.

These instructional minutes are to act as a minimum and follow recommendations noted in the California State framework and Education Code.

Legal Reference: EDUCATION CODE 33540; 51201.5 – 52204.5 51210 – 51212, 51220 – 51230 51911 – 51921

GOVERNMENT CODE 3543.2

HEALTH AND SAFETY CODE 11032

TITLE V Section 10020

U.S. CODE Title 209, 6101–6251

Page 1 of 1.

Adopted 11-16-06

Regulation 6112 Instruction

TIME ALLOCATIONS

The following subject areas are delineated by major subject headings and subcomponents underneath the major topics. Specific grade level content will vary as noted by the California Content Standards and course outlines. A bold heading indicates a core subject area which must receive primary focus leading to grade level proficiency.

The instructional time allocation noted to the right, as listed by grade level is proposed as a minimum for the subject area in total. Distribution of time throughout the instructional week to address the subcomponents, as noted in the grade level, should be considered as meeting the total instructional minutes.

Subjects		K	1 – 2	3–5	6	7–8	9–12
Language Arts Reading / reading readiness Oral Language / speech Writing Penmanship		120	120	120	50**	50**	
		600	600	600	240	240	odes
Mathematics Computation Problem solving		60	60	60	50**	50**	By units and State Ed Codes
		300	300	300	240	240	and S
Social Studies (* per week <u>f</u> or elementary) (Could be included into Language Arts)	<u>day</u>	60*	60*	60*	50**	50**	By units
Science (* per week for elementary) Health (Could be included into Language Arts)	<u>day</u>	60*	60*	60*	50**	50**	
Physical Education (200 mins every 10 days, 1st -6th) (400 mins every 10 days, 7th - 8th) Health Wellness Education could be included	day week		100	100	50**	50**	two years
Art / Performing Art / Music / Foreign Language No recommended time	Week		100	100			
Other No recommended time Technology Electives							
Library							

^{**} Due to the early release Thursday schedule, the average minutes per day equals 48.

Page 1 of 1. Issued 11/2006 Instruction Policy #6115

CEREMONIES AND OBSERVANCES

The Governing Board recognizes the importance of having students join together to celebrate events of cultural or historical significance or to acknowledge the contributions of outstanding individuals. Besides helping students to appreciate their pluralistic heritage, ceremonies and observances can enhance their sense of community, instill pride in our country, and contribute to a positive school climate.

Legal Reference:

EDUCATION CODE

37220-37223 Saturdays and holidays

44015.1 Week of the school administrator

45203 Paid holidays

45460 Classified employee week

52720 Daily performance of patriotic exercises in public schools

GOVERNMENT CODE

430-439 Display of flags

3540-3549.3 Meeting and negotiating

UNITED STATES CODE, TITLE 36

174 Time and occasion for display of flag

175 Position and manner of display of flag

COURT DECISIONS

West Virginia State Board of Education et al v. Barnette et al, 319 U.S. 624 (1943)

Management Resources:

WEB SITES

CDE: http://www.cde.ca.gov

Page 1 of 1. Adopted: 3/05/98

CEREMONIES AND OBSERVANCES

Mandated Action

Holidays

District schools shall be closed in observance of the following holidays:

New Year's Day ---January 1
Dr. Martin Luther King, Jr. Day --- Third Monday in January
Lincoln Day - The Monday or Friday of the week in which February 12 occurs
Washington Day --- Third Monday in February
Memorial Day --- Last Monday in May
Independence Day --- July 4
Labor Day --- First Monday in September

Valoria Desa Nasarahar 11

Veterans Day --- November 11

Thanksgiving Day --- The fourth Thursday in November as proclaimed by the President Christmas Day --- December 25

Holidays which fall on a Sunday shall be observed the following Monday. Holidays which fall on a Saturday shall be observed the preceding Friday. If any of the above holidays occurs under federal law on a date different from that indicated above, the Board may close the schools on the date recognized by federal law instead of on the date above. (Education Code 37220)

Commemorative Exercises

District schools may hold exercises to commemorate special days: (EC 37220, 221 & 45460)

Schools may include additional state or national commemorative exercises as identified in the following two references: 1) Special Days and Weeks for Planning the School Calendar, Educational Research Service, 1997-98; 2) Handbook of Educational Information, CDE.

Patriotic Exercises

Each school shall conduct patriotic exercises daily. At elementary schools, such exercises shall be conducted at the beginning of each school day. The Pledge of Allegiance to the flag will fulfill this requirement. (Education Code 52720)

Individuals may choose not to participate in the flag salute for personal reasons.

Display of Flag

The flag of the United States and the flag of California shall be displayed during school days at the entrance or on the grounds of every school. At all times, the national flag shall be placed in the position of first honor. (Government Code 431, 436; 36 U.S.C. 174)

Upon order of the President, the national flag shall be flown at half-mast upon the death of principal figures of the United States government and the Governor of the state, as a mark of respect to their memory. When so flown, the flag shall be hoisted to the top of the staff for an instant before being lowered to half-mast. It should be hoisted to the peak again before being lowered for the night. (36 U.S.C. 175)

Page 1 of 2.

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Issued: 3/5/98
Revised 11/04/04

Instruction Regulation #6115

CEREMONIES AND OBSERVANCES

Mandated Action

The national flag shall fly at half-mast: (36 U.S.C. 175)

- 1. For 30 days from the death of the President or a former President.
- 2. For ten days from the death of the Vice President, the Chief Justice or a retired Chief Justice, or the Speaker of the House of Representatives.
- 3. From the day of death until burial of an Associate Justice of the Supreme Court, a former Vice President, a member of the Cabinet, a Secretary of the Army, Navy or Air Force, and the Governor of the state.
- 4. On the day of death and the following day for a Member of Congress.

At the discretion of the Superintendent or designee, the national flag may be flown at half-mast upon the death of persons significant to the District.

Page 2 of 2. Issued: 3/5/98 All Rights Reserved by PGUSD. Revised 11/04/04

Instruction Policy #6116

CLASSROOM INTERRUPTIONS

Mandated Policy

The Governing Board recognizes that class time should be dedicated to student learning. The Board believes that classroom interruptions that are not related to the educational program should be kept at an absolute minimum.

The Superintendent or designee shall establish administrative regulations to govern classroom interruptions.

Legal Reference: **EDUCATION CODE** 32212 Classroom interruptions

Page 1 of 1. Adopted: March 5, 1998 CSBA: 9/89

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Instruction Regulation #6116

CLASSROOM INTERRUPTIONS

The principal or designee shall keep announcements made through intercom or public address systems to a minimum and limit announcements to specific times during the day. Announcements that apply only to teachers shall be distributed in writing.

The principal shall establish a fixed time for the delivery of messages to students, except in the case of emergencies.

School maintenance operations involving noise or classroom disruption shall be performed before or after school hours whenever possible. Unless an emergency, all efforts shall be made to give the school principal notice prior to the scheduled work.

School visitors and observers shall make appointments in advance.

Page 1 of 1. Issued: March 5, 1998 CSBA: 9/89

Instruction Policy #6142.1

FAMILY LIFE/SEX EDUCATION

The Governing Board believes that a wholesome, well-planned sequence of instruction about family life and human sexuality is essential to the general education of all students. Lack of information or pervasive misinformation can cause low self-esteem, increased risk for sexually transmitted disease, unintended pregnancy or sterility, and school dropout. The District curriculum shall help students understand the biological, psychological, social, moral, and ethical aspects of human sexuality and stress that students should abstain from sexual intercourse until they are ready for marriage.

Sexual Health and HIV/AIDS Prevention Instruction

The Governing Board recognizes that accurate information about family life and human sexuality may contribute to a decreased risk for sexually transmitted diseases or unintended pregnancies. The Board also recognizes that Human Immunodeficiency Virus (HIV) infection and Acquired Immune Deficiency Syndrome (AIDS) pose a public health crises and that education is a necessary component for helping to slow the spread of this disease. The Board therefore desires to provide a well-planned sequence of instruction on comprehensive sexual health and HIV/AIDS prevention.

The Board further directs that the District's curriculum shall be based on medically accurate and factual information and shall help students understand the biological, psychological, social, moral and ethical aspects of human sexuality. The District's program shall comply with the requirements of law and administrative regulation and shall respect the rights of parents/guardians to supervise their children's education on these subjects and to impart values regarding human sexuality to their children.

Legal Reference:
EDUCATION CODE
48980 Notice at beginning of term
51202 Instruction in personal and public health and safety
51930-51939 Comprehensive Sexual Health and HIV/AIDS Prevention Education Act

HEALTH AND SAFETY CODE

1255.7 Parents surrendering physical custody of a baby

PENAL CODE 243.4 Sexual battery 261.5 Unlawful sexual intercourse 271.5 Parents voluntarily surrendering custody of a baby

UNITED STATES CODE, TITLE 20 1232h Protection of Student Rights 7906 Sex education

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FAMILY LIFE/SEX EDUCATION

Course Material/Instruction

In all sex education courses that discuss sexual intercourse, course material and instruction shall: (Education Code 51933)

- 1. Be age appropriate, medically accurate, and objective.
- 2. Stress that abstinence is the only contraceptive method, which is 100% effective, and that all other methods of contraception carry a risk of failure in preventing unwanted teenage pregnancy. Statistics based on the latest medical information shall be provided to students citing the failure and success rate of condoms and other contraceptives in preventing pregnancy.
- 3. Stress that sexually transmitted diseases are serious possible hazards of sexual activity. Students shall be provided with statistics based on the latest medical information citing the failure and success rates of condoms in preventing AIDS and other sexually transmitted diseases.
- 4. Instruction and materials shall teach respect for marriage and committed relationships.
- 5. Emphasize that students have the power to control personal behavior. Students shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations such as respect for one's self and others.
- 6. Teach students how to say "no" to unwanted sexual advances. Teach students to not make unwanted physical and verbal sexual advances. Provide information about verbal, physical and visual sexual assault, including but not limited to nonconsensual sexual advances, nonconsensual physical sexual contact, and rape by an acquaintance, commonly referred to as "date rape." This course material and instruction shall contain methods of preventing sexual assault by an acquaintance, including exercising good judgment and avoiding behavior that impairs good judgment, and shall also encourage youth to resist negative peer pressure. This course material and instruction also shall inform students of the potential legal consequences of sexual assault by an acquaintance. Specifically, students shall be advised that it is unlawful to touch an intimate part of another person, as specified in subdivision (d) of Penal Code 243.4. Students also shall be taught that it is wrong to take advantage of, or to exploit, another person.
- 7. Instruction shall be made available on an equal basis to a pupil who is an English learner, consistent with the existing curriculum and alternative options for an English learner pupil as otherwise provided in this code.
- 8. Instruction and materials shall be appropriate for use with pupils of all races, genders, sexual orientations, ethnic and cultural backgrounds, and pupils with disabilities.
- 9. Instruction and materials shall be accessible to pupils with disabilities, including, but not limited to, the provision of an modified curriculum, materials and instruction in alternative formats, and auxiliary aids.
- 10. Instruction and materials shall encourage a pupil to communicate with his or her parents or guardians about human sexuality.

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Issued: 05/27/9
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FAMILY LIFE/SEX EDUCATION

- 11. Commencing in grade 7, instruction and materials shall provide information about sexually transmitted diseases. This instruction shall include how sexually transmitted diseases are and are not transmitted, the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods of reducing the risk of contracting sexually transmitted diseases, and information on local resources for testing and medical care for sexually transmitted diseases.
- 12. Commencing with grade 7, instruction and materials shall provide pupils with information on the law on surrendering physical custody of a minor child 72 hours old or younger, pursuant to Section 1255.7 of the Health and Safety Code and Section 271.5 of the Penal Code.
- 13. Mandated HIV/AIDS prevention education must be taught by instructors trained in the appropriate coursed. If school districts choose to teach comprehensive sexual health education, this subject must also be taught by instructors trained in the appropriate courses. The law defines "instructors trained in the appropriate courses" as: "instructors with knowledge of the most recent medically accurate research on human sexuality, pregnancy, and sexually transmitted diseases." (51931(e)) School districts must provide periodic training to HIV/AIDS prevention teachers to enable them to learn new developments in the scientific understanding of HIV/AIDS. Teachers with a demonstrated expertise in the field or who have received training from the California Department of Education or CDC need not be additionally trained by the district. School districts may expand the training to include the topic of comprehensive sexual health education.
- 14. Schools may contract with outside agencies with expertise in the field to provide comprehensive sexual health and/or HIV/AIDS prevention education, or to provide training to school personnel. Instruction provided by outside instructors must fulfill the same requirements as instruction provided by teachers employed by the school district. If schools use outside agencies as instructors or guest speakers, they must provide parents with the name of the agency and the date of instruction at the beginning of the school year or no fewer than 14 days prior to the date of instruction (as per AB 1925, signed into law August 2004).

At the secondary level, the family life/sex education program shall be placed in a course that is required for all students. Teachers who provide instruction in family life/sex education shall have professional preparation, either preservice or inservice, in the subject area.

Required Courses in HIV/AIDS Prevention, Pupils in grades 7 through 12

The Superintendent or designee shall ensure that all pupils in grades 7 to 12, inclusive, receive HIV/AIDS prevention education from instructors trained in the appropriate courses. Each pupil shall receive this instruction at least once in middle school and at least once in high school.

HIV/AIDS prevention education, whether taught by school district personnel or outside consultants, shall satisfy all of the criteria set forth in the following sections and shall accurately reflect the latest information and recommendations from the United States Surgeon General, the Federal Centers for Disease Control and Prevention, and the National Academy of Sciences and shall include the following:

1. Commencing in grade 7, instruction and materials shall provide information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy,

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FAMILY LIFE/SEX EDUCATION

including, but not limited to, emergency contraception.

- 2. Information on the nature of HIV/AIDS and its effects on the human body.
- 3. Information on the manner in which HIV is and is not transmitted, including information on activities that present the highest risk of HIV infection.
- 4. Discussion of methods to reduce the risk of HIV infection. This instruction shall emphasize that sexual abstinence, monogamy, the avoidance of multiple sexual partners, and abstinence from intravenous drug use are the most effective means for HIV/AIDS prevention, but shall also include statistics based upon the latest medical information citing the success and failure rates of condoms and other contraceptives in preventing sexually transmitted HIV infection, as well as information on other methods that may reduce the risk of HIV transmission from intravenous drug use.
- 5. Discussion of the public health issues associated with HIV/AIDS.
- 6. Information on local resources for HIV testing and medical care.
- 7. Development of refusal skills to assist pupils in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities.
- 8. Discussion about societal views on HIV/AIDS, including stereotypes and myths regarding persons with HIV/AIDS. This instruction shall emphasize compassion for persons living with HIV/AIDS.

Evaluation

The Superintendent or designee shall ensure that family life/sex education materials and instruction are continuously evaluated in light of information received from students, parents/guardians, and teachers. Such information may indicate what students learned, whether the program was workable for the teachers, and how the program could be improved.

Advisory Committee/Coordinator

A Family Life/Sex Education Advisory Committee representing a divergence of viewpoints may participate in planning, implementing and evaluating the District's family life/sex education program. Under the direction of a family life/sex education program coordinator, the committee shall identify the grade levels and courses in which family life/sex education will be offered. Available sex education materials and curriculum components shall then be identified and collected for review and evaluation by the committee. The program coordinator shall verify that all materials are consistent with related District policy.

The Governing Board shall approve the advisory committee's recommendations prior to implementation.

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Parent/Guardian Notification

At the beginning of each school year or at the time of a student's enrollment, parents/guardians shall be notified about instruction in comprehensive sexual health education and HIV/AIDS prevention education, as well as research on student health behaviors and risks, planned for the coming year. The notice shall advise parents/guardians (Education Code 48980, 51938).

- 1. That written and audiovisual educational materials to be used in comprehensive sexual health and HIV/AIDS prevention education are available for inspection.
- 2. Whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by District personnel or outside consultants.
- 3. That parents/guardians have a right to request a copy of Education Code 51930-51938
- 4. That parent/guardians may request in writing that their child not receive comprehensive sexual health or HIV/AIDS prevention education.
- 5. The District may administer to students in grades 7-12 anonymous, voluntary and confidential research instruments, including tests and surveys, containing age-appropriate questions about their attitudes or practices relating to sex. Prior to administering such a survey or questionnaire, parents/guardians shall receive written notice that the survey is to be administered. Parents/guardians shall be given an opportunity to review the material and to request in writing that their child not participate (Education Code 51938).
- 6. Parents/guardians may, through written note, exempt their student.
- 7. Parents/guardians may request in writing their student not receive instruction regarding comprehensive sexual health and HIV/AIDS prevention education and be excused from class and provided with an alternative activity, as specified below.
- 8. Upon a written request from his/her parent/guardian, a student shall be excused from participating in comprehensive sexual health or HIV/AIDS prevention education or from participating in questionnaires or surveys regarding health behaviors and risks. While the instruction is being delivered or the survey instrument is being administered, an alternative educational activity shall be made available to the student.
- 9. A student shall not be subject to disciplinary action, academic penalty, or other sanction if the student's parent/guardian declines to permit the student to receive the instruction (Education Code 51939).

Material Selection Committee

The Superintendent or designee may appoint a coordinator and an advisory committee regarding the District's comprehensive sexual health program. This advisory committee shall represent a divergence of viewpoints and may participate in planning, implementing and evaluating the District's comprehensive sexual health education program. The Board shall consider the advisory committee's recommendations when approving the District's program.

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Instruction Regulation #6142.1

FAMILY LIFE/SEX EDUCATION

Pilot Testing

Before a new family life/sex education curriculum is implemented District-wide, it may be pilot tested with a small number of students and teachers trained to use it. The program coordinator shall direct the monitoring of pilot testing and record recommended improvements. A forum for airing the concerns of parents/ guardians, teachers, and the community may also be held. The advisory committee may subsequently take to the Board specific recommendations for program or curriculum modifications.

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CSBA: 11/02

Instruction Policy #6142.4

LEARNING THROUGH COMMUNITY SERVICE

The Governing Board recognizes that community service can help students develop skills, career awareness and self-esteem. Service experiences also can motivate students by letting them apply what they are studying to local needs and problems and by showing them that they can make a contribution to their community.

Integrated Community Service

The Board supports the integration of community service activities with the curriculum so as to enhance learning in all subject areas. The Board encourages staff to collaborate with local public and nonprofit agencies in order to develop service learning activities that meet educational objectives and also fit in with current community efforts to meet human, educational, environmental or public safety needs.

Students shall be offered volunteer opportunities, which support and strengthen their academic achievement and help them recognize the relevance of what they are learning in school. Insofar as possible, such opportunities shall also be de-signed to help students develop cross-cultural relationships within the community.

Reference: EC 35160, 35160.1, 51210, 51220, 51745; Adopted: November 15, 2001

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Instruction Regulation #6142.4

LEARNING THROUGH COMMUNITY SERVICE

Community Service Classes

Students participating in community service classes shall be encouraged to per-form volunteer service in areas which interest them personally.

Students shall have classroom opportunities to discuss the value of their service experiences with their peers.

By providing community service, students experience learning activities outside the classroom which are invaluable, such as helping others without expecting pay, learning about people who may be less fortunate then they, helping make our community function. It is also important from a public relations point of view for adults in the community to be able to see our students as helpful and caring human beings.

Supervision

School staff shall monitor the attendance of students at designated community service sites and shall maintain attendance records. Staff shall also visit these sites regularly to observe the students and help them solve service-related problems.

Community Service Requirements:

Pacific Grove Middle School: All 8th grade students are expected to complete 16 or more hours of community service. Students in grades 6 and 7 may earn eight of these hours. All work must be done outside of the regular school day. Community Service hours must be approved by the Counselor.

Pacific Grove High School: All students will complete 24 hours of community service to receive a diploma. All community service hours must be approved by the assistant principal. Forms noting completion of Community Service hours must be on file with the school office by the beginning of the first graduation rehearsal in order to participate in the graduation ceremony and receive a diploma.

Community Service Procedures:

Community Service hours are acceptable as long as they are earned at a non-profit agency. (Note: hours may be granted for student assisting older citizens with yard work, etc.)

Examples of non-profit agencies are as follows:

Meals on Wheels

Big Sur Marathon

SHARP Program

Pacific Grove Library Children's Program

City of Pacific Grove events (Feast of Lanterns, Good Old Days, etc.)

Reference: EC 35160, 35160.1, 51210, 51220, 51745; Adopted: November 15, 2001

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Instruction Regulation #6142.4

Helping work at the snack bar at the Youth Center Working in the concession stands at Pony League games Organized Coastal Cleanups

All community service hours must be earned outside of school hours. People supervising the students verify the service hours by signing a community service form and the school supervisor will log the time. Parents on occasion verify hours, if they are supervising the event (as the Butterfly Bazaar, etc.)

In case of illness, the student shall inform both the community agency.

The community agency or school staff may terminate any student's volunteer placement if the student's conduct is unsatisfactory.

Transportation to the community service site shall be the student's responsibility except for cases in which the law requires the district to provide transportation.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school Districts

51210 Areas of study, grades 1 to 6

51220 Areas of study, grades 7 to 12

51745 Independent study

UNITED STATES CODE, TITLE 42

12407 National and Community Service Trust Act of 1993

Steirer et al v. Bethlehem Area School District, 3rd Cir. 1993 789 F.Supp. 1337 (E.D. Pa 1992) 987 F.2d 989

Ed Code 35160, 35160.1, 51210, 51220, 51745, United States Code, Title **4**2 CSBA Date – 2/95

Reference: EC 35160, 35160.1, 51210, 51220, 51745; Adopted: November 15, 2001

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COMPREHENSIVE HEALTH EDUCATION

The Governing Board intends for health education to be part of a comprehensive District program to promote the health and well-being of students and staff. As part of this program, the Board is committed to providing for physical education, health services, nutrition services, psychological and counseling services, a safe and healthy school environment, and involvement of parents/guardians and community members.

The Board believes that health education should foster the knowledge, skills and behaviors that students will need in order to lead healthy, productive lives. Besides understanding the process of growth and development, students should know how to obtain and use health-related information, products and services. They should learn to accept personal responsibility for their own lifelong health and to respect and promote the health of others.

The District shall provide age-appropriate health education including, but not limited to, instruction related to:

- 1. Family living
- 2. Individual growth and development
- 3. Nutrition, including but not limited to lessons that address the negative effects that obesity has on an individual's long-term health and well-being and ways to promote lifelong healthy eating
- 4. Communicable and chronic diseases
- 5. Personal health, including but not limited to lessons that address the hazardous effects of excessive noise and overexposure to sun
- 6. Mental and emotional health
- 7. Injury prevention and safety
- 8. Alcohol, tobacco and other drugs
- 9. Environmental health
- 10. Consumer and community health

The above content areas shall be addressed in a planned, sequential curriculum for students in kindergarten through 12th grade.

Upon written request by a student's parent/guardian, he/she shall be excused from any part of the health instruction that conflicts with the parent/guardian's religious training, beliefs or personal moral convictions. Parents/guardians shall receive notification at the beginning of each school year regarding their right to excuse students from health instruction on these grounds. (Education Code 48980, 51240)

Legal Reference:

EDUCATION CODE

233.5 Duty concerning instruction of students

8850.5 Family relationships and parenting education

35183.5 Sun protection

38085 Sale of specified food items

49413 First aid training

49490-49493 Child nutrition needs

49500 Meals for students

51202 Instruction in personal and public health and safety

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COMPREHENSIVE HEALTH EDUCATION

- 51203 Instruction on alcohol, narcotics and dangerous drugs
- 51210 Areas of study
- 51220.5 Parenting skills; areas of instruction
- <u>51260-51269</u> Drug education
- 51265 Gang violence and drug and alcohol abuse prevention inservice
- 51513 Personal beliefs
- 51933 Sex education courses
- 51890-51891 Comprehensive health education programs
- 51938 Right of parent or guardian; time to exercise right
- 51940 Prevention of brain and spinal cord injuries

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Instruction Policy #6143

COURSE OF STUDY

The Governing Board recognizes that a well-articulated sequence of courses fosters academic progress and makes for the best possible use of instructional time. The Board shall annually adopt a course of study and Master Schedule that ensures smooth transitions among the schools and leads to the fulfillment of District graduation requirements. Secondary school courses shall prepare students for higher educational opportunities and also give them the opportunity to attain skills appropriate for entry-level employment in business and industry.

The Superintendent or designee shall ensure that all otherwise qualified students have a timely opportunity, within the four years before graduation, to enroll in each course required for admission to California public colleges and universities.

Legal Reference:

EDUCATION CODE

33319.3 Driver education; CDE materials on road rage

33540 Government and civics instruction in interaction with government agencies

51201.5 Instruction on AIDS and AIDS prevention

51202 Instruction in personal and public health and safety

51203 Instruction on alcohol, narcotics and restricted dangerous drugs

<u>51204</u> Course of study designed for student's needs

<u>51204.5</u> History of California; contributions of men, women and ethnic groups to development of state and nations

51210-51212 Areas of study for grades 1-6

51220-51230 Course of study for grades 7-12

<u>51241</u> Exemption from physical education

<u>51911-51921</u> Comprehensive health educational plans

51940 Curriculum for brain and spinal cord injury prevention

66204 Certification of high school courses as meeting university admission criteria

GOVERNMENT CODE

3543.2 Scope of representation

HEALTH AND SAFETY CODE

11032 Definition of dangerous drugs

CODE OF REGULATIONS. TITLE 5

10020 Driver education

UNITED STATES CODE, TITLE 20

6101-6251 School-to-Work Opportunities Act of 1994

Management Resources:

WEB SITES

CDE: http://www.cde.ca.gov

University of California, College Prep Online Courses and Services: http://www.uccp.org

Courses of study for grades 1 through 5 shall include the following:

- 1. English: speaking, reading, listening, spelling, handwriting, composition knowledge and appreciation of language and literature (Education Code 51210).
- 2. Mathematics: concepts, operational skills, problem solving (Education Code 51210).
- 3. Social sciences: age-appropriate materials drawn from anthropology, economics, geography, history, political science, psychology and sociology, with instruction in: (Education Code 51210)
 - a. The history, resources, development and government of California and the United States, including:
 - (1) Early California history;
 - (2) The role and contributions of both men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic groups to the economic, political and social development of California and the United States, with particular emphasis on portraying the role of these groups in contemporary society (Education Code 51204.5).
 - b. The development of the American economic system, including the role of the entrepreneur and labor;
 - c. The individual's relation to human and natural environments;
 - d. Eastern and western cultures and civilizations:
 - e. Contemporary issues;
 - f. The protection, conservation and wise use of natural resources, including the necessity for protecting the environment.
- 4. Science, including biological and physical sciences, with emphasis on experimental inquiry and humanity's place in ecological systems (Education Code 51210).
- 5. Visual and performing arts, including art and music, with emphasis on creative expression and the development of aesthetic appreciation (Education Code 51210).
- 6. Health: individual, family and community health principles and practices, including: (Education Code 51210)

- Personal and public safety and accident prevention, with instruction in emergency a. first aid; hemorrhage control; treatment for poisoning; resuscitation techniques; and cardiopulmonary resuscitation when appropriate equipment is available (Education Code 51202);
- Fire prevention (Education Code 51202); b.
- Venereal disease (Education Code 51202); c.
- The effects of alcohol, narcotics, drugs and tobacco upon the human body (Education d. Code 51203):
- Prenatal care (Education Code 51202) (OPTIONAL); e.
- f. Violence as a public health issue (Education Code 51202) (OPTIONAL).
- Physical education, with emphasis on activities conducive to health and vigor of body and 7. mind (Education Code 51210).
- 8. Career awareness exploration.

Middle School (Grades 6-7-8)

Courses of study for grades 6, 7 and 8 shall include the following:

- 1. Foreign language(s): understanding, speaking, reading and writing, beginning not later than grade 7 (Education Code 51220).
- 2. AIDS and AIDS prevention (Education Code 51201.5).
- 3. Parenting skills and education which address at least all of the following: (Education Code 51220.5)
 - Child development and growth;
 - Effective parenting; b.
 - Prevention of child abuse; c.
 - d. Nutrition;
 - Household finances and budgeting; e.
 - f. Personal and family interaction and relations;

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- Methods to promote self-esteem; g.
- h. Effective decision-making skills;
- i. Family and individual health.

Upon request, a student may be exempted from the parenting skills and education class if he/she satisfactorily demonstrates mastery of the course content (Education Code 51220.5).

Career guidance designed to help students select a future sequence of courses relevant to their 4. career desires and needs.

Grades 9-12

Courses of study for grades 9 through 12 shall include the following:

- English: speaking, reading, listening, knowledge and appreciation of literature, language and composition (Education Code 51220).
- Social sciences: age-appropriate materials drawn from anthropology, economics, geography, history, political science, psychology and sociology, with instruction in: (Education Code 51220)
 - The history, resources, development and government of California and the United a. States, including:
 - (1) American government and civics, including the study of all of the following: (Education Code 51230)
 - (a) The Declaration of Independence;
 - (b) The United States Constitution, including the Bill of Rights;
 - (c) Substantive selections from the Federalist Papers;
 - (d) The Emancipation Proclamation;
 - (e) The Gettysburg Address;
 - (f) George Washington's Farewell Address.
 - (2) Early California history, and the role and contributions of both men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans and members of other ethnic and cultural groups, to the economic, political and social development of California and the United States, with particular emphasis on portraying the role of these groups in contemporary society (Education Code 51204.5).

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- The American legal system, the operation of the juvenile and adult criminal justice b. systems, and the rights and duties of citizens under the criminal and civil law and the state and federal constitutions;
- The development of the American economic system, including the role of the c. entrepreneur and labor;
- d. The individual's relations to human and natural environments, including the protection, conservation and wise use of resources and the necessity for protecting the environment;
- e. Eastern and western cultures and civilizations;
- f. Human rights issues, with particular attention to the study of the inhumanity of genocide, slavery, and the Holocaust;
- Contemporary issues. g.
- 3. Foreign language(s): understanding, speaking, reading and writing (Education Code 51220).
- Physical education, with emphasis on activities conducive to health and vigor of body and 4. mind (Education Code 51220).
- 5. Science, including physical and biological sciences, with emphasis on basic concepts, theories and processes of scientific investigation and on humanity's place in ecological systems, and with appropriate applications of the inter-relation and interdependence of the sciences (Education Code 51220).
- Mathematics, including instruction designed to develop mathematical understandings, operational skills and insight into problem-solving procedures (Education Code 51220).
- Visual and performing arts, including art, music or drama, with emphasis upon development of aesthetic appreciation and the skills of creative expression (Education Code 51220).
- Applied arts, including instruction in consumer and homemaking education, industrial arts, general business education or general agriculture (Education Code 51220).
- 9. Vocational-technical education designed to prepare youth for gainful employment and/or further acquisition of technical skills in institutions of higher education (Education Code 51220).
- 10. Automobile driver education, including instruction in: (Education Code 51220)
 - a. Vehicle Code provisions and other relevant state laws;
 - b. Proper acceptance of personal responsibility in traffic;

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Instruction - Curriculum

Regulation #6143

COURSE OF STUDY

- c. Appreciation of the causes, seriousness and consequences of traffic accidents;
- d. Knowledge and attitudes necessary for the safe operation of motor vehicles;
- e. The safe operation of motorcycles;
- f. The dangers involved in consuming alcohol or drugs in connection with the operation of a motor vehicle (Education Code 51220.1).
- 11. Personal and public safety and accident prevention, including instruction in:
 - Emergency first aid; hemorrhage control; treatment for poisoning; resuscitation a. techniques; and cardiopulmonary resuscitation when appropriate equipment is available (Education Code 51202);
 - b. Fire prevention (Education Code 51202);
 - c. Venereal disease (Education Code 51202);
 - AIDS and AIDS prevention (Education Code 51201.5); d.
 - The effects of alcohol, narcotics, drugs and tobacco upon the human body and upon e. prenatal development (Education Code 51203);
 - f. Prenatal care (Education Code 51202);
 - Violence as a public health issue (Education Code 51202). g.

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Instruction Policy #6145

EXTRA-CURRICULAR AND CO-CURRICULAR ACTIVITIES

Mandated Policy

California Interscholastic Federation (CIF) by-laws have set forth minimum requirements for scholastic eligibility in order to participate in high school athletics. Additionally, the District has established scholastic and behavioral extra-curricular and co-curricular eligibility requirements for grades 6-12.

Extra-curricular and co-curricular activities are an integral but supplemental part of the educational program in grades 6-12 inclusive and they are encouraged as a way to enhance academic and career goals. The purpose of this policy is to emphasize that the primary responsibility of each student is to meet the academic challenge of learning, to establish minimum standards of academic performance and progress for eligibility, and to specify the minimum behavioral eligibility requirements expected of students as a pre-requisite or condition for participation in the District's extra-curricular and co-curricular programs.

Legal Reference

EDUCATION CODE

- 35160 Authority of governing boards commencing January 1, 1976
- 35179 Interscholastic athletics; control and responsibility; associations or consortia of schools; discrimination
- 35291.5 Rules and procedures on school discipline; adoption; enforcement; notice; filing; review
- 48900 Grounds for suspension or expulsion; legislative intent
- 48930 Purpose and privileges of student body organization
- 49020 Legislative intent

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Adopted: July 10, 1997
CSBA: 12/90

Revised: January 18, 2007

Instruction Regulation #6145

EXTRACURRICULAR AND CO-CURRICULAR ACTIVITIES

All students in grades 6 through 12 must meet the following standards for extra curricular and co-curricular eligibility.

DEFINITIONS

Extra-curricular: Activities not associated with the classroom and that they are offered beyond the regular school day, (e.g., team and individual sports, spirit squad, clubs, and the like).

Co-curricular: Activities that are an extension of the classroom and for which the student does not receive a grade, (e.g., Close Up, History Day).

SCHOLASTIC ELIGIBILITY FOR STUDENTS IN GRADES 6,7, 8

Following are the scholastic eligibility standards of the District for grades six, seven and eight. These standards are part of the middle school's continuing high expectations for its students.

	Activities	Requirements
Level I	Student Council Overnight Field Trips	A grade of C or better in every class; No N or U in conduct in any class
Level II	Interscholastic Sports	2.0 GPA; No F or U in any class; present in school on day of event for at least half of the student's instructional minutes.
Level III	School Dances and Other Extracurricular Activities	No N or U for conduct grade; present in school on day of event for at least half of the student's instructional minutes.

Students declared ineligible in Levels I, II, or III may correct the situation by acquiring the signature of each scheduled teacher on a Notice of Improvement Form. The teacher's signature would indicated a current conduct grade of S or better. This procedure allows the student to be eligible for only a single event and must be repeated for each event. Eligibility is determined after each quarter's grades are posted.

MINIMUM BEHAVIORAL ELIGIBILITY REQUIREMENTS FOR STUDENTS IN GRADES 6, 7, 8

Students who are suspended from, expelled from, or on suspended expulsion status (probation) at a District school are ineligible to attend or participate in any extracurricular or co-curricular activities of the type identified above at Level I, II, or III, regardless of their academic standing with the District, during the entire period of the student's suspension, expulsion, or suspended expulsion. In addition, a student eligibility may be removed by the site administrator as part of a disciplinary action.

Instruction Regulation #6145

EXTRACURRICULAR AND CO-CURRICULAR ACTIVITIES

SCHOLASTIC ELIGIBILITY REQUIREMENTS FOR STUDENTS IN GRADES 9, 10, 11, 12

A student must be currently enrolled in at least 25 semester credits of classwork. This may be reduced to 20 semester credits (CIF rule) under special situations such as enrollment in a local college if approved by site administrator for students who have accrued excess credits and are on course for graduation.

A student (including incoming freshmen) must:

- 1. Compile an unweighted GPA of 2.0 or above (on a scale of 4.0) for all courses attempted at the conclusion of the previous grading period (quarter or semester).
- 2. The student was passing in the equivalent of at least 20 semester credits of work at the completion of the most recent grading period.
- 3. Make satisfactory progress towards graduation in accordance with the standards indicated below. Progress and GPA's will be determined by the grades earned at the end of each grading period (quarter or semester). Students not at an appropriate credit level (freshmen 50, sophomores 110, and juniors 170 at the end of the year or appropriate prorated credit level at the semester break) may gain eligibility through a written plan developed with a counselor and approved by the principal.
- 4. A student who fails to meet these requirements each grading period is scholastically ineligible to participate in extra-curricular or co-curricular activities. This ineligibility lasts until the completion of the following grading period (quarter or semester). There are no appeals to this policy.
- 5. All students shall become eligible or ineligible five school days following the end of each grading period (quarter or semester).
- 6. In order to practice or participate in a contest on any given day, a student must be present in classes for at least half of the student's instructional minutes of the day.

BEHAVIORAL ELIGIBILITY REQUIREMENTS FOR STUDENTS IN GRADES 9, 10, 11, 12

Students who are suspended from, expelled from, or on suspended expulsion status (probation) at a District school are ineligible to attend or participate in any extra-curricular or co-curricular activities, regardless of their academic standing with the District, during the entire period of the student's suspension, expulsion, or suspended expulsion status. In addition, a student eligibility may be removed by the site administrator as part of a disciplinary action.

Transfer students who are suspended or expelled from another school, or are on suspended expulsion status (probation) at another school at the time of their transfer to a District school, are ineligible to participate in any extra-curricular or co-curricular activities regardless of their academic standing during the entire period the Transfer Student's suspension, expulsion, or suspended expulsion status.

TRANSFER STUDENTS

A transfer student who was scholastically eligible at the school of previous enrollment, but fails to meet PGHS eligibility requirements, shall be placed on probationary status until completion of one complete (quarter or

Instruction Regulation #6145

EXTRACURRICULAR AND CO-CURRICULAR ACTIVITIES

semester) grading period and remain eligible to participate in interscholastic athletics during the probationary period. A transfer student who does not achieve said educational progress as defined in 1, 2, 3, and 4 above during the probationary period shall not be allowed to participate in interscholastic athletics the subsequent grading period.

SUMMER SCHOOL CREDITS

Credits earned in summer school may be counted in making up scholastic deficiencies incurred in the grading period (quarter or semester) immediately preceding.

A student who compiles a GPA below 2.0 may, if available, take approved courses in summer school and use the grades earned in computing the GPA for the grading period immediately preceding.

A student receiving a low or failing grade in a course may, if available, repeat that course in summer school and earn a higher grade.

NOTIFICATION

In Middle School and High School, students must be informed of the District's eligibility requirements. Notification shall, at a minimum, include:

- 1. annual publication of eligibility criteria in the Student Parent Handbook
- 2. printed notice on student report card informing them of eligibility and steps that can be taken
- 3. progress report notices which include the following "bolded" statement:

Students in all grades 6-8 must have a 2.0 GPA with no "F" grades to participate in extracurricular and cocurricular activities (sports, clubs, etc.). Make up work may be completed in summer school or through other means. This must occur prior to the beginning of the new school year for the student athlete to be eligible. Please check with your school counselor for enrollment information.

Students in all grades 9-12 must have a 2.0 unweighted GPA in order to participate in extracurricular and cocurricular activities (sports, clubs, etc.). Students transitioning between grades 8 and 9 must meet this standard. Make up work may be completed in summer school or through other means. This must occur prior to the beginning of the new school year for the student athlete to be eligible. Please check with your school counselor for enrollment information.

CLASS STANDING REQUIREMENTS:

9 th grade	0 — 50 units
10 th grade	51 — 110 units
11 th grade	111 — 170 units
12 th grade	171 — 230 units

HIGH SCHOOL GRADUATION REQUIREMENTS

Students shall receive diplomas of graduation from high school only after completing the prescribed course of study and meeting the standards of proficiency established by the district.

The prescribed course of study for students in grades 9 through 12 shall include: (EC 51225.3)

Subject	Credits	Credits (CHS)
English – four years	40	40
Mathematics – two years Must include Algebra 1	20	20
Science – two years one year life science and one year physical science	20	20
Social Studies – four years 10 credits geography or honors social studies 10 credits world history or geography 10 credits U.S. history 10 credits government/civics and economics	40	40
Fine Arts or Foreign Language – one year	10	10
Physical Education - two years for grades 9 and 10 includes 1 quarter health (with sex ed component)	20	20
Vocational Education – one semester	5	0
Career Technical Education – one year approved UC-A-G course or ROP course	10	5/10
Technology – one year or proof of competency		
Community Service	48 hrs	48 hrs
Electives	65	30
Senior Projects Recommended for all students, AP-English students will complete modified projects.		
TOTAL	230	195

The Governing Board desires to prepare each student to obtain a diploma of high school graduation in order to provide students with opportunities for postsecondary education and/or employment.

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

The Governing Board recognizes that the prescribed course of study may not accommodate the needs of some students. The Board, with the active involvement of parents/guardians, administrators,

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HIGH SCHOOL GRADUATION REQUIREMENTS

teachers and students, shall adopt alternative means for the completion of prescribed courses, which may include: (EC 51225.3)

- 1. Work experience or other outside school experience.
- 2. Vocational education classes offered in high schools.
- 3. Courses offered by regional occupational centers or programs.
- 4. Interdisciplinary study.
- 5. Credit earned at a postsecondary institution.
- 6. Credit for driver education and training which satisfies the requirements of Vehicle Code 12507.

Requirements for graduation and specified alternative means for completing the prescribed course of study shall be made available to students, parents/guardians and the public. (EC51225.3)

Exceptional students, such as foreign exchange students and World War II-impacted students, may receive an Honorary Diploma. This diploma will clearly note its honorary status. (Education Code 51225.5)

Standards of Proficiency for Classes Prior to 2006

To receive a high school diploma, District students also must achieve at least minimum proficiency in reading comprehension, writing and mathematics. The Board shall adopt proficiency standards in these areas and any others it deems appropriate. All adopted proficiency standards shall correspond with the goals of the course of study required for graduation

Student progress toward proficiency in basic skills shall be assessed in English once during grades 7 through 9 and twice during grades 10 and 11. A separate assessment shall be made of the student's proficiency in each skill area.

Remedial instruction shall be provided to any student who does not show adequate progress toward mastery of basic skills. This instruction may be provided in summer school and shall offer the student numerous opportunities to achieve mastery.

When a student does not show adequate progress, the Superintendent or designee shall inform a student's parent/guardian in writing that the student shall not receive a high school diploma unless the prescribed standards are met.

Exit Exam for the Classes of 2006 and Later

Beginning in the 2005-06 school year, each student completing grade 12 shall have successfully passed the state exit examination in language arts and mathematics as a condition of high school graduation. (Education Code $\underline{60851}$)

Supplemental instruction shall be offered to any student who does not demonstrate "sufficient progress," as defined in Board policy, toward passing the exit examination. (Education Code <u>37252</u>, <u>60851</u>, <u>35186</u>)

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HIGH SCHOOL GRADUATION REQUIREMENTS

Beginning in Fall 2008, as a means of honoring up to 13 years of successful years in education, the Pacific Grove Unified School district will offer an alternative Certificate of Scholastic Achievement to those students who have completed all state and district requirements for high school graduation **except** for successful passage of the California High School Exit Examinations in both Language Arts and Mathematics. In this case, the student must have attempted to pass the test in all of the administrations offered. If the student did not attempt all test administrations, verification from authorized school site administrators must be on record excusing the student from having attempted those

administrations of the test. This certificate is **not** an equivalent diploma, does **not** offer the student any privileges thereto, and may limit the student's future efforts that require a diploma.

Additionally, if a student successfully completes all courses for graduation, but does not pass the high school exit examination, that student shall be provided the opportunity to receive intensive instruction and services for up to two consecutive academic years after the completion of grade 12 (Education Code § 35186). If successful in completing the high school exit examination within those two years, the student will receive a District diploma.

Legal Reference:

EDUCATION CODE

- 35186 Valenzuela/Williams Requirements
- 37252 Supplemental instructional programs
- 48430 Continuation education schools and classes
- 48980 Notification of parent/guardian
- 51224 Skills and knowledge required for adult life
- 51224.5 Algebra instruction
- 51225.3 Requirements for graduation
- 51225.5 Honorary diplomas; foreign exchange students
- 51228 Graduation requirements
- 51230 American government and civics
- 51240-51246 Exemptions from requirements
- 51410-51411 Diplomas
- 51420-51421 High school equivalency certificates
- 51450-51455 Golden State Seal Merit Diploma
- 60850-60859 High school exit exam

CODE OF REGULATIONS, TITLE 5

1600-1651 Graduation of pupils from grade 12 and credit toward graduation

Management Resources:

WEB SITES

CDE: http://www.cde.ca.gov CSBA: http://www.csba.org

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HIGH SCHOOL GRADUATION REQUIREMENTS

Course Requirements

To obtain a diploma of graduation from high school, students shall complete at least the following courses in grades 9 through 12, with each course being one year unless otherwise specified: (Education Code 51225.3)

- 1. Four courses in English – 40 credits
- Two courses in mathematics 20 credits (minimum of Algebra I and one additional course) 2.
- Two courses in science, including biological and physical sciences 20 credits 3.
- Four courses in social studies, including United States history and geography; world history, 4. culture and geography; a one-semester course in American government and civics; and a onesemester course in economics - 40 credits
- 5. One course in visual or performing arts, foreign language or American Sign Language - 10
- 6. Two courses in physical education, unless the student has been exempted pursuant to Education Code 51241 - 20 credits
- 7. Vocational Education - 5 credits
- Driver's Ed/Health/Computers 10 credits 8.
- 9. Community Service - 24 hours
- 10. Electives - 65 credits

TOTAL CREDITS 230

Requirements for graduation and specified alternative means for completing the prescribed course of study shall be made available to students, parents/guardians and the public. (Education Code 51225.3)

Students shall not be required to have resided within the District for any minimum length of time as a condition of high school graduation. (Education Code 51411)

Foreign exchange students may receive honorary diplomas pursuant to Education Code 51225.5.

Students who complete all requirements for a high school diploma and demonstrate mastery of the curriculum in at least six subject matter areas may qualify for an honors diploma. (Education Code 51450, 51451)

The Golden State Seal Merit Diploma shall be issued to eligible students who demonstrate mastery of mathematics, English language arts, science, United States history and two subject matter areas selected by the student. (Education Code 51450, 51451)

Notifications

At the beginning of each school year or at the time a student transfers into the District, the Board shall provide written notification to all students in grades 9 through 12 and to their parents/guardians that, starting in the 2003-04 school year and each year thereafter, each student completing the 12th grade shall be required to successfully pass the state high school exit examination as a condition of graduation. The notification shall include, at a minimum, the date of the examination, the

Page 1 of 2. Adopted: 3/5/98 Revised 5-01-08

Instruction Regulation 6146.1

HIGH SCHOOL GRADUATION REQUIREMENTS

requirements for passing the examination, and the consequences of not passing the examination. (Education Code 48980, 60850)

If a student successfully completes all courses for graduation, but does not pass the high school exit examination, that student shall be provided the opportunity to receive intensive instruction and services for up to two consecutive academic years after the completion of grade 12 (Education Code § 35186). If successful in completing the high school exit examination within those two years, the student will receive a District diploma.

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ALTERNATIVE CREDITS TOWARD GRADUATION

Juvenile Court School

The District shall accept for credit any coursework satisfactorily completed by students while detained in a juvenile court school or county or state-operated institution. District students who successfully complete District graduation requirements while so detained shall receive a diploma from the school they last attended. (Education Code 48645.5)

Foreign Language Instruction

The District shall accept for credit foreign language courses successfully completed in a private school, provided that all of the following conditions are met:

- 1. The student or parent/guardian applies in writing for the credit, specifies the private schools attended and the amount and level of credit requested, and submits written evidence from the private school showing that the student successfully completed the course.
- 2. The amount of credit sought equals at least one semester's work.
- 3. The principal or designee determines that the student's achievement is equivalent to that expected of a student of comparable ability taking the same or similar instruction in District schools.
- 4. The school has WASC or a similar accredited status or course work and competence is verified by the school administrator i.e. review of text, course work samples along with student demonstration of knowledge.

College Courses

The District shall give credit toward high school graduation for course work successfully completed at an accredited community or state college, provided that:

- 1. The student applies in writing for the credit.
- 2. The course subject is included in the high school course of study.
- 3. The student receives the same letter grade for the high school credit as is granted by the college.

Questions regarding specific credit earned for a given class should be referred to the high school counseling office.

The Superintendent or designee shall establish regulations under which the District may grant credits toward graduation for college courses and private instruction attended by District students. Credit towards graduation also may be granted pursuant to law for training received in the armed forces and for correspondence instruction from an accredited institution.

The Superintendent or designee may grant physical education credit for partici-pation in District interscholastic athletic programs when a student has been exempted from physical education classes because of this participation and when such participation entails a comparable amount of time and physical activity for a maximum of one semester of the four-semester requirement. (EC 51242)

Students using interscholastic athletics participation to fulfill physical education requirements may be graded on this participation, provided that a teacher credentialed to teach physical education is available.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

48645.5 Course credit, juvenile court schools

48800-48802 Attendance at community college; advanced education

Page 1 of 2 Revised: 2001

Instruction Policy #6146.11

ALTERNATIVE CREDITS TOWARD GRADUATION

51220 Areas of study; grades 7-12 51225.3 Requirements for graduation 51240-51246 Exemptions from requirements 51740-51741 Authority to provide instruction by correspondence CODE OF REGULATIONS, TITLE 5 1600-1635 Alternative credit

Management Resources: CDE PROGRAM ADVISORIES 0418.89 Physical Education, April 18, 1989 0615.89 Granting credit for passing GED, SPB:88/89-11 WEB SITES CDE: http://www.cde.ca.gov

Page 2 of 2 Revised: 2001 CSBA: 3/00

Instruction Regulation 6146.11

ALTERNATIVE CREDITS TOWARD GRADUATION

Juvenile Court School

The District shall accept for credit any coursework satisfactorily completed by students while detained in a juvenile court school or county or state-operated institution. District students who successfully complete District graduation requirements while so detained shall receive a diploma from the school they last attended. (Education Code 48645.5)

Foreign Language Instruction

The District shall accept for credit foreign language courses successfully completed in a private school, provided that all of the following conditions are met:

- 1. The student or parent/guardian applies in writing for the credit, specifies the private school attended and the amount and level of credit requested, and submits written evidence from the private school showing that the student successfully completed the
- 2. The amount of credit sought equals at least one semester's work.
- 3. The principal or designee determines that the student's achievement is equivalent to that expected of a student of comparable ability taking the same or similar instruction in District schools.

College Courses

The District shall give credit toward high school graduation for course work successfully completed at a junior college or state college, provided that:

- 1. The student applies in writing for the credit.
- 2. The course subject is included in the high school course of study.
- 3. The student receives the same letter grade for the high school credit as is granted by the college.

Questions regarding specific credit earned for a given class should be referred to the high school counseling office.

Page 1 of 1. Issued: March 5, 1998; Revised: 12/13/01 CSBA: 6/92

CERTIFICATE OF PROFICIENCY/ HIGH SCHOOL EQUIVALENCY

The Governing Board desires that every student have the opportunity to earn a high school diploma through successful completion of class work and Board-approved proficiency tests.

The Board, however, must point out that the California Legislature has provided two alternatives to the high school diploma: the High School Equivalency Certificate for individuals 18 or older and the Certificate of Proficiency for persons 16 or older or who have been in the tenth grade for a year or who are currently enrolled in the final semester of tenth grade. These certificates may be granted by the California Department of Education to individuals who pass the performance tests established by the Department.

The Superintendent or designee shall ensure that district requirements relative to these alternatives to high school graduation are fulfilled.

EC 48400-403, 48410, 48412-414; CODE OF REGS, TITLE 5 11520-523, 11530; CDE PROG ADV 0615.89. CSBA Date – 6/91

Page 1 of 1. Adopted: 3/05/98 CSBA: 3/03

Instruction Regulation #6146.2

CERTIFICATE OF PROFICIENCY/ HIGH SCHOOL EQUIVALENCY

The principal of each school maintaining 11th and/or 12th grades shall distribute to each student in those grades an announcement explaining the California High School Proficiency Examination as provided under Education Code 48412. When announcements from the California Department of Education or its contractor are received, this information shall be distributed early enough to enable interested students to register for the test to be given in the fall of that year. (Code of Regulations, Title 5, Section 11523)

Any person 16 or older or who has been in the tenth grade for a year or who is currently enrolled in the final semester of tenth grade may apply to have his/her proficiency in basic skills verified by examination according to criteria established by the California Department of Education. (Education Code 48412)

If a student receives the California Department of Education certificate:

- 1. The district shall indicate the student's accomplishment and the date of the proficiency certificate award on the student's official transcript. (Code of Regulations, Title 5, Section 11521)
- 2. The district shall, on a suitable form, obtain parental consent for exemption from further schooling as required under Education Code 48410. The form must contain at least the following information:
- a. A general explanation of the student's rights of exemption from compulsory attendance and of reenrollment in the public schools.
- b. The date of issuance of the certificate of proficiency.
- c. The signature of the parent/guardian and the date.
- d. The signature of the school administrator who has personally confirmed the authenticity of the parent/guardian's signature and the date. (Code of Regulations, Title 5, Section 11522)

Any person 18 or older may take the General Educational Development Test (G.E.D.) given by the California Department of Education in order to receive the High School Equivalency Certificate. (Code of Regulations, Title 5, Section 11530 et seq.)

See Policy #6146.2 CSBA Date – 6/91

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DIFFERENTIAL GRADUATION AND COMPETENCY STANDARDS FOR STUDENTS WITH DISABILITIES

Although grade-level proficiency standards and/or the high school exit examination adopted for regular educational programs may be appropriate for students enrolled in special education programs, differential standards and assessments shall be adopted for special education students who are not able to attain the District's regular proficiency standards. (EC 51215)

The Individualized Education Program (IEP) team shall determine the appropriate standards and assessments, as well as the accommodations that may be required for students with disabilities.

No student shall be classified as eligible for differential standards of proficiency for the purpose of circumventing the legal requirement to maintain academic eligibility for extracurricular or co-curricular activities. (EC 35160.5)

High School Diploma and Certificate of Educational Achievement/ Completion

Beginning in 2003-2004, a student with disabilities may be awarded a high school diploma upon satisfactory completion of the course of study specified in his/her IEP, and a course in Algebra 1 or its equivalent and upon completion of the high school exit exam commencing with the 2005-2006 school year. The high school exit exam shall be administered in accordance with requirements and accommodations as specified in the student's IEP.

All students subject to the requirements of the high school exit exam shall receive "adequate notice" as specified in law and Board policy. (EC 48980, 60850)

Instead of a high school diploma, a student with disabilities may be awarded a certificate or document of educational achievement or completion if the student has met one of the following requirements: (Education Code 56375)

- 1. Satisfactorily completed a prescribed alternative course of study approved by the Governing Board of the District in which the student attended school or the District with jurisdiction over the student as identified in his/her IEP.
- 2. Satisfactorily met his/her goals and objectives during high school as identified in his/her IFP
- 3. Satisfactorily attended high school, participated in the instruction as prescribed in his/her IEP, and met the objectives of the statement of transition services.

In accordance with Education Code 56376, a student with disabilities who meets any of the criteria specified above shall be eligible to participate in any graduation ceremony and any

school activity related to graduation in which a graduating student of similar age without disabilities would be eligible to participate.

Grading Students with Special Needs

The PGUSD Board of Education believes that students with special needs should be given the option of an individualized grading system that represents their academic performance when appropriate, and protection of their rights to privacy regarding their special needs designation. This is in accordance with applicable state and federal laws. Students with special needs are identified through Student Study Teams and Individualized Education Program Teams, administered by the site administrator or his/her designee. Regulations have been established that address an individualized grading system for students with special needs and appropriate procedures for the use of the system.

Legal Reference:

EDUCATION CODE

35160.5 Extracurricular and co-curricular activities; differential standards

56000 Education of individuals with exceptional needs

56341 Individualized education program team

56345 Elements of the IEP

56375-56378 Certificate of completion, special education

CODE OF REGULATIONS, TITLE 5

3069 Graduation

UNITED STATES CODE, TITLE 20

1412 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.756 Individuals with Disabilities Education Act

Management Resources:

FEDERAL REGISTER

34 CFR 300.a Appendix A to Part 300 - Questions and Answers

34 CFR 300.a1 Attachment 1: Analysis of Comments and Changes

WEB SITES

CDE: http://www.cde.ca.gov

US Department of Education, Office of Special Education and Rehabilitative Services:

http://www.ed.gov/offices/OSERS

Students Regulation 6146.4

GRADING STUDENTS WITH SPECIAL NEEDS

The Pacific Grove Unified School District adopts the grading policy presented below.

- 1. A student with special needs will be assigned grades in accordance with the policies and regulations applicable to general education students unless an individualized grading system is provided in a student's IEP or 504 Plan.
- 2. Any individualized grading system will be approved by the student's IEP team or Student Study Team and written into the student's IEP or 504 Plan before it can be put into effect.
- 3. Parents of students with special needs must provide informed consent, in writing, for implementation of their student's individualized grading system.
 - a. Parents must be made aware of the potential positive and negative outcomes of agreeing to such an individualized grading system.
 - b. Pass/Fail grading may be included in a student's individualized grading if written into the student's IEP or 504 Plan and parents have given informed consent in writing before the course is taken.
- 4. Course description titles such as "Basic" or "Practical" or Advanced" or "Honors" will be used to indicate the level of a course.
 - a. Courses on transcripts cannot be designated as being special education or 504, such as "RSP" or "SDC."
 - b. Parents/students must be notified and agree if special course titles or codes such as an asterisk are used in a transcript and that grades earned in such courses would be considered "modified." Parents must also be notified that post-secondary institutions that inquire about such identified courses will be informed of the student's disability status.
- 5. Students with special needs may take courses with or without accommodations and/or modifications, as specified in the student's IEP or 504 Plan.
 - a. The use of modifications by a student with special needs will result in grades being considered modified. Grades resulting from courses taken with modifications are used for computing "honor roll" status or for "graduation with honor." However, this may not be the case in other school districts if for example the student transfers to another school district.
 - b. The use of accommodations by a student with special needs will result in grades being assigned using the same standards as used for general education students.

Page 1 of 2 Issued October 20, 2005

Students Regulation 6146.4

GRADING STUDENTS WITH SPECIAL NEEDS

6. All students with special needs are able to access all general education classes if they meet prerequisite levels of skill as appropriate.

DEFINITIONS

- 1. Accommodations are those supports which are intended to minimize the impact of a student's disability but do not fundamentally alter or lower course standards or expectations, such as being given extended time to complete tests or assignments.
- 2. Modifications are supports which minimize the impact of the disability but fundamentally alter or lower course standards or student expectations, such as being allowed to use a calculator to complete a math computation exam.

Page 2 of 2 Issued October 20, 2005

Policy #6146.5 Instruction

ELEMENTARY SCHOOL PROMOTION/ STANDARDS OF PROFICIENCY

Mandated Action

Eighth grade students who have completed the District's prescribed course of study shall be eligible for a diploma of promotion.

The Governing Board shall adopt District standards of proficiency in reading comprehension, writing and computational skills and in other areas the Board deems appropriate. Students shall be assessed for these basic skills and receive remedial instruction when needed.

The Superintendent or designee shall ensure that the District's standards of proficiency are developed with the active involvement of teachers, administrators, counselors and parents/guardians and that they are articulated with standards adopted by the local high school District. (EC51215)

Page 1 of 1. Adopted: March 5, 1998 CSBA: 12/89

Instruction

Regulation #6146.5

ELEMENTARY SCHOOL PROMOTION/

Mandated

Action

STANDARDS OF PROFICIENCY

Standards of Proficiency

Student progress towards proficiency in basic skills shall be assessed in English at least once during grades four and five and at least once during grades six through eight. (EC 51216)

A separate assessment shall be made of the student's proficiency in each skill area, and a separate score given in each skill area. (Education Code 51218)

The Superintendent or designee shall provide remedial instruction for any student who does not show adequate progress toward mastery of basic skills. This instruction may be provided in summer school and shall continue until the student has been given numerous chances to achieve mastery. (EC 51216)

When a student does not meet the District's prescribed standards of proficiency in basic skills, the principal or designee also may arrange a conference in which the student, the parent/guardian and a certificated employee familiar with the student's progress discuss the assessment results and steps to be taken to assist him/her toward the mastery of basic skills. (Education Code 51216)

Instruction Policy #6152

CLASS ASSIGNMENT

The Governing Board believes students should be assigned to classes and/or grouped in a manner that

provides the most effective learning environment for all students.

When assigning students to specific classrooms, the Superintendent or designee shall strive to provide the best possible learning environment for each student. Insofar as possible, consideration shall be

given to:

1. Staff recommendation, including, but not limited to, the recommendations of teachers and

counselors

2. Skills and classroom management style of individual teachers

3. Student skill level as indicated by multiple objective academic measures, such as student

assessment results, grade point average, and grades in prerequisite courses

4. Balance of high, medium, and low academic achievers

5. Student interests, readiness, behavior, and motivation

6. Student/teacher ratios and, if relevant, class size reduction considerations

The Superintendent or designee may accept from parents/guardians any information that would be helpful in making placement decisions. However, parents/guardians who provide such information shall be informed that requests for a specific teacher shall be used as only one of many determining

factors which must be taken into account when determining his/her child's placement.

During the school year, the Superintendent or designee may make any adjustments in class placement

that he/she considers beneficial to the student or the educational program.

Additional Requirements for Grades 9-12

Except for a student enrolled in an alternative school, community day school, continuation high school, or opportunity school, or as otherwise specified below, no student enrolled in grades 9-12

shall be assigned:

1. To any course without educational content for more than one week in any semester, including any

of the following situations: (Education Code 51228.1)

a. The student is sent home or released from campus before the conclusion of the designated school

day.

b. The student is assigned to a service, instructional work experience, or other course in which he/she

is assigned to assist a certificated employee, but is not expected to complete curricular assignments, in

Page 1 of 3. Adopted: May 27, 1999
Revised: November 1, 2018

Instruction Policy #6152

CLASS ASSIGNMENT

a course the certificated employee is teaching during that period and where the ratio of certificated employees to students assigned to the course for curricular purposes is less than one to one.

- c. The student is not assigned to any course for the relevant course period.
- 2. To a course that he/she has previously completed and received a grade determined by the district to be sufficient to satisfy minimum high school graduation requirements and the requirements and prerequisites for admission to California public postsecondary institutions, unless the course has been designed to be taken more than once because students are exposed to a new curriculum year to year and are therefore expected to derive educational value from taking the course again (Education Code 51228.2)

An exception to item #1 or #2 above may be made only if all of the following conditions are satisfied: (Education Code 51228.1, 51228.2)

- 1. The student, or the student's parent/guardian if he/she is younger than age 18 years, has consented in writing to the assignment.
- 2. A school official has determined that the student will benefit from being assigned to the course period.
- 3. The principal or assistant principal has stated in a written document maintained at the school that, for the relevant school year, no students are assigned to those classes unless the school has obtained the student's or parent/guardian's consent and determined that the student will benefit from the assignment.

In addition, under no circumstances shall a student be assigned to a course period without educational content or a course he/she has already satisfactorily completed because there are insufficient curricular course offerings for the student to take during the relevant period of the school day. (Education Code 51228.1, 51228.2)

The above limitations on class assignments shall not affect the authority of the Superintendent or designee to permit the enrollment of a student in a dual enrollment, independent study, evening high school program, or other class or course authorized by law. (Education Code 51228.1, 51228.2)

Any complaint that the district has not complied with the requirements in this section regarding assignments in grades 9-12 may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. A complainant not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or the CDE finds merit in an appeal, the district shall provide a remedy to the affected student. (Education Code 51228.3; 5 CCR 4600-4687)

Legal Reference:

Page 2 of 3. Adopted: May 27, 1999 Revised: November 1, 2018

CSBA: 10/95

Instruction Policy #6152

CLASS ASSIGNMENT

EDUCATION CODE

35020 Duties of employees fixed by governing board

35160 Authority of the board

51224.7 California Mathematics Placement Act of 2015

51228.1 Assignment to courses without educational content, grades 9-12

51228.2 Assignment to courses previously completed, grades 9-12

51228.3 Uniform complaint procedures; noncompliance with assignment limitations for grades 9-12

51705-51879.9 Authorized classes and courses of instruction

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

Management Resources:

WEB SITES

California Department of Education, Curriculum and Instruction: http://www.cde.ca.gov/ci

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

Revised: November 1, 2018 CSBA: 10/95

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Instruction Exhibit #6152(a)

CONSENT TO COURSE WITHOUT EDUCATIONAL CONTENT OR PREVIOUSLY COMPLETED SATISFACTORILY

(Ed. Code §§ 51228.1, 51228.2, 51228.3)

Student's Name:
Grade:
ID #:
Class and period:
Term/School Year:
For students under the age of 18:
I, (parent/guardian), consent to (student) being
enrolled in the following course without educational content or previously completed satisfactorily:
I understand that the administration of the school has determined that this
course will benefit my student.
Signature Date:
For students 18 years old and older:
I, (student), consent to being enrolled in the following course without educational
content or previously completed satisfactorily: I understand that the
administration of the school has determined that this course will benefit me.
Signature Date:

Instruction Exhibit #6152(b)

STATEMENT CONCERNING COURSE WITHOUT EDUCATIONAL CONTENT OR PREVIOUSLY COMPLETED SATISFACTORILY

(Ed. Code §§ 51228.1, 51228.2, 51228.3)

I,	_(principal/assistant principal)), certify that for the	school
year, no students are assigned	to a course without education	al content or a course that he/she ha	s already
satisfactorily completed unles	s the school has obtained the s	tudent's or parent/guardian's conser	nt and
determined that the student wi	ill benefit from the assignment	. No students are assigned to a cour	rse
without educational content of	r a course that he/she has alrea	dy satisfactorily completed because	there are
not sufficient curricular course	e offerings for the student to ta	ke during the relevant period of the	:
designated school day.			
Signature		Date:	

Instruction Policy #6152.1

PLACEMENT IN MATHEMATICS COURSES

The Governing Board believes that a sound educational program must include the study of subjects that prepare students for admission to higher education and/or a fulfilling career. To the extent possible, District students shall be provided an opportunity to complete a sequence of mathematics courses recommended for admission into the University of California and California State University systems.

In recognition of this belief, the Superintendent or designee shall work with District teachers, counselors, and administrators and the representatives of feeder schools to develop consistent protocols for placing students in mathematics courses offered at District high schools. Such placement protocols shall systematically take into consideration multiple objective academic measures that may include, but are not limited to, interim and summative assessments, placement tests that are aligned to state-adopted content standards in mathematics, classroom assignment and grades, and report cards.

Students shall be enrolled in mathematics courses based on the placement protocols. No student shall repeat a mathematics course which he/she has successfully completed based on the District's placement protocols.

When a student does not qualify to be enrolled in a higher level mathematics course based on a consideration of the objective measures specified in the placement protocols, he/she may nevertheless be admitted to the course based on the recommendation of a teacher or counselor who has personal knowledge of the student's academic ability.

The placement protocols shall specify a time within the first month of the school year when students shall be reevaluated to ensure that they are appropriately placed in mathematics courses and shall specify the criteria the District will use to make this determination. Any student found to be misplaced shall be promptly placed in the appropriate mathematics course.

Within 10 school days of an initial placement decision or a placement decision upon reevaluation, a student and his/her parent/guardian who disagree with the placement of the student may appeal the decision to the Superintendent or designee. The Superintendent or designee shall decide whether or not to overrule the placement determination within 10 school days of receiving the appeal. The decision of the Superintendent or designee shall be final.

District staff shall implement the placement protocols uniformly and without regard to students' race, sex, gender, nationality, ethnicity, socioeconomic background, or other subjective or discriminatory consideration in making placement decisions.

The Superintendent or designee shalt ensure that all teachers, counselors, and other District staff responsible for determining students' placement in mathematics courses receive training on the placement protocols.

Prior to the beginning of each school year, the Superintendent or designee shall communicate the District's commitment to providing students with the opportunity to complete mathematics courses recommended for college admission, including approved placement protocols and the appeal process, to parents/guardians, students, teachers, school counselors, and administrators.

Instruction Policy #6152.1

PLACEMENT IN MATHEMATICS COURSES

Annually, the Board and the Superintendent or designee shall review student data related to placement and advancement in the mathematics courses offered at District high schools to ensure that students who are qualified to progress in mathematics courses based on their performance on objective academic measures are not held back in a disproportionate manner on the basis of their race, ethnicity, gender, or socioeconomic background. The Board and Superintendent shall also consider appropriate recommendations for removing any identified barriers to students' access to mathematics courses.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48070.5 Promotion and retention; required policy

51220 Areas of study, grades 7-12

51224.5 Completion of Algebra I or Mathematics I

51224.7 California Mathematics Placement Act of 2015

51225.3 High school graduation requirements

51284 Financial literacy

60605 State-adopted content and performance standards in core curricular areas

60605.8 Common Core standards

Management Resources:

CSBA PUBLICATIONS

Math Misplacement, Governance Brief, September 2015

Governing to the Core, Governance Briefs

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Mathematics Framework for California Public Schools: Kindergarten Through Grade Twelve, 2013

California Common Core State Standards: Mathematics, January 2013

COMMON CORE STATE STANDARDS INITIATIVE PUBLICATIONS

Appendix A: Designing High School Mathematics Courses Based on the Common Core State

Standards

LAWYERS' COMMITTEE FOR CIVIL RIGHTS OF THE SAN FRANCISCO BAY AREA (LCCR)

Held Back - Addressing Misplacement of 9th Grade Students in Bay Area School Math Classes WEB SITES

CSBA: http://www.csba.org

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

Common Core State Standards Initiative: http://www.corestandards.org/math

Lawyers' Committee for Civil Rights of the San Francisco Bay Area (LCCR): http://www.lccr.com

Page 2 of 2. Adopted: June 2, 2016

PLACEMENT IN MATHEMATICS COURSES

Student achievement in mathematics is important to prepare students for college and career, especially careers in the fields of science, technology, engineering, and mathematics. Appropriate placement in mathematics courses is important for a student during his or her middle and high school years. In order to ensure that teachers and guidance personnel advise students and parents on the importance of accurate mathematics course placement, the following protocols will be used to determine placement of incoming ninth grade students in mathematics courses.

Assessment

In the spring, all middle school students in the eighth grade will take two placement assessments. One assessment is the Key Data Systems Grade 8 Spring Math Interim Assessment (KDS Assessment). The second assessment varies depending on the class in which the student is enrolled. Students enrolled in Math 8 will take the CSU/UC Mathematics Diagnostic Testing Project High School Math Readiness Assessment (MDTP Assessment). The eighth grade students enrolled in Integrated I will take the CSU/UC Mathematics Diagnostic Testing Project Integrated Math II Readiness Assessment (MDTP Assessment).

The results of the KDS Assessment, the MDTP Assessment, and transcript grade for the student's first semester of his or her eighth grade mathematics course will be used to determine ninth grade placement. Students entering ninth grade are placed into Fundamentals of Math, Integrated Math I or Integrated Math II. The scales listed below will create the composite score to determine student placement:

MDTP Assessment		
8	90-99.9	
7	80-89.9	
6	70-79.9	
5	60-69.9	
4	50-59.9	
3	40-49.9	
2	30-39.9	
1	20-29.9	
0	0-19.9	

KDS Assessment		
8	90-99.9	
7	80-89.9	
6	70-79.9	
5	60-69.9	
4	50-59.9	
3	40-49.9	
2	30-39.9	
1	20-29.9	
0	0-19.9	

Semester Grade		
4	A	
3	В	
2	C	
1	D	
0	F	

The MDTP Assessment and KDS Assessment Scores are based on an 8 point scale, and Semester 1 Grades are based on a 4 point scale. The total point scale is 20. Every student will receive a combined score that will be used to place the student into the appropriate mathematics course.

PLACEMENT IN MATHEMATICS COURSES

Placement

Based upon the student's combined score, a student will be placed in Fundamentals of Mathematics, Integrated Math I, or Integrated Math II as follows:

Mathematics Course Placement for student enrolled in Math 8	Combined Score
Fundamentals of Mathematics	0-7
Integrated Math I	8 - 20

Mathematics Course Placement for student enrolled in Integrated I	Combined Score
Integrated Math I	0 – 12
Integrated Math II	13 – 20

If a student does not qualify to be enrolled in a higher level mathematics course based on his or her combined score, or if a student does not receive a KDS or MDTP Assessment score and as a result does not qualify to be enrolled in a higher level mathematics course based on his or her overall combined score, the student may nevertheless be admitted to a higher level mathematics course based on reassessment.

Reassessment

Within the first month of school of a student's ninth grade year, each mathematics course will administer a placement assessment to ensure accurate placement of each individual student and/or permit revaluation of a student. In the event a student is determined to have been misplaced, the student shall be promptly placed in the appropriate mathematics course. If a student arrives after the placement assessment is administered, they will promptly be given the placement assessment to determine proper placement.

Appeal

Within ten (10) school days of an initial placement decision or a placement decision upon reassessment and reevaluation of a student, a student and his/her parent/guardian who disagree with the placement of the student may appeal the decision to the Superintendent or designee. The Superintendent or designee shall decide whether or not to overrule the placement determination within ten (10) school days of receiving the appeal. The decision of the Superintendent or designee shall be final.

Page 2 of 2 Adopted: October 6, 2016

Instruction Policy #6153

SCHOOL-SPONSORED TRIPS

The Governing Board recognizes that school-sponsored trips are important components of a student's development. Besides supplementing and enriching classroom learning experiences, such trips encourage new interests among students, make them more aware of community resources, and help them relate their school experiences to the outside world. The Board believes that careful planning can greatly enhance the value and safety of such trips.

If the Board allocates funds for school-sponsored trips, individual schools may be provided with budgetary allocations so that they can plan ahead. Special trip expense funds may be established when necessary for fund-raising purposes.

All trips involving out-of-state or overnight travel shall require the prior approval of the Board. The Superintendent, in consultation with the Board President or Clerk, may authorize overnight travel on behalf of the Board when such authorization is required within five (5) school days of the departure time and the sudden notice of the event is unavoidable. The Superintendent will notify the entire Board as soon as possible. Other trips may be approved by the Superintendent.

Principals shall ensure that teachers develop plans, which provide for the safety of students and their proper supervision by certificated staff on all school-sponsored trips. Other school employees and parents/guardians also may participate in this supervision and may be asked to attend preparatory training sessions and/or meetings.

The ratio of adults to students on school-sponsored trips shall be at least one to ten. If the trip involves water activities, this ratio shall be revised to ensure closer supervision of elementary grade students, appropriate to their ages.

Study Trips

In advance of a study trip, teachers shall determine educational objectives, which relate directly to the curriculum. Principals shall ensure that teachers develop plans, which provide for the best use of students' learning time while on the trip. Teachers also shall provide appropriate instruction before and after the trip.

Reference: EC 8760, 32040-041, 32043, EC 32044, 35330-332, 35350, 44808, 48908. All Rights Reserved by PGUSD.

Adopted: March 5, 1998 Revised April 17, 2008 CSBA: 3/91

SCHOOL-SPONSORED TRIPS

All planned trips away from school grounds, including athletic trips and outdoor education programs, are subject to this regulation.

Students must have written parental permission in order to participate in trips requiring transportation. (Education Code 35350) The District shall provide an alternative educational experience for students whose parents/guardians do not wish them to participate in a trip.

If the Board allocates funds for school-sponsored trips, individual schools may be provided with budgetary allocations so that they can plan ahead. Special trip expense funds may be established when necessary for fund-raising purposes.

Principals shall ensure that teachers develop plans, which provide for the safety of students and their proper supervision by certificated staff on all school-sponsored trips. Other school employees and parents/guardians also may participate in this supervision and may be asked to attend preparatory training sessions and/or meetings.

The normal ratio of adults to students on school-sponsored trips shall be one to ten. If the trip involves overnight trips, water activities, or other exceptional circumstances, which affect student safety, this ratio shall be revised to ensure closer supervision of elementary and middle grade students, appropriate to their ages. For students in high school the ratio <u>may</u> be less than one to ten. With safety of students in mind, the Principal may recommend to the Superintendent that a ratio of less than ten is needed to assure student safety. The Superintendent's decision is final.

Overnight Trips

Overnight trips present additional safety concerns, which may be satisfied by student liability and medical insurance as well as additional chaperones. Expenses of instructors, chaperones, and other personnel participating in an overnight trip may be paid from District funds. (Education Code 35330)

All trips involving out-of-state or overnight travel shall require the prior approval of the Board. Other trips may be approved by the Superintendent or designee.

Study Trips

In advance of a study trip, teachers shall determine educational objectives, which relate directly to the curriculum. Principals shall ensure that teachers develop plans, which provide for the best use of students' learning time while on the trip. Teachers also shall provide appropriate instruction before and after the trip.

Safety and First Aid

- 1. While conducting a trip, the teacher, employee or agent of the school shall have the school's first aid kit in his/her possession or immediately available. (Education Code 32040, 32041)
- 2. Whenever trips are conducted in areas known to be infested with poisonous snakes:
 - a. The first aid kit taken on the trip shall contain medically accepted snakebite remedies. (Education Code 32043)

SCHOOL-SPONSORED TRIPS

b. The trip shall be accompanied by a teacher, employee or agent of the school who has completed a first aid course which is certified by the American Red Cross and which emphasizes the treatment of snakebites. (Education Code 32043)

3. Before trips of more than one day, the principal or designee shall hold a meeting for staff, parents/guardians and students to discuss safety and the importance of safety-related rules for the trip. For noncertificated adults who will assist in supervising students on the trip, the principal or designee may also hold a meeting to explain how to keep appropriate groups together and what to do if an emergency occurs.

Supervision

- 1. Students on approved trips are under the jurisdiction of the Board and subject to school rules and regulations.
- 2. Teachers or other certificated personnel shall accompany students on all trips and shall assume responsibility for their proper conduct.
- 3. Before the trip, teachers shall provide any adult chaperones who may accompany the students with clear information regarding their responsibilities.
- 4. Chaperones shall be 21 years of age or older.
- 5. Chaperones shall be assigned a prescribed group of students and shall be responsible for the continuous monitoring of these students' activities.
- 6. Teachers and chaperones shall not consume alcoholic beverages or use controlled substances while accompanying and supervising students on a trip.
- 7. When a trip is made to a place of business or industry, the teacher shall arrange for an employee of the host company to serve as conductor.

Funding

No student shall be prevented from making a trip because of a lack of sufficient funds. No trip shall be authorized if any student would be excluded from participation because of a lack of sufficient funds. (Education Code 35330)

Trip Approval

- 1. Teachers planning a trip shall make a request in writing to the principal at least ten days prior to the date desired. Whenever practical, an alternate date should also be listed. The purpose of the trip and its relation to the course of study shall be stated in the request.
- 2. Field Trips will only be approved if they occur during the Calendared School year, this includes school breaks. Note: Summer School trips are exceptions to these dates.
- 3. The principal shall approve or disapprove the request and notify the teacher. If the trip is disapproved, the principal should state the reasons.
- 4. Principals may exclude from the trip any student whose presence on the trip would pose a safety or disciplinary risk.
- 5. Principals shall approve no activities which they consider to be inherently dangerous to students or to pose unacceptable, unmitigated risks.

Trips Which Include Swimming or Wading

SCHOOL-SPONSORED TRIPS

- 1. No swimming or wading shall be allowed on trips unless planned and approved in advance.
- 2. When wading in the ocean, bay, river or other body of water as part of a planned, supervised outdoor education activity, teaches shall provide for a number of chaperones to exceed the normal one to ten ratio and shall instruct both chaperones and students of the real and potential risks inherent in such activities and the precautions necessary for their safety.
- 3. Swimming Activities
 - a. Parents/guardians must provide written permission for the student to swim and must indicate the student's swimming ability.
 - b. Swimming facilities, including backyard pools, must be inspected by the principal and teacher before the trip is scheduled.
 - c. Owners of private pools must provide a certificate of insurance, designating the District as an additional insured, for not less than \$500,000 in liability coverage.
 - d. Lifeguards must be designated for all swimming activities. If lifeguards are not provided by the pool owner or operator, the principal shall ensure their presence. Lifeguards must be Red Cross certified or equivalent and must be at least 21 years old.
 - e. The ratio of adult chaperones to students shall be at least one to ten. In grades 4-6, this ratio shall be one to eight. In grades K-3, this ratio shall be one to four.
 - f. Specific supervisory responsibilities shall be determined in advance to accommodate the varying swimming abilities of students. These responsibilities shall be clarified in writing and reviewed verbally before the trip.
 - g. Emergency procedures shall be included with written instructions to adult chaperones and staff.
 - h. Staff and chaperones assigned to supervise students must wear swimsuits and know how to swim.
 - i. The principal may require students to wear flotation devices, depending upon their age and swimming ability.
 - j. A buddy system or other means of surveillance shall be arranged in advance and strictly enforced during swimming activities.

Instruction Exhibit #6153

SCHOOL-SPONSORED TRIPS

has my permission to attend (activity/event) which	
(Name of Student)	
will take place at:	
Date of event:	
Class or group attending:	_
Teacher or leader:	_
Method of transportation:	_
If traveling by automobile, name of driver:	
1. I understand that all students going on this trip will be responsible in conduct to the teachers or adult sponsors. It is further understood that students will go and return from the transportation provided and that every reasonable caution will be maintained on the	n the event on
2. I hereby acknowledge that I have been advised that the activities involved in this of school-sponsored trip are not considered by the District to be of "high risk" to the particle.	
Date:	
Parent or Guardian Signature:	
WAIVER OF CLAIM	
In granting permission to attend, I do hereby waive all claims and hold harmless the in sponsors, the Pacific Grove Unified School District, and the State of California for any accident, illness, death, or any loss or damage to personal property occurring during or this off-campus school-sponsored trip.	y injury,
NOTE: 11	or the State of
NOTE: All persons making a field trip or excursion as defined by California Educatio 35330 shall be deemed to have waived all claims against the district, a charter school, California for injury, accident, illness, or death occurring during or by reason of the fie excursion.	ord trip or

Instruction Policy #6154

HOMEWORK/MAKEUP WORK

The Pacific Grove Unified School District recognizes that homework is an integral part of the instructional process for all students particularly when such work is directed to develop the student's ability to work independently, to improve and reinforce skills taught in the classroom, and to establish and promote integration of learned material and content with independent and conceptual thinking and decision-making skills.

Homework allows a student to practice skills and concepts learned in the classroom. Homework assignments can include, but are not limited to, completion of work begun in the classroom, creation of various projects, exploration of subjects and materials, and various mechanisms which reinforce skills taught in the basic curriculum.

Homework involves the cooperative efforts of the District, teacher, student and parents. The District is expected to establish and maintain an academic curriculum (courses that require written work) which will benefit from the application of homework assignments for students.

The teacher is expected to develop and implement a homework assignment program with written objectives which are given to both students and parents, which enhance independent study skills, and which will assist the student in meeting the objectives of the District's instructional standards of expected pupil achievement. Teachers are also expected to evaluate homework assignments and return it to students in a timely manner.

The student is expected to accept responsibility for his/her completion of assignments in a timely manner to the best of his/her ability.

Parents are expected to assist the teacher and student by incorporating homework time into the family routine, providing a quiet study area for the student in the home, by expecting the student to fulfill the assignment responsibilities, and by contacting the school when questions regarding homework and student performance arise.

In general, homework assigned at the elementary grade levels is expected to take 10 minutes per grade level. For example, 10 minutes for Kindergarten, 20 minutes for first, 30 minutes for second....60 minutes for Fifth. Assignments may include such things as reading, writing, math, and special projects which both reinforce basic skills learning and enhance the student's ability to work on an independent basis.

In general, homework assigned at the middle school level is expected to require approximately twenty minutes per academic class, or approximately two hours of the student's time outside of the school day on a regular basis. Homework may be specific to the content of a subject and is expected to incorporate reading, writing, and critical thinking skills application.

In general, homework assigned at the high school level is expected to require approximately thirty minutes per academic class or approximately two to three hours of the student's time outside of the school day on a regular basis. Homework may be specific to the content of a subject and is expected

Page 1 of 3. Adopted: March 5, 1998

Revised: June 4, 2020

CSBA: 2/99

Instruction Policy #6154

HOMEWORK/MAKEUP WORK

to incorporate reading, writing, and critical thinking and independent study skills development and application.

Because individual student abilities differ and because students vary in abilities to use class time productively, variances in times spent by individual students in assignments outside of the school day may occur and homework can be differentiated to meet individual student learning needs.

Homework shall be assigned to a student suspended from school so that he/she may keep up with the progress of his/her classes. The homework assigned during suspension will be graded and assessed and the student will receive credit for that work.

The Superintendent shall be responsible for the development of procedures to ensure that this policy is implemented at all school sites.

Make-up Work

Students shall be given the opportunity to make up school work missed because of an excused absence and shall receive full credit for work that is turned in according to a reasonable make-up schedule. As determined by the teacher, the assignments and test shall be reasonably equivalent to, but not necessarily identical to, the assignments and test missed during the absence. (Education Code 48205)

The Superintendent or designee shall notify parents/guardians that no student may have his/her grade reduced or lose academic credit for any excused absence when missed assignments and tests are satisfactorily completed within a reasonable period of time. Such notification shall include the full text of Education Code 48205. (Education Code 48980)

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

Legal Reference:

EDUCATION CODE

8420-8428 21st Century High School After School Safety and Enrichment for Teens

8482-8484.65 After School Education and Safety Program

8484.7-8484.9 21st Century Community Learning Centers

48205 Absences for personal reasons

Page 2 of 3. Adopted: March 5, 1998 Revised: June 4, 2020

CSBA: 2/99

Instruction Policy #6154

HOMEWORK/MAKEUP WORK

48913 Completion of work missed by suspended student

48913.5 Homework assignments for suspended students

48980 Parental notifications

UNITED STATES CODE, TITLE 20

7171-7176 21st Century Community Learning Centers

Management Resources:

CSBA PUBLICATIONS

Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, Governance Brief, July 2016

WEB SITES

CSBA: http://www.csba.org

California State PTA: http://www.capta.org

Page 3 of 3. Adopted: March 5, 1998

Revised: June 4, 2020 CSBA: 2/99

HOMEWORK/MAKEUP WORK

Homework

The principal and staff at each school shall develop and regularly review a school site homework plan that includes guidelines for the assignment of homework and describes the responsibilities of students, staff and parents/guardians. The plan shall identify all of the following:

- 1. For each grade level, the amount of time that students shall be expected to spend on homework
- 2. For each grade level, the extent to which homework assignments shall systematically involve participation by parents/guardians
- 3. The means by which parents/guardians shall be informed about:
 - a. Homework expectations
 - b. How homework relates to the student's grades
 - c. How best to help their children
- 4. Techniques that will be taught to help students allocate their time wisely, meet their deadlines and develop good personal study habits
- 5. The access that students shall have to obtain:
 - a. Resource materials from the library media center
 - b. Assistance and/or tutoring through telephone help lines and/or after school centers
- 6. The means by which teachers shall coordinate assignments so that students do not receive an overload of homework one day and very little the next
- 7. For each grade level, the extent to which homework assignments shall emphasize independent research, reports, special reading and problem-solving activities

Missed work and assignments for justifiable absences

Class work missed shall be completed and submitted to the classroom teacher immediately upon returning to school regardless of the absence justification. Any exceptions shall be made only by the classroom teacher. Class work missed shall be addressed in one the following four methods, as previously approved by the classroom teacher:

- 1. turn in all homework before leaving
- 2. turn in homework immediately upon return
- 3. perform an alternative assignment
- 4. not be assigned any homework, and "weigh" final grade on completed assignments only

Instruction Exhibit #6154

HOMEWORK/MAKEUP WORK

GUIDELINES FOR TEACHERS

In assigning homework, teachers should:

- 1. Clearly explain, during the class period, the objectives and materials to be covered in the assignment. Help students understand not just what is to be done, buy why and how it should be done.
- 2. Be sure that assignments are reasonable and suggest appropriate study techniques.
- 3. Use discretion in assigning make-up work after a student's absence because of illness.
- 4. Keep parents/guardians informed of what is being learned and how their children's homework helps to promote this learning.
- 5. Vary the type of homework assigned, sometimes designing assignments which require parental participation and feedback and which clearly explain the parent/guardian's role.
- 6. Evaluate and grade completed homework assignments promptly and return them to the student with corrections and comments.
- 7. Remember that assignments which call for initiative and imagination discourage copying. When the completed assignments are rewarded by the teacher for demonstrating initiative and imagination, such assignments also encourage continued development of students' creative abilities.
- 8. Avoid giving assignments or increasing them as punishment.
- 9. Keep in mind the student's obligations to home, community, and other school and school-related activities.
- 10. Be available before school, during assigned conference periods and after school to assist students and parents/guardians.

GUIDELINES FOR PARENTS/GUARDIANS

To help their children, parents/guardians should:

- 1. Provide a suitable place for study, free from distraction and, if possible, reserved for that student alone.
- 2. Encourage the student and offer counsel, but insist that the student do his/her own work.
- 3. Participate eagerly in assignments which call for active parental involvement.
- 4. Check to see that the homework assignments are completed.
- 5. Express interest when their children talk about school.
- 6. Assist in balancing school work with other activities.
- 7. Talk with teachers if assignments seem to cause students continuing problems.
- 8. Share ideas with their children on topics of common interest.
- 9. Keep in touch with the school program through calls, visits, and participation on school committees.
- 10. Insist upon the proper use and care of books and materials.

Instruction Exhibit #6154

HOMEWORK/MAKEUP WORK

GUIDELINES FOR THE STUDENT

To do a good job in homework, students should:

- 1. Listen carefully to all directions regarding homework.
- 2. Ask questions if the assignment is not clear.
- 3. Keep a notebook record of all assignments, including due dates and other specific requirements.
- 4. Have a definite time and place for study, free from interruptions, and stocked with working materials.
- 5. Budget time wisely and maintain a schedule of study time.
- 6. Begin assignments promptly and turn them in when due.
- 7. Use libraries, dictionaries, maps and general reference materials, and learn appropriate ways to approach and question people who are knowledgeable in various fields.
- 8. Strive for the best results, rather than the minimum.
- 9. Take the initiative in making up work missed for any reason.
- 10. Study independently unless a group or family project is assigned.
- 11. Refrain from copying other students' work. The student should use his/her own words in homework assignments.

See Policy #6154 CSBA Date – 6/89

Page 2 of 2. Adopted: March 5, 1998 CSBA: 2/99

Instruction Policy #6158

INDEPENDENT STUDY PROGRAM

Mandated Policy

The Board recognizes that independent study may be used as an option to encour-age students to remain in school. Independent study may be used as an optional alternative instructional strategy by which students in grades K-12 may reach curriculum objectives and fulfill graduation requirements. Independent study shall offer a means of individualizing the educational plan for students whose needs may be met best through study outside of the regular classroom setting.

The Superintendent or designee shall develop a contract with an outside provider to conduct independent study programs deemed necessary. The contract shall ensure that a written independent study agreement, as prescribed by law, exists for each participating student. (Education Code 51747)

Legal Reference:

EDUCATION CODE

17289 Exemption for building

44865 Qualifications for home teachers and teachers in special classes and schools; consent to assignment

46300-46300.6 Methods of computing ADA

48220 Classes of children exempted

48340 Improvement of pupil attendance

48915 Expulsion; particular circumstances

48917 Suspension of expulsion order

51225.3 Requirements for high school graduation

51745-51749.3 Independent study programs

52000 Improvement of elementary and secondary education: legislative intent

52015 School improvement plans: components of plan

52017 Secondary schools: additional plan components

56026 Individual with exceptional needs

FAMILY CODE

6550 Authorization affidavits

CODE OF REGULATIONS, TITLE 5

11700-11703 Independent study

Management Resources:

CDE PROGRAM ADVISORIES

1113.09 Independent Study: New Legislation, SPB: 90/91-04

0904.86 Independent Study, SPB: 86/7-5

CDE PUBLICATIONS

Independent Study Operations Manual, 1993 revised edition, updated 1994, 1996

WEB SITES

CDE: http://www.cde.ca.gov

Instruction Regulation #6158

INDEPENDENT STUDY PROGRAM

Mandated Regulation

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

The District shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians. (Education Code 46300.6, 51747.3)

Eligibility

No student shall be required to participate in independent study. (EC 51747)

Students enrolling in independent study must be residents of the local county or an adjacent county. (Education Code 51747.3)

Full-time independent study shall not be available to students whose District residency status is based on their parent/guardian's employment within District boundaries pursuant to Education Code 48204. (Education Code 51747.3)

No individual with disabilities, as defined in Education Code 56026, may participate in independent study unless his/her Individualized Education Program specifically provides for such participation. (Education Code 51745)

No temporarily disabled student may receive individual instruction pursuant to Education Code 48206.3 by means of independent study. (Education Code 51745)

Note: AB 1736 (Ch. 461, Statutes of 1998) amended Education Code 51745 to provide that pregnant/parenting students will not be counted within the 10% cap on the number of students enrolled in an opportunity school/program or a continuation high school who may participate in independent study.

No more than 10% of the students enrolled in a continuation high school or opportunity school or program, not including pregnant and parenting students who are primary caregivers for one or more of their children, may be in independent study at any given time. (Education Code 51745)

Note: Education Code 46300.1 provides that no District may receive apportionments pursuant to Education Code 42238 for independent study by students age 21 or older, or by students 19 or older who have not been continuously enrolled in grades K-12 since their 18th birthday. Under Education Code 46300.4, however, these students are eligible for independent study through the adult education program; see BP/AR 6200 - Adult Education.

Students age 21 or older, and students age 19 or older who have not been continuously enrolled in school since their 18th birthday, may participate in independent study through the adult education program. (EC 46300.1)

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Instruction Regulation #6158

INDEPENDENT STUDY PROGRAM

Mandated Regulation

Criteria for Participation

Note: The following optional section is recommended in the CDE's Independent Study Operations Manual and may be revised as desired to reflect District practice.

Students who are interested in independent study should contact their school principal. Approval for participation shall be based on the following criteria:

- 1. Evidence that the student will work independently to complete the program
- 2. Availability of experienced certificated staff with adequate time to supervise the student effectively

Written Agreements and Assignments

Note: Education Code 51747 mandates that the District's policy provide for a written independent study agreement which contains the following components. Definitions for some of the terms used in the following list are provided in 5 CCR 11700.

The written independent study agreement for each participating student shall include, but not be limited to, all of the following: (Education Code 51747)

- 1. The manner, frequency, time and place for submitting the student's assignments and for reporting his/her progress.
- 2. The objectives and methods of study for the student's work, and the methods used to evaluate that work.
- 3. The specific resources, including materials and personnel, that will be made available to the student.

***Note: Pursuant to 5 CCR 11700, "specific resources" may not be construed to exclude resources normally available to all students on the same terms that they are normally available to all students. ***

- 4. The District's independent study policy describing the maximum length of time allowed between an assignment and its completion and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study.
- 5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one semester, or one-half year for a school on a year-round calendar.

Note: Districts that operate on a trimester system should limit the terms of an independent study agreement to one trimester.

- 6. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion.
- 7. A statement that independent study is an optional educational alternative in which no student may be required to participate. In the case of a student who is referred or assigned to any school, class or program pursuant to Education Code 48915 or 48917, the agreement shall also include the statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction.

The curriculum and methods of study specified in the written agreement shall be consistent with the Governing Board's policies, administrative regulations and procedures for curriculum and instruction. (5 CCR 11702)

Note: The following paragraph is not required by law, but is recommended by the CDE as an important component of an independent study agreement.

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Mandated Regulation

The agreement also may include a schedule for achieving objectives and completing the agreement and a schedule of conferences between the student and supervising teacher.

Before beginning the independent study, each written agreement shall be signed and dated by the student, the parent/guardian or caregiver of the student under 18 years of age, the certificated employee designated as responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student. (Education Code 51747)

Note: Education Code 46300.7 states that no apportionments shall be received for a student in independent study unless the District receives written permission from the parent/guardian, before the independent study begins, specifying the actual dates of participation, methods of study and evaluation, and resources to be made available for the student's independent study. Since all of these components are included in the above agreement which the parent/guardian must sign, it is suggested that the agreement simply state, next to the parent/guardian's signature, that he/she grants permission for the student's independent study as specified in the agreement.

The agreement shall state that the parent/guardian's signature confers his/her permission for the student's independent study as specified in the agreement.

Student Rights and Responsibilities

Note: The following optional section contains recommendations from the CDE's Independent Study Operations Manual.

Students participating in independent study shall have the right, continuously, to enter or return to the regular classroom mode of instruction.

***Note: According to the CDE, the terms "tardiness" and "truancy" do not apply to independent study students.

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Mandated Regulation

Independent study students who are late, miss scheduled conferences or do not submit assigned work on time shall not be reported as tardy or truant. However, the independent study administrator shall promptly and directly address any failure by the student to meet the terms of his/her written agreement. The following supportive strategies may be used:

- 1. A letter to the student and/or parent/guardian, as appropriate
- 2. A special meeting between the student and the teacher and/or counselor
- 3. A meeting between the student and the administrator, including the parent/ guardian if appropriate
- 4. An increase in the amount of time the student works under direct supervision

When the student has missed the number of assignments specified in Board policy as precipitating an evaluation, the Superintendent or designee shall conduct an evaluation which may result in termination of the independent study agreement, with the student's return to a regular classroom or alternative instructional program.

Administration of Independent Study

Each student's independent study shall be coordinated, evaluated and carried out under the general supervision of a certificated employee. (EC 51747.5)

Note: The following optional material contains recommendations from the CDE's Independent Study Operations Manual.

The responsibilities of the independent study administrator shall be to:

- 1. Ensure that the District's independent study option is operated in accordance with law, Board policy and administrative regulation
- 2. Approve the participation of students requesting independent study for a period exceeding five school days
- 3. Facilitate the completion of independent study written agreements
- 4. Approve all credits earned through independent study supervised at a location apart from the student's regular school and forward the information to the appropriate staff so that the information becomes part of the student's record
- 5. Authorize the selection of staff who are assigned to supervise independent study
- 6. Supervise any staff assigned to independent study functions who are not regularly supervised by another administrator
- 7. Complete or coordinate the preparation of all necessary records and reports
- 8. Establish and maintain in a systematic manner all records required by law, Board policy and administrative regulation
- 9. Monitor enrollment in independent study to stay within prescribed limits and to maximize income to the District without compromising the educational quality of independent study
- 10. Develop and manage the budget for independent study
- 11. Obtain and maintain current information and skills required for the operation of an independent study strategy that meets established standards for the District's educational programs
- 12. Prepare and submit reports as required by the Board or Superintendent
- 13. Assure a smooth transition into and out of the independent study mode of instruction

Supervising Teachers

***Note: The following optional section contains recommendations from the CDE's Independent Study Operations Manual ***

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INDEPENDENT STUDY PROGRAM

Mandated Regulation

The independent study administrator shall approve the assignment of any teachers who directly supervise independent study on a regular basis. The principal may recommend teachers or students for independent study. The teacher may be the student's regular classroom teacher, particularly for elementary students.

Independent study teachers shall:

- 1. Complete designated portions of the written agreement and add additional information to the written agreement when appropriate
- 2. Supervise and approve coursework
- 3. Design all lesson plans
- 4. Write the assignments for students
- 5. Assess all student work
- 6. Personally judge the time value of assigned work or work products completed and submitted by the student
- 7. Select and save with each agreement representative samples of the student's completed and evaluated assignments on not less than a monthly basis, preferably biweekly
- 8. Sign and complete the agreement when the student has reached his/her objectives or the agreement is terminated
- 9. Maintain any required records and files on a current basis

When appropriate, independent study teachers shall determine and assign grades or other approved measures of achievement.

Records

District records shall identify all students participating in independent study and shall specify the grade level, program placement and school in which each of these students is enrolled. (Education Code 51748)

Each school shall maintain records for the students at that school.

Records shall be maintained for audit purposes and shall include the following: (5 CCR 11703)

- 1. A copy of the Board policy, administrative regulation, and procedures related to independent study
- 2. A separate listing of the students and adult education students, by grade level, program and school, who have participated in independent study, identifying units of the curriculum attempted and units of the curriculum completed by students in grades K-8 and identifying course credits attempted by and awarded to students in grades 9-12 and in adult education, as specified in their written agreements
- 3. A file of all agreements, with representative samples of each student's or adult education student's work products bearing signed or initialed and dated notations by the supervising teacher indicating that he/she has personally evaluated the work or that he/she has personally reviewed the evaluations made by another certificated teacher
- 4. A daily or hourly attendance register, as appropriate to the program in which the students or adult education students are enrolled, separate from classroom attendance records, and maintained on a current basis as time values of student or adult education work products are personally judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons

Note: The following paragraph is optional.

The District also shall maintain a record of grades and other evaluations issued to each student for independent study assignments.

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INDIVIDUALIZED EDUCATION PROGRAM

The Governing Board desires to provide educational alternatives that afford students with disabilities full educational opportunities. Students with disabilities shall receive a free, appropriate public education and be placed in the least restrictive environment, which meets their needs to the extent provided by law.

The Superintendent or designee shall develop administrative regulations regarding the appointment of the individualized education program team (IEP), the contents of the IEP and the development, review and revision of the IEP.

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

Legal Reference:

EDUCATION CODE

51225.3 Requirements for high school graduation and diploma

56055 Rights of foster parents pertaining to foster child's education

56136 Guidelines for low incidence disabilities areas

56195.8 Adoption of policies

56321 Development or revision of IEP

56321.5 Notice to include right to electronically record

56340.1-56346 Instructional planning and individualized education program

56350-56352 IEP for visually impaired students

56380 IEP reviews; notice of right to request

56390-56393 Certificate of completion, special education

56500-56508 Procedural safeguards

60640-60649 Standardized Testing and Reporting Program

60850 High school exit examination, students with disabilities

FAMILY CODE

6500-6502 Age of majority

GOVERNMENT CODE

7572.5 Seriously emotionally disturbed child, expanded IEP team

CODE OF REGULATIONS, TITLE 5

852-853 Standardized Testing and Reporting Program, accommodations for students with disabilities

1216-1218 High School Exit Examination, accommodations for students with disabilities

3021-3029 Identification, referral and assessment

3040-3043 Instructional planning and the individualized education program

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1487 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.756 Individuals with Disabilities Education Act

COURT DECISION

Shapiro v. Paradise Valley Unified School District, No. 69 (9th Circuit, 2003) 2003 US.App. LEXIS 1395 Sacramento City School District v. Rachel H, 14 F.3d 1398 (9th Cir. 1994)

Management Resources:

FEDERAL REGISTER

34 CFR 300.a Appendix A to Part 300 - Questions and Answers

34 CFR 300.a1 Attachment 1: Analysis of Comments and Changes

WEB SITES

CDE: http://www.cde.ca.gov

US Department of Education, Office Education Rehabilitative Services: of Special and http://www.ed.gov/offices/OSERS

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INDIVIDUALIZED EDUCATION PROGRAM

At the beginning of each school year, the District shall have an individualized education program (IEP) in effect for each student with a disability within District jurisdiction. (34 CFR 300.342)

Members of the IEP Team

The IEP team for any student with a disability shall include at least the following members: (20 USC 1414(d)(1); 34 CFR 300.344; Education Code 56341)

- 1. One or both of the student's parents/guardians, and/or a representative selected by the parent/guardian
- 2. If the student is or may be participating in the regular education program, at least one regular education teacher

If more than one regular education teacher is providing instructional services to the student, the District may designate one such teacher to represent the others.

- 3. At least one special education teacher or, where appropriate, at least one special education provider for the student
- 4. A representative of the District, Special Education Local Plan Area (SELPA) or county office of education who is:
 - a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities
 - b. Knowledgeable about the general curriculum
 - c. Knowledgeable about the availability of District and/or SELPA resources
- 5. An individual who conducted an assessment of the student or who is knowledgeable about the assessment procedures used to assess the student and who is:
 - a. Familiar with the assessment results or recommendations
 - b. Qualified to interpret the instructional implication of assessment results

This individual may already be a member of the team as described in items #1-4 above or in item #6 below.

6. At the discretion of the parent/guardian or District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate

The determination of whether the individual has special expertise regarding the student shall be made by the party who invites the individual to be a member of the IEP team. (Education Code $\frac{56341}{1}$)

- 7. For transition service, participants, pursuant to 34 CFR 300.347:
 - a. The student, at age 14 or younger, if appropriate, with the disability if the purpose of the meeting is the consideration of the student's transition service needs under Education Code 56345.1(a) or (b)

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INDIVIDUALIZED EDUCATION PROGRAM

If the student does not attend the IEP team meeting, the District shall take other steps to ensure that the student's preferences and interests are considered.

b. A representative of any other agency that is likely to be responsible for providing or paying for transition services

If a representative does not attend the meeting, the District shall take other steps to obtain participation of the agency in the planning of any transition services.

8. For students suspected of having a specific learning disability, at least one person of the team shall be qualified to conduct individual diagnostic examinations of the student, such as a school psychologist, speech language pathologist or remedial reading teacher. At least one team member other than the student's regular education teacher shall observe the student's academic performance in the regular classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age.

In addition, any of the following may participate, as appropriate:

- 1. The program specialist, school psychologist, school nurse, school social worker, counselor, or other student services worker who has conducted an assessment of the student, when the assessment is significant to the development of the IEP
- 2. Any other person whose competence is needed because of the nature and extent of the student's disability
- 3. A public agency representative fluent in the student's primary language

IEP Meetings

The IEP team shall meet: (20 USC 1414(d); Education Code 56343)

- 1. Whenever a student has received an initial formal assessment and, when desired, when a student receives any subsequent formal assessment
- 2. Whenever the student demonstrates a lack of anticipated progress
- 3. Whenever the parent/guardian or teacher requests a meeting to develop, review or revise the IEP
- 4. At least annually to:
 - a. Review the student's progress to determine whether the student's annual goals are being achieved
 - b. Review the IEP and the appropriateness of placement
 - c. Make any necessary revisions to the IEP

The IEP team shall conduct this review. Others may participate if they have essential expertise or knowledge. (Education Code 56341; 34 CFR 300.344)

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INDIVIDUALIZED EDUCATION PROGRAM

If a participating agency, other than the District, fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service needs for the student set out in the IEP. (Education Code <u>56345.1</u>)

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days in July and August. (Education Code 56343.5)

An IEP required as a result of an assessment of the student shall be developed within 50 days, not counting days between the student's regular school sessions, terms or days of school vacation in excess of five school days, from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension. However, an IEP required as a result of an assessment of a student shall be developed within 30 days after the commencement of the subsequent regular school year for each student for whom a referral has been made 20 days or less prior to the end of the regular school year. In the case of student school vacations, the 50-day time limit shall recommence on the date that student school days reconvene. (Education Code 56344)

A regular education or special education teacher may request a review of the classroom assignment of a special education student by submitting a written request to the Superintendent or designee. The Superintendent or designee shall consider the request within 20 days of receiving it, not counting days in July and August or, for year-round schools, days when the school is off track. If the review indicates a need for change in the student's placement, instruction and/or related services, the Superintendent or designee shall convene an IEP meeting, which shall be held within 30 days of the Superintendent or designee's review, not counting days in July or August or days when school is off track, unless the student's parent/guardian consents in writing to an extension of time.

At each IEP meeting convened by the District, the District administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code <u>56321</u>. (Education Code <u>56500.1</u>)

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting and scheduling the meeting at a mutually agreed on time and place. (34 CFR 300.345; Education Code 56341.5)

The Superintendent or designee shall send parents/guardians notice of the IEP team meetings early enough to ensure that they will have an opportunity to attend. This notice shall: (34 CFR 300.345; Education Code 56341.5)

- 1. Indicate the purpose, time and location of the meeting
- 2. Indicate who will be in attendance at the meeting
- 3. Inform the parents/guardians of the provisions of 34 CFR 300.344(a)(6) and (c), relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the student
- 4. Identify any other local agency that is likely to be responsible for providing or paying for transition services in accordance with 34 CFR 300.344
- 5. For students age 14, or younger if appropriate:

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INDIVIDUALIZED EDUCATION PROGRAM

- a. Indicate that a purpose of the meeting will be the development of a statement of the transition service needs of the student pursuant to 34 CFR 300.347(b)(1)
- b. Indicate that the District will invite the student to the IEP meeting
- 6. For students age 16, or younger if appropriate:
 - a. Indicate that the purpose of the meeting will include the consideration of needed transition services for the student as required by 34 CFR 300.347(b)(2)
 - b. Indicate that the District will invite the student to the IEP meeting
 - c. Identify any other agency that will be invited to send a representative

If no parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including individual or conference telephone calls. (34 CFR 300.345; Education Code 56341.5)

An IEP meeting may be conducted without a parent/guardian in attendance if the District is unable to convince the parent/guardian that he/she should attend. In this case, the District shall maintain a record of its attempts to arrange a mutually agreed upon time and place for the meeting, including: (34 CFR 300.345; Education Code 56341.5)

- 1. Detailed records of telephone calls made or attempted and the results of those calls
- 2. Copies of correspondence sent to the parent/guardian and any response received
- 3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits

Parents/guardians and the District shall have the right to audiotape the proceedings of IEP meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the District gives notice of intent to audiotape a meeting, and if the parent/guardian objects or refuses to attend because the meeting would be audio taped, the meeting shall not be audio taped. Parents/guardians also have the right to: (Education Code 56341.1)

- 1. Inspect and review the audiotapes
- 2. Request that the audiotapes be amended if the parent/guardian believes they contain information that is inaccurate, misleading or in violation of the student's privacy rights or other rights
- 3. Challenge, in a hearing, information that the parent/guardian believes is inaccurate, misleading, or in violation of the student's privacy rights or other rights

Contents of the IEP

The District shall have an IEP in effect for each student with disabilities within its jurisdiction at the beginning of each school year. (Education Code $\frac{56344}{}$)

The IEP shall be a written statement determined in a meeting of the IEP team. It shall include, but not be limited to, all of the following: (20 USC <u>1414(d)</u>; 34 CFR <u>300.347</u>; Education Code <u>56043</u>, <u>56345.1</u>)

1. A statement of the present levels of the student's educational performance, including one of the following:

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a. For a school-age child, how the student's disability affects his/her involvement and progress in the general curriculum (i.e., the same curriculum as for non-disabled students)

- b. For a preschool child, as appropriate, how the disability affects his/her participation in appropriate activities
- 2. A statement of measurable annual goals, including benchmarks or short-term objectives related to:
 - a. For a school-age child, meeting the student's needs that result from his/her disability in order to enable the student to be involved in and progress in the general curriculum
 - For a preschool child, as appropriate, meeting the child's needs that result from his/her disability to enable the child to participate in appropriate activities
 - b. Meeting each of the student's other educational needs that result from the student's disability
- 3. A statement of the specific special educational instruction and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student to:
 - a. Advance appropriately toward attaining the annual goals
 - b. Be involved and progress in the general curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities
 - c. Be educated and participate with other students with disabilities and non-disabled students in the activities described in Education Code $\underline{56345}$
- 4. An explanation of the extent, if any, to which the student will not participate with non-disabled students in the regular class and in the extracurricular and other nonacademic activities described in item #3 above and other activities pursuant to Education Code <u>56345</u>
- 5. A statement of any individual modifications in the administration of state or District assessments of student achievement that are needed in order for the student to participate in such assessments If the IEP team determines that the student will not participate in the administration of a state or District assessment of student achievement (or part of such an assessment), the IEP shall include a statement as to why that assessment is not appropriate for the student and how the student will be assessed.
- 6. The projected date for the beginning of the services and modifications described in item #3 above and the anticipated frequency, location and duration of those services and modifications
- 7. Appropriate objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the annual goals are being achieved
- 8. A statement of:
 - a. How the student's progress toward the annual goals described in item #2 above will be measured

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- b. How the student's parents/guardians will be regularly informed (by such means as periodic report cards), at least as often as parents/guardians of nondisabled students, of:
 - (1) Their child's progress towards the annual goals described in item #2 above
 - (2) The extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year
- 9. A statement of transition service needs, as defined in Education Code <u>56345.1</u>, as follows:
 - a. Beginning at age 14 (or younger if determined appropriate by the IEP team), and updated annually, a statement of transition service needs of the student under the applicable components of the IEP that focus on the student's courses of study (such as participation in Advanced Placement courses or a vocational education program)
 - b. Beginning at age 16 (or younger if determined appropriate by the IEP team), and annually thereafter, a statement of needed transition services for the student, including, when appropriate, a statement of the interagency responsibilities or any needed linkages
 - c. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of his/her rights, if any, pursuant to the Individuals with Disabilities Education Act that will transfer to the student upon reaching age 18 pursuant to 20 USC 1415(m)
- 10. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of his/her rights, if any, pursuant to 34 CFR 300.517 and Education Code 56041.5 that will transfer to the student upon reaching age 18

Where appropriate, the IEP shall also include: (Education Code <u>56345</u>)

- 1. For students in grades 7-12, any alternative means and modes necessary for the student to complete the District's prescribed course of study and to meet or exceed standards required for graduation
- 2. Linguistically appropriate goals, objectives, programs and services for students whose primary language is not English
- 3. Extended school year services when needed, as determined by the IEP team
- 4. Provision for transition into the regular education program if the student is to be transferred from a special class or center, or nonpublic, nonsectarian school, into a regular education program in a public school for any part of the school day

The IEP shall include descriptions of activities intended to:

- a. Integrate the student into the regular education program, including indications of the nature of each activity and the time spent on the activity each day or week
- b. Support the transition of the student from the special education program into the regular education program
- 5. Specialized services, materials and equipment for students with low incidence disabilities, consistent with the guidelines of Education Code <u>56136</u>

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INDIVIDUALIZED EDUCATION PROGRAM

Development, Review and Revision of the IEP

In developing the IEP, the IEP team shall consider the following: (20 USC <u>1414(d)</u>; 34 CFR <u>300.346</u>; Education Code <u>56341.1</u>, <u>56345</u>)

- 1. The strengths of the student and the concerns of the parents/guardians for enhancing the education of their child
- 2. The results of the initial assessment or most recent assessment of the student
- 3. As appropriate, the results of the student's performance on any general state or District assessment programs
- 4. In the case of a student whose behavior impedes his/her learning or that of others, if appropriate, positive behavioral interventions, strategies and supports to address that behavior
- 5. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP
- 6. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media, that instruction in Braille or the use of Braille is not appropriate for the student
- 7. The communication needs of the student, and in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode

The team shall also consider the related services and program options that provide the student with an equal opportunity for communication access, including the following:

- a. The student's primary language mode and language, which may include the use of spoken language with or without visual cues and/or the use of sign language
- b. The availability of a sufficient number of age, cognitive and language peers of similar abilities
- c. Appropriate, direct and ongoing language access to special education teachers and other specialists who are proficient in the student's primary language mode and language
- d. Services necessary to ensure communication-accessible academic instructions, school services and extracurricular activities
- 8. Whether the student requires assistive technology devices and services

If, in considering the special factors in items #1-8 above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation or other program modification, in order to receive a free and appropriate public education, the IEP team must include a statement to that effect in the student's IEP. (34 CFR 300.346; Education Code 56341.1)

The IEP may be revised, as appropriate, to address: (20 USC 1414(d); Education Code 56341.1)

1. Any lack of expected progress toward the annual goals and in the general curriculum, where appropriate

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INDIVIDUALIZED EDUCATION PROGRAM

2. The results of any reassessment conducted pursuant to Education Code <u>56381</u>

A reassessment of the student shall be conducted at least once every three years, or more frequently if conditions warrant a reassessment, or if the student's parent/guardian or teacher requests a reassessment and a new IEP to be developed. (Education Code <u>56381</u>)

- 3. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to Education Code <u>56381(b)</u>
- 4. The student's anticipated needs
- 5. Factors used to develop the IEP pursuant to Education Code 56341.1(a) and described above
- 6. Other matters

As a member of the IEP team, the regular education teacher shall, to the extent appropriate, participate in the development, review and revision of the student's IEP, including assisting in the determination of: (34 CFR 300.346; Education Code 56341)

- 1. Appropriate positive behavioral interventions and strategies for the student
- 2. Supplementary aids and services, program modifications or supports for school personnel that will be provided for the student, consistent with 34 CFR 300.347(a)(3)

Whenever a special education student transfers into the District from another District not part of this District's SELPA, the Superintendent or designee shall ensure that the student is immediately provided an interim placement for a period not to exceed 30 days. This interim placement shall be in accordance with either the student's existing IEP to the extent possible within existing resources, or a new IEP, unless the parent/guardian agrees otherwise. Before the expiration of the 30-day period, the IEP team shall review the interim placement and shall make a final recommendation. The team may utilize information, records, and reports from the District or county program from which the student transferred. (Education Code 56325)

On an annual basis, all IEPs shall be reviewed for student progress, appropriateness of placement and to include any necessary revisions. (Education Code $\underline{56380}$)

Due Process/Mediation

A student shall not be required to participate in all or part of any special education program unless the parent/guardian is first informed in writing of the facts that make participation in the program necessary or desirable and the contents of the IEP, and the parent/guardian consents, in writing, to all or part of the IEP after receiving this notice. If the parent/guardian does not consent to all of the components of the IEP, then those components of the IEP to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. (Education Code 56346)

If the Superintendent or designee determines that a part of the proposed IEP to which the parent/guardian does not consent is necessary in order to provide a free and appropriate public education to the student, he/she shall either initiate a due process hearing or a prehearing mediation conference with the state pursuant to Education Code <u>56500.3</u>. While the due process hearing or prehearing mediation conference is pending, the student shall remain in his/her current placement

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INDIVIDUALIZED EDUCATION PROGRAM

unless the parent/guardian and the Superintendent or designee agree otherwise. (Education Code $\underline{56346}$)

While a due process hearing is pending, the Superintendent or designee may choose to meet informally with the parent/guardian pursuant to Education Code $\underline{56502}$ or may hold a mediation conference pursuant to Education Code $\underline{56503}$. If a due process hearing is held, the hearing decision shall be the final administrative determination and shall be binding upon the parties. (Education Code $\underline{56346}$)

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Revised Sept. 4, 2003

Instruction Policy #6159.1

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

Mandated Policy

Procedural Safeguards/Due Process Hearings

In order to protect the rights of students with disabilities and their parents/ guardians, the District shall follow all procedural safeguards as set forth in law.

Parents/guardians shall receive written notice of their rights, including the right to a due process hearing for any dispute related to the identification, assessment or educational placement of a child or the provision of a free, appropriate public education to the child.

The Superintendent or designee shall represent the District in any due process hearings conducted with regard to District students and shall provide the Governing Board with the results of these hearings.

Complaints for Special Education

Complaints concerning compliance with state or federal law regarding special education shall be addressed in accordance with the District's uniform complaint procedures.

Legal Reference:

EDUCATION CODE

56000 Education for individuals with exceptional needs

56001 Provision of the special education programs

56020-56035 Definitions

56195.7 Written agreements

56195.8 Adoption of policies for programs and services

56300-56381 Identification and referral, assessment, instructional planning, implementation, and review

56440-56447.1 Programs for individuals between the ages of three and five years

56500-56507 Procedural safeguards, including due process rights

56600-56606 Evaluation, audits and information

CODE OF REGULATIONS, TITLE 5

3000-3089 Regulations governing special education

4600-4671 Uniform complaint procedures

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1400 - 1491 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.10 - 99.22 Inspection, review and procedures for amending education records

104.36 Procedural safeguards

300.500 - 300.517 Due process procedures for parents and children

Management Resources:

WEB SITES

CDE: http://www.cde.ca.gov

CSBA: 6/98

Instruction Regulation #6159.1

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

Informal Process/Pre-Hearing Mediation Conference

Before requesting a due process hearing, the Superintendent or designee and a parent/guardian may agree to meet informally to resolve any issue(s) relating to the identification, assessment or education and placement of the student. The Superintendent or designee shall have the authority to resolve the issue(s). (Education Code 56502)

In addition, either party may file a request with the Superintendent of Public Instruction for a mediation conference to be conducted by a person under contract with the California Department of Education. Based on the mediation conference, the Superintendent or designee may resolve the issue(s) in a manner that is consistent with state and federal law and is to the satisfaction of both parties. (Education Code 56500.3)

Attorneys may attend or otherwise participate only in those mediation conferences that are scheduled after the filing of a request for due process hearing. (Education Code 56500.3, 56501)

If either of these processes fails to resolve the issue(s), either party may file for a state-level due process hearing as described below.

Due Process Hearing Procedures

A parent/guardian, the District, and/or a student who is emancipated or a ward or dependent of the court may initiate due process hearing procedures whenever: (Education Code <u>56501</u>)

- 1. There is a proposal to initiate or change the identification, assessment or educational placement of the student or the provision of a free, appropriate public education to the student.
- 2. There is a refusal to initiate or change the identification, assessment or educational placement of the student or the provision of a free, appropriate public education to the student.
- 3. The parent/guardian refuses to consent to an assessment of his/her child.
- 4. There is a disagreement between a parent/guardian and the District regarding the availability of a program appropriate for the student, including the question of financial responsibility, as specified in 34 CFR 300.403(b).

Parties requesting a due process hearing shall file their request with the Superintendent of Public Instruction or designated contracted agency and give a copy of the request, at the same time, to the other party. (Education Code 56502)

Upon requesting a due process hearing, the parent/guardian or attorney representing the student shall provide notice, which shall remain confidential, to the District specifying: (20 USC 1415(b); 34 CFR 300.507)

- 1. The student's name
- 2. The student's address
- 3. The name of the school the student attends
- 4. A description of the nature of the student's problem relating to the proposed or refused initiation or change, including facts relating to the problem

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PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

5. A proposed resolution to the problem to the extent known and available to the parents/guardians at the time

At least five business days prior to a due process hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing. (20 USC <u>1415</u>(f))

Due Process Hearing Rights

Due process hearing rights include: (34 CFR 300.509; Education Code 56501, 56505, 56506; 5 CCR 3082)

- 1. The right to a mediation conference pursuant to Education Code <u>56500.3</u>
- 2. The right to request a mediation conference at any point during the hearing process

The mediation process shall not be used to deny or delay a parent/guardian's right to a due process hearing or to deny any other rights afforded under the Individuals with Disabilities Education Act.

- 3. The right to examine student records and receive copies within five days of request
- 4. The right to a fair and impartial administrative hearing at the state level before a person knowledgeable and under contract in accordance with law
- 5. The right to have the student who is the subject of the state hearing present at the hearing
- 6. The right to open the state hearing to the public
- 7. The right to call witnesses, including adverse witnesses, and to cross-examine witnesses
- 8. The right to compel the attendance of witnesses, including the right to issue subpoenas
- 9. The right to have witnesses excluded from the hearing
- 10. Because hearings are conducted in English, the right to an interpreter, when the primary language of a party to a hearing is other than English, or other mode of communication
- 11. At the hearing, the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities
- 12. If the hearing officer conducts all or part of a hearing by electronic means, the right of each participant in the hearing to participate in and hear the entire proceeding while it is taking place and to observe exhibits
- 13. The right to written or, at the option of the parent/guardian, electronic findings of facts and decisions

The District shall provide this record and findings of fact to the parent/guardian at no cost.

- 14. The right to be informed by the other parties to the hearing, at least 10 days prior to the hearing, as to what those parties believe are the issues to be decided at the hearing and their proposed resolution of the issues
- 15. At least five business days prior to the hearing, the right to receive from other parties to the hearing a copy of all documents and a list of all witnesses and their general area of testimony that the parties intend to present at the hearing, including all completed assessments and recommendations based on those assessments

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PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

Parents/guardians or emancipated students have the following additional due process rights: (Education Code 56506; 5 CCR 3082)

- 1. The right to receive written notice of parent/guardian rights pursuant to Education Code 56506
- 2. The right to initiate referral of a child for special education pursuant to Education Code 56303
- 3. The right to obtain an independent educational assessment pursuant to Education Code 56329
- 4. The right to participate in the development of the individualized education program (IEP) and be informed of the availability under state and federal law of free and appropriate public education and of all available alternative programs, both public and nonpublic
- 5. The right to provide written parental consent pursuant to Education Code 56321 before any assessment of the student is conducted unless the District or Special Education Local Plan Area prevails in a due process hearing relating to such assessment

Informed parental consent need not be obtained in the case of a reassessment of the student if the District can demonstrate that reasonable measures have been taken to obtain consent and that the student's parent/guardian has failed to respond.

- 6. The right to provide written parental consent pursuant to Education Code 56321 before the student is placed in a special education program
- 7. The right to determine whether the due process hearing will be open or closed to the public

Prior Written Notice

The Superintendent or designee shall send to parents/guardians of a student with a disability a prior written notice within a reasonable time before: (Education Code 56500.4, 56500.5; 20 USC 1415(c); 34 CFR 300.503)

- 1. The District initially refers the student for assessment
- 2. The District proposes to initiate or change the student's identification, evaluation, educational placement or the provision of a free, appropriate public education
- 3. The District refuses to initiate or change the identification, evaluation or educational placement of the student or the provision of a free and appropriate public education
- 4. The student graduates from high school with a regular diploma

This notice shall include: (20 USC 1415(c); 34 CFR 300.503)

- 1. A description of the action proposed or refused by the District
- 2. An explanation as to why the District proposes or refuses to take the action
- 3. A description of any other options that the District considered and why those options were rejected
- 4. A description of each evaluation procedure, test, record or report the District used as a basis for the proposed or refused action
- 5. A description of any other factors relevant to the District's proposal or refusal
- 6. A statement that the parents/guardians of the student have protection under procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the description of procedural safeguards can be obtained
- 7. Sources for parents/guardians to obtain assistance in understanding these provisions

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Instruction Regulation #6159.1

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

Students with disabilities and their parents/guardians shall be provided written notice of their rights in language easily understood by the general public and in the primary language of the parent/guardian or other mode of communication used by the parent/guardian, unless to do so is clearly not feasible. The notice shall include, but not be limited to, those rights prescribed by Education Code 56341. (Education Code 56341, 56506; 34 CFR 300.503)

If the native language or other mode of communication of the parent/guardian is not a written language, the District shall take steps to ensure that: (34 CFR 300.503)

- 1. The notice is translated orally or by other means to the parent/guardian in his/her native language or other mode of communication
- 2. The parent/guardian understands the contents of the notice
- 3. There is written evidence that items #1 and #2 have been satisfied

Procedural Safeguards Notice

A procedural safeguards notice shall be made available to parents/guardians of students with a disability upon: (Education Code 56301; 20 USC 1415(d))

- 1. Initial referral for evaluation
- 2. Each notification of an IEP meeting
- 3. Reevaluation of the student
- 4. Registration of a complaint
- 5. Filing for a pre-hearing mediation conference or a due process hearing

This notice shall include information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing; the timelines for completing each process; whether the process is optional; the type of representative who may be invited to participate; and the right of the parent/guardian and/or the District to electronically record the proceedings of IEP meetings in accordance with Education Code 56341. A copy of this notice shall be attached to the student's assessment plan and referred to at each IEP meeting. (Education Code 56321, 56321.5)

In addition, this notice shall include a full explanation of the procedural safeguards relating to independent educational evaluation; prior written notice; parental consent; access to educational records; opportunity to present complaints to initiate due process hearings; the student's placement while due process proceedings are pending; procedures for students who are subject to placement in an interim alternative educational setting; requirements for unilateral placement by parent/guardians of students in private schools at public expense; mediation; due process hearings; state-level appeals; civil action; attorney's fees, and the state's complaint procedure. (20 USC 1415(d); 34 CFR 300.504)

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Instruction Policy #6159.2

NONPUBLIC NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION Mandated Policy

The Governing Board may contract with state-certified nonpublic, nonsectarian schools or agencies to provide special education services or facilities when an appropriate public education program is not available.

When entering into agreements with nonpublic, nonsectarian schools or agencies, the Board shall consider the needs of the individual student and the recommendations of the individualized education program (IEP) team. The IEP team shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.

Legal References:

EDUCATION CODE

56034-56035 Definitions of nonpublic, nonsectarian school and agency

56042 Placement not to be recommended by attorney with conflict of interest

56101 Waivers

56163 Certification

56168 Responsibility for education of student in hospital or health facility school

56195.8 Adoption of policies

56360-56370 Implementation of special education

56711 Computation of state aid

56740-56743 Apportionments and reports

56760 Annual budget plan; service proportions

56775.5 Reimbursement of assessment and identification costs

GOVERNMENT CODE

7570-7588 Interagency responsibilities for providing services to children with disabilities, especially:

7572.55 Seriously emotionally disturbed child; out-of-state placement

FAMILY CODE

7911-7912 Interstate compact on placement of children

WELFARE AND INSTITUTIONS CODE

362.2 Out-of-home placement for IEP

727.1 Out-of-state placement of wards of court

CODE OF REGULATIONS, TITLE 5

3001 Definitions

3061-3069 Nonpublic, nonsectarian school and agency services

UNITED STATES CODE, TITLE 20

1400 - 1487 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.400 - 300.487 Children with disabilities in private schools

COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

Management Resources:

CDE LEGAL ADVISORIES

0317.99 Nonpublic School/Agency Waivers and Reimbursement to Parents

FEDERAL REGISTER

34 CFR 300.a Appendix A to Part 300 - Questions and Answers

34 CFR 300.a1 Attachment 1: Analysis of Comments and Changes

WEB SITES

CDE: http://www.cde.ca.gov

US Department of Education, Office of Special Education and Rehabilitative Services:

http://www.ed.gov/offices/OSERS

Instruction Regulation #6159.2

NONPUBLIC NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

Placement and Services

Procedures specified in law shall govern the selection of appropriate nonpublic school or agency services.

Contracts with a nonpublic school or agency shall be made on forms provided by the California Department of Education and shall include an individual services agreement negotiated for each student. Individual services agreements shall be for the length of time for which nonpublic, nonsectarian school services are specified in the student's individualized education program (IEP), not to exceed one year. Changes in educational instruction, services or placement shall be made only on the basis of revisions to the student's IEP. (Education Code 56366)

The master contract shall specify the general administrative and financial agreements between the nonpublic, nonsectarian school or agency and the District to provide the special education and designated instruction and services, as well as transportation specified in the student's IEP. administrative provisions of the contract shall also include procedures for record keeping and documentation, and the maintenance of school records by the contracting District to ensure that appropriate high school graduation credit is received by the student. The contract may allow for partial or full-time attendance at the nonpublic, nonsectarian school. (Education Code 56366)

The master contract shall include a description of the process being utilized by the District to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include a method for evaluating whether the student is making appropriate educational progress. (Education Code 56366)

The District IEP team shall annually review the IEP of a student placed in a nonpublic, nonsectarian school or agency. The student's IEP and contract shall specify the review schedules. (5 CCR 3068)

When a special education student meets the District requirements for completion of prescribed course of study and adopted differential proficiency standards as designated in the student's IEP, the District that developed the IEP shall award the diploma. (5 CCR 3069)

Out-of-State Placements

Before contracting with a nonpublic, nonsectarian school or agency outside California, the Superintendent or designee shall document the District's efforts to find an appropriate program offered by a nonpublic, nonsectarian school or agency within California. (Education Code 56365)

Within 15 days of any decision for an out-of-state placement, the student's IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the related costs, and the District's efforts to locate an appropriate public school or nonpublic, nonsectarian school or agency within California. (EC 56365)

If the District decides to place a student with a nonpublic, nonsectarian school or agency outside the state, the District shall indicate the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California. (EC 56365)

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Instruction Policy #6159.3

APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION STUDENTS

Mandated Policy

In order to protect the rights of students with disabilities, the Superintendent or designee shall appoint a surrogate parent to represent a child with disabilities as necessary in accordance with law. He/she shall develop procedures for recruiting, training and assigning adults to serve as surrogate parents.

Before individuals are appointed as surrogate parents, the Superintendent or designee shall ensure that they have passed a criminal background screening and have demonstrated interest and skill in working with children with disabilities, sensitivity to ethnic and cultural factors, and ability to work cooperatively with others.

Legal Reference:

EDUCATION CODE

56028 Parent

56050 Surrogate parents

GOVERNMENT CODE

7570-7588 Interagency responsibilities for providing services to disabled children, especially:

7579.5 Surrogate parent; appointment; qualifications; liability

WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction

601 Minors habitually disobedient or truant

602 Minors violating laws

UNITED STATES CODE, TITLE 20

1414 - 1487 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.20 Definition "parent"

300.515 Surrogate parents

Management Resources:

FEDERAL REGISTER

34 CFR 300.a Appendix A to Part 300 - Questions and Answers

34 CFR 300.a1 Attachment 1: Analysis of Comments and Changes

WEB SITES

CDE: http://www.cde.ca.gov

US Department of Education, Office of Special Education and Rehabilitative Services:

http://www.ed.gov/offices/OSERS

Instruction Regulation #6159.3

APPOINTMENT OF SURROGATE PARENTS FOR SPECIAL EDUCATION STUDENT

The Superintendent or designee shall appoint a surrogate parent to represent a child with disabilities under one or more of the following circumstances: (Government Code 7579.5; 34 CFR 300.515)

- 1. No parent for the child can be identified.
- 2. The District, after reasonable efforts, cannot discover the location of a parent or legal guardian of the child.
- 3. The child is adjudicated a dependent or ward of the court pursuant to Welfare and Institutions Code 300, 601 or 602, and either the court has referred the child for special education and related services or the child has a valid individualized education program (IEP).

A surrogate parent shall not be appointed for a child who is a dependent or ward of the court unless the court specifically limits the rights of the parent/guardian to make educational decisions for the child. In addition, a surrogate parent shall not be appointed for a child who has reached the age of majority unless he/she has been declared incompetent by a court of law. (Government Code 7579.5)

When appointing a surrogate parent, the Superintendent or designee shall give first preference to a relative caretaker, foster parent or court-appointed special advocate, provided any of these individuals exists and is willing to serve. If none of these individuals is willing or able to act as a surrogate parent, the Superintendent or designee shall select the surrogate parent of his/her choice. If the child is moved from the home of the relative caretaker or foster parent who was appointed as a surrogate parent, the Superintendent or designee shall appoint another surrogate parent. (Government Code 7579.5)

As far as practical, a surrogate parent should be culturally sensitive to his/her assigned child. (Government Code 7579.5)

Surrogate parents shall have no vested interests that conflict with the child's educational interests and shall have knowledge and skills that ensure adequate representation of the child. If a conflict of interest arises after the appointment of a surrogate parent, the Superintendent or designee shall terminate the appointment and appoint another surrogate parent. (34 CFR 300.515; Government Code 7579.5)

The surrogate parent shall have all the rights relative to the child's education that a parent has under the Individuals with Disabilities Education Act (20 USC 1414-1487; 34 CFR 300.1-300.756). The surrogate parent may represent the child in all matters relating to identification, assessment, instructional planning and development, educational placement, review and revision of the IEP, and in other matters relating to the provision of a free and appropriate public education. (Education Code 56050; Government Code 7579.5)

In addition, the representation of the surrogate parent shall include the pro-vision of written consent to the IEP including non-emergency medical services, mental health treatment services, and occupational or physical therapy services pursuant to Government Code 7570-7588. The surrogate parent may sign any consent relating to IEP purposes. (Education Code 56050)

The Superintendent or designee shall terminate the appointment of a surrogate parent whenever he/she no longer satisfies the eligibility requirements for surrogate parents as specified above.

Surrogate parents shall volunteer their services to the District and serve without compensation. The District may reimburse them for mileage and other incidental expenses directly associated with their duties as surrogate parents.

Surrogate parents shall have access to the student's school records as necessary to fulfill their responsibilities as surrogate parents and in accordance with Governing Board policy and administrative regulation.

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BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS

A special education student's behavior shall be subject to the disciplinary measures applicable to all students for such infractions unless it is a serious behavior problem as defined below.

More serious behavioral problems shall be addressed through the systematic use of behavioral and emergency interventions as provided below.

Definitions

Serious behavioral problems are behaviors which are self-injurious, assaultive or cause property damage, and other severe behavior problems that are pervasive and maladaptive for which instructional/behavioral approaches specified in the student's individualized education program (IEP) are found to be ineffective. (5 CCR 3001)

Behavioral intervention is a systematic implementation of procedures that result in lasting positive changes in the individual's behavior. "Behavioral intervention" means the design, implementation and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction, to produce significant improvements in human behavior through skill acquisition and the reduction of problematic behavior. Behavioral interventions are designed to provide the individual greater access to a variety of community settings, social contacts and public events and ensure the individual's right to placement in the least restrictive environment, pursuant to the student's IEP. The use of behavioral interventions shall not cause pain or trauma, shall respect the individual's human dignity and personal privacy, and shall assure his/her physical freedom, social interaction and individual choice. (5 CCR 3001)

Behavior intervention plan is a written document that is developed when the student exhibits a serious behavior problem that significantly interferes with the implementation of the student's IEP.

Behavioral intervention case manager is a designated certificated school/district/county staff member or other qualified personnel contracted by the District or county office, and trained in behavior analysis with emphasis on positive behavioral interventions. (5 CCR 3001)

Behavioral emergency is the demonstration of a serious behavior problem which has not previously been observed and for which a behavioral intervention plan has not been developed, or for which a previously designed behavioral intervention is not effective. (5 CCR 3001)

Functional Analysis Assessment

When a special education student's serious behavioral problem significantly interferes with implementing the goals and objectives of his/her IEP, the student's IEP team shall determine whether the instructional/behavioral approaches specified in the student's IEP have proven ineffective. If the IEP team finds that these approaches have been ineffective, a functional analysis assessment shall be conducted. (5 CCR 3052)

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Instruction Regulation #6159.4

BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS

Before a functional analysis assessment begins, parents/guardians shall be notified and consent obtained pursuant to Education Code 56321. No such assessment shall preclude a parent/guardian from requesting a functional analysis assessment on the basis of language and speech disorders or specific learning disabilities. (5 CCR 3052)

The functional analysis assessment shall be conducted by, or be under the supervision of, a person with documented training in behavior analysis with an emphasis on positive behavioral interventions. This staff shall: (5 CCR 3052)

- 1. Observe the targeted inappropriate behavior, its frequency, duration and intensity
- 2. Observe events immediately preceding the behavior
- 3. Observe the consequences of the behavior to determine the purpose it serves for the student
- 4. Analyze the environment in which the behavior most frequently occurs
- 5. Analyze records for medical and health factors which may influence behavior
- 6. Review the history of the behavior, including the effectiveness of interventions used in the past

The parent/guardian shall receive a complete written report of the assessment. The report shall include: (5 CCR 3052)

- 1. A description of the nature and severity of the targeted behavior(s) in objective and measurable terms
- 2. A description of the targeted behavior that includes baseline data and an analysis of the antecedents and consequences that maintain the behavior and a functional analysis of the behavior across all appropriate settings in which it occurs
- 3. A description of the rate of alternative behaviors, their antecedents and con-sequences
- 4. A proposed behavioral intervention plan for consideration by the IEP team.

Behavioral Intervention Plan

Within 10 business days after removing a student for more than 10 school days in a school year or commencing a removal that constitutes a change in placement, the District shall implement a behavioral intervention plan in accordance with 34 CFR 300.520, Board policy and administrative regulation.

Based on the functional assessment, the IEP team shall meet to determine whether a behavioral intervention plan is needed. If such a plan is needed, the IEP team shall be expanded to include a behavioral intervention case manager, qualified staff knowledgeable of the student's health needs, and others with expertise as deemed necessary by the parent/guardian, District or Special Education Local Plan Area (SELPA). This team shall develop a written behavioral intervention plan which includes: (5 CCR 3001)

- 1. A summary of relevant and determinative information gathered from the functional analysis assessment
- 2. An objective and measurable description of the targeted maladaptive behavior(s) and replacement positive behavior(s)
- 3. The student's goals and objectives specific to the behavioral intervention plan

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Instruction Regulation #6159.4

BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS

- 4. A detailed description of interventions to be used and the circumstances for their use
- 5. Specific schedules for recording the frequency of intervention use and the frequency of the targeted and replacement behaviors, including specific criteria for discontinuing an intervention for lack of effectiveness or replacing it with a specified and identified alternative
- 6. Criteria by which the procedure will be faded or phased-out, or less intense/restrictive intervention schedules or techniques that will be used
- 7. Those behavioral interventions which will be used in the home, residential facility, work site or other non-educational settings
- 8. Specific dates when the IEP team will periodically review the efficacy of the program
- 9. The frequency of the consultation to be provided by the behavioral intervention case manager to the staff and parents/guardians who are responsible for implementing the plan

Based on the results of the functional analysis assessment, interventions specified in the plan may include: (5 CCR 3052)

- 1. Altering the identified antecedent event to prevent the occurrence of the behavior
- 2. Teaching the student alternative behaviors that produce the same consequences as the inappropriate behavior
- 3. Teaching the student adaptive behaviors which ameliorate negative conditions that promote the display of inappropriate behaviors
- 4. Manipulating the consequences for the display of inappropriate behaviors and alternative, acceptable behaviors, so that the alternative behaviors more effectively produce desired outcomes

Acceptable responses to targeted behavior may include, but are not limited to, one or more of the following: (5 CCR 3052)

- 1. The behavior is ignored, but not the student.
- 2. The student is verbally or verbally and physically redirected to an activity.
- 3. The student is provided with feedback.
- 4. The message of the behavior is acknowledged.
- 5. A brief physical prompt is provided to interrupt or prevent aggression, self-abuse or property destruction.

The behavioral intervention plan shall become a part of the student's IEP and shall be sufficiently detailed so as to direct the plan's implementation. (5 CCR 3052)

A copy of the behavioral intervention plan shall be provided to the person or agency responsible for implementation in non-educational settings. (5 CCR 3001)

At intervals scheduled by the IEP team, the behavioral intervention case manager, parent/guardian and others as appropriate shall evaluate the effective-ness of the behavioral intervention plan in accordance with law. This review may be conducted in meetings, by telephone conference, or by other means, as agreed upon by the IEP team. (5 CCR 3052)

If the IEP team determines that changes in the behavioral intervention plan are necessary, the teacher and behavioral intervention case manager shall conduct additional functional analysis assessments and, based on the outcomes, propose changes to the plan. (5 CCR 3052)

Page 5 of 5 New to the District Reviewed and Issued: 9/4/03 CSBA: 6/99

Instruction Regulation #6159.4

BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS

The parent/guardian and the behavioral intervention case manager or qualified designee may make minor modifications without an IEP team meeting. The parent/guardian shall be notified of the need for modification and shall be able to review the existing program evaluation data prior to implementing the modification. Parents/guardians shall be informed of their right to question any modification to the plan through the IEP procedures. (5 CCR 3052)

The IEP team also may include in the plan contingency schedules for altering specified procedures, their frequency or their duration, without reconvening the IEP team. (5 CCR 3052)

Emergency Interventions

Emergency interventions not specified in a student's behavioral intervention plan shall be used only when necessary to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the student or others and which cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior. Emergency interventions shall not be used as a substitute for systematic behavioral intervention plans. (5 CCR 3052)

Only emergency interventions approved by the SELPA may be used. No emergency intervention shall be used for longer than is necessary to contain the behavior. Upon prolonged use of an emergency intervention, staff shall seek assistance of the principal or law enforcement agency, as applicable to the situation. (5 CCR 3052)

Parents/guardians shall be notified within one school day whenever emergency intervention is used or serious property damage occurs. A behavior emergency report shall immediately be completed, kept in the student's file, and forwarded to the Superintendent or designee for review. This report shall include: (5 CCR 3052)

- 1. The name and age of the student
- 2. The setting and location of the incident
- 3. The name of the staff or other persons involved
- 4. A description of the incident and the emergency intervention used
- 5. A statement of whether the student is currently engaged in a systematic behavioral intervention plan
- 6. Details of any injuries sustained by students or others, including staff, as a result of the incident

If the behavior emergency report is for a student who does not have a behavioral intervention plan, the Superintendent or designee shall, within two days, schedule an IEP team meeting to review the emergency report, determine the necessity for a functional analysis assessment, and determine the necessity for an interim behavioral intervention plan. The IEP team shall document the reasons for not conducting an assessment and/or not developing an interim plan. (5 CCR 3052)

If the behavior emergency report is for a student who has a behavioral intervention plan, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective shall be referred to the IEP team. The IEP team shall review the incident and determine whether the student's plan needs to be modified. (5 CCR 3052)

Instruction Regulation #6159.4

BEHAVIORAL INTERVENTIONS FOR SPECIAL EDUCATION STUDENTS

Prohibited Interventions

The District prohibits any use of the following: (5 CCR 3052)

- 1. Any intervention designed or likely to cause physical pain
- 2. Releasing noxious, toxic or otherwise unpleasant sprays, mists or substances near the student's face
- 3. Any intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort or access to the bathroom
- 4. Any intervention that subjects the student to verbal abuse, ridicule, humiliation or excessive emotional trauma
- 5. Use of any material or objects which simultaneously immobilize all hands and feet, except that prone containment or similar techniques may be used by trained staff as a limited emergency intervention
- 6. Locked seclusion, unless in a facility otherwise licensed or permitted by law to use a locked room
- 7. Any intervention that precludes adequate supervision of the student
- 8. Any intervention that deprives the student of one or more of his/her senses
- 9. Force exceeding what is reasonable and necessary under the circumstances

Legal Reference:

EDUCATION CODE

49001 Prohibition of corporal punishment

56321 Notice of parental rights; consent of parents

56500-56508 Procedural safeguards, including due process rights

56520-56524 Behavioral Interventions

CODE OF REGULATIONS, TITLE 5

3001 Definitions

3052 Designated positive behavioral interventions

UNITED STATES CODE, TITLE 20

1412 State eligibility

1415 Procedural safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1 - 300.756 Assistance to states for the education of students with disabilities

FEDERAL REGISTER

34 CFR 300.a1 Appendix A to Part 300 - Notice of Interpretation

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EQUIPMENT, BOOKS AND MATERIALS

The Board of Education recognizes that student learning is enhanced when students have access to high-quality textbooks, equipment and other instructional materials for each of the subjects they are studying. To adequately support the Board-approved curriculum, instructional materials also should be up to date.

The Superintendent or designee shall develop procedures for determining the sufficiency of district instructional materials in providing accurate, current information and ensuring that students have access to standards-based materials. When new instructional materials have been chosen in accordance with the district's selection and evaluation policy, the Board shall make final decisions regarding their purchase.

Legal Reference:

EDUCATION CODE

60010 Definitions

<u>60040</u>-<u>60047</u> Instructional requirements and materials

60119 Public hearing on sufficiency of materials

60200-60206 Elementary school materials

60240-60252 State Instructional Materials Fund

60400-60411 High school textbooks

60420-60424 Instructional Materials Funding Realignment Program

CODE OF REGULATIONS, TITLE 5

9505-9532 Instructional materials

9531-9532 Instructional Materials Funding Realignment Program

Management Resources:

WEB SITES

CDE, Curriculum Frameworks and Instructional Resources Division: http://www.cde.ca.gov/cfir

Instruction Policy #6161.1

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

The Board of Education desires that district instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, reflect the diversity of our society, and enhance the use of multiple teaching strategies and technologies. The Board's adoption of instructional materials shall be based on a determination that such materials are aligned with the state content standards, meet other criteria specified in law, and are an effective learning resource to help students achieve grade-level competency.

To ensure that instructional materials effectively support the district's adopted courses of study, the selection of textbooks, technology-based materials, other educational materials, and tests shall be aligned with the development and evaluation of the district's curriculum and standards.

The Superintendent or designee shall establish a process by which instructional materials shall be reviewed for recommendation to the Board. This process shall involve teachers in a substantial manner and shall also encourage the participation of parents/guardians and community members.

All recommended instructional materials shall be available for public inspection at the district office. Individuals who participate in selecting and evaluating instructional materials shall not have a conflict of interest in the materials being reviewed, as defined in administrative regulation.

Complaints concerning instructional materials shall be handled in accordance with law, Board policy, and administrative regulation.

Individuals who participate in selecting and evaluating instructional materials shall not have a conflict of interest in the materials being reviewed, as defined in administrative regulation.

In accordance with the Instructional Materials Funding Realignment Program, the Board's priority in the selection of instructional materials is to ensure that all students in grades K-12 are provided with instructional materials that are aligned to state content standards in the core curriculum areas of reading/language arts, mathematics, science, and history/social science.

When the Board determines that standards-aligned textbooks and instructional materials have been provided to all students in accordance with Education Code <u>60422</u>, it shall so certify. A copy of the certification shall be kept on file in the district.

The Superintendent or designee shall ensure that the district satisfies the criteria necessary to access funds under the state's Pupil Textbook and Instructional Materials Incentive Account pursuant to Education Code 60252.

The district may pilot instructional materials, using a representative sample of classrooms for a specified period of time during a school year, in order to determine how well the materials support the district's curricular goals and academic standards. Feedback from teachers piloting the materials shall be made available to the Board before the materials are adopted.

Public Hearing on Sufficiency of Instructional Materials

The Board shall annually conduct one or more public hearings on the sufficiency of the district's instructional materials. At these hearings, the Board shall determine, through a resolution, whether each student in each school has sufficient textbooks and/or instructional materials that are aligned to

Instruction Regulation #6161.1

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

Instructional Materials Funding Realignment Program

The district shall use state funds received under the Instructional Materials Funding Realignment Program to ensure that each student is provided with standards-aligned textbooks or instructional materials in the core curriculum areas of reading/language arts, mathematics, science, and history/social science. (Education Code 60422)

Instructional materials for grades K-8 shall be selected from the list of standards-aligned materials adopted by the State Board of Education (SBE). Instructional materials for grades 9-12 shall be adopted by the Board of Education. Standards-aligned materials in each core curriculum area shall be provided to each student at the beginning of the first school term that commences no later than 24 months after those materials are adopted by the SBE or the Board, as applicable. (Education Code 60422)

For grades 9-12, the Superintendent or designee shall review instructional materials in history/social science, mathematics, reading/language arts, and science using a standards map in order to determine the extent to which the materials are aligned to the content standards adopted by the SBE.

After the Board has certified that all students have been provided with standards-aligned instructional materials in the core curriculum areas, the district may use any remaining program funds for the purposes specified in Education Code 60242. (Education Code 60119, 60422)

Criteria for Selection and Adoption of Instructional Materials

Instructional materials adopted by the Board shall:

- 1. For basic instructional materials in grades K-8, be selected from among the list of materials approved by the SBE in accordance with law (Education Code 60200)
- 2. For instructional materials in high schools, be provided by publishers who comply with the requirements of Education Code 60040-60048, 60060-60062, and 60226 (Education Code 60400)
- 3. Not reflect adversely upon persons because of their race, color, creed, national origin, ancestry, sex, disability, or occupation, or contain any sectarian or denominational doctrine or propaganda contrary to law (Education Code 60044)
- 4. To the satisfaction of the Board, be accurate, objective, current, and suited to the needs and comprehension of students at their respective grade levels (Education Code 60045)
- 5. With the exception of literature and trade books, use proper grammar and spelling (Education Code 60045)
- 6. Not provide any exposure to a commercial brand name, product, or corporate or company logo unless the Board makes a specific finding that the use is appropriate based on one of the following: (Education Code 60200, 60048)
 - a. The commercial brand name, product, or corporate or company logo is used in text for an educational purpose as defined in guidelines or frameworks adopted by the SBE.

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SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

- b. The appearance of a commercial brand name, product, or corporate or company logo in an illustration is incidental to the general nature of the illustration.
- 7. Meet the requirements of Education Code 60040-60043 for specific subject content
- 8. Support the district's adopted courses of study and curricular goals
- 9. Contribute to a comprehensive, balanced curriculum
- 10. Demonstrate reliable quality of scholarship as evidenced by:
 - a. Accurate, up-to-date, and well-documented information
 - b. Objective presentation of diverse viewpoints
 - c. Clear, concise writing and appropriate vocabulary
 - d. Thorough treatment of subject
- 11. Provide for a wide range of materials at all levels of difficulty, with appeal to students of varied interests, abilities, and developmental levels
- 12. Include materials that stimulate discussion of contemporary issues and improve students' thinking and decision-making skills
- 13. Contribute to the proper articulation of instruction through grade levels
- 14. As appropriate, have corresponding versions available in languages other than English
- 15. Include high-quality teacher's guides
- 16. Meet high publishing standards in terms of the quality, durability, and appearance of paper, binding, text, and graphics
- 17. When available from the publishers, consider options for lighter weight materials in order to help minimize the damage to students by the combined weight of instructional materials, including online component to instructional materials.

Instructional Materials Evaluation Committee

The Superintendent or designee may establish an instructional materials evaluation committee to evaluate and recommend instructional materials for Board approval. This committee shall consist of a majority of teachers and may also include administrators, other staff who have subject-matter expertise, parents/guardians, community members, and students as appropriate.

The committee shall review instructional materials using criteria provided above and in law, and shall provide the Board with documentation supporting its recommendations.

Conflict of Interest

To ensure integrity and impartiality in the evaluation and selection of instructional materials, any district employee participating in the evaluation of instructional materials shall not:

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SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

- 1. Accept any emolument, money, or other valuable thing or inducement, to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material (Education Code 60072)
 - Sample copies of instructional materials are excepted from this prohibition. (Education Code 60075)
- 2. Be employed by or receive compensation from any person, firm, organization, or any of its subsidiaries or controlling entities submitting instructional materials to the district
- 3. Have or negotiate a contractual relationship with any person, firm, or organization or any of its subsidiaries or controlling entities submitting instructional materials to the district
- 4. Have an interest as a contributor, author, editor, or consultant in any textbook or other instructional material submitted to the district

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SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

the state content standards adopted pursuant to Education Code <u>60605</u> in each of the following subjects: (Education Code 60119)

- 1. Mathematics
- 2. Science
- 3. History-social science
- 4. English/language arts, including the English language development component of an adopted program

The Board shall also make a written determination as to whether each student enrolled in a foreign language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the state curriculum frameworks. The Board shall determine the availability of science laboratory equipment for grades 9-12. (Education Code 60119)

The hearing shall take place on or before the end of the eighth week from the first day students attend school for that year. (Education Code <u>60119</u>)

The Board encourages participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. The Superintendent or designee shall post, 10 days prior to the hearing and in three public places within the district, a notice containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code <u>60119</u>)

If the Board determines that there are insufficient textbooks and/or instructional materials, the Board shall provide information to classroom teachers and to the public, setting forth for each school in which an insufficiency exists, the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in each subject area, and the reasons that each student does not have sufficient textbooks and/or instructional materials. The Board shall take any action, except an action that would require reimbursement by the Commission of State Mandates, to ensure that that each student has sufficient materials within two months of the beginning of the school year in which the determination is made. (Education Code 60119)

Legal Reference:

EDUCATION CODE

- 1240 County superintendent, general duties
- 33126 School accountability report card
- 35272 Education and athletic materials
- 44805 Enforcement of course of studies; use of textbooks, rules and regulations
- 49415 Maximum textbook weight
- 51501 Subject matter reflecting on race, color, etc.
- 60000-60005 Instructional materials, legislative intent
- 60010 Definitions
- 60040-60048 Instructional requirements and materials
- 60060-60062 Requirements for publishers and manufacturers
- 60070-60076 Prohibited acts (re instructional materials)
- 60110-60115 Instructional materials on alcohol and drug education
- 60119 Public hearing on sufficiency of materials

Instruction Policy #6161.1

SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

60200-60206 Elementary school materials

60226 Requirements for publishers and manufacturers

60240-60252 State Instructional Materials Fund

60350-60352 Core reading program instructional materials

60400-60411 High school textbooks

60420-60424 Instructional Materials Funding Realignment Program

60510-60511 Donation of sale of obsolete instructional materials

60605 State content standards

CODE OF REGULATIONS, TITLE 5

9505-9535 Instructional materials, especially:

9531-9532 Instructional Materials Funding Realignment Program

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

1002.90 Selection of Instructional Materials, CIL: 90/91-02

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Standards for Evaluation of Instructional Materials with Respect to Social Content, 1986 edition, revised 2001

Adopted: March 5, 1998

Revised March 15, 2012

STATE BOARD OF EDUCATION POLICY

01-05 Guidelines for Piloting Textbooks and Instructional Materials, September 2001

CSBA PUBLICATIONS

Maximizing School Board Leadership: Student Learning and Achievement, 1996

WEB SITES

CSBA: http://www.csba.org

Association of American Publishers: http://www.publishers.org California Department of Education: http://www.cde.ca.gov California State Board of Education: http://www.cde.ca.gov/be

Pacific Grove Unified School District Textbook Adoption Process

Review Committee

The District Review Committee shall include teachers from the department or grade(s), at least one site administrator, at least one parent from each school affected by the adoption, and the Curriculum Coordinator. All contact with the publishers will be completed by the Curriculum Coordinator.

The elementary and middle school members of the committee may meet at separate times to facilitate grade level discussions.

Textbook Selection Criteria

See Board Policy and Administrative Regulation 6161

Textbook Selection Procedures

- 1. The Committee made up of faculty, parents, and if appropriate students (selected for each adoption) will meet to review the State Science Framework, State Content Standards, Board Policy and Administrative Regulations #6161.
- 2. The Committee, in conjunction, with the Curriculum Coordinator will create a review matrix that includes all domains/areas and other pertinent factors for the subject that is being considered. At a minimum the review will include alignment to the State Standards and/or Framework for the content area, format of material, durability, and articulation between grades of content.
- 3. Publishers can only be contacted by the Curriculum Coordinator to send sample materials to the sites and to schedule presentations for teachers and committee members.
- 3. The Committee will review the state-approved textbooks against a matrix of criteria. Other teachers will be encouraged to review the materials and give input. Based on the review process committee members will decide which textbooks should move forward for public review and if appropriate, adoption.
- 4. The selected texts will be displayed at a district location for public review and comments. This display period will be publicized in the Monterey Herald and last two weeks. Comment cards will be available.

The Committee will review all public input and decide if the suggested text should be recommended to the Board.

- 5. The Curriculum Coordinator will make a recommendation, based on the Committee's decision, to the School Board for adoption. Committee members may be present at the Board meeting to answer questions.
- 6. The Committee will make a recommendation regarding staff development needs to the District Staff Development Committee.

Optional Additional Activity – Piloting of Materials

If a pilot is conducted, a process and special evaluation criteria will be established by the Curriculum Coordinator. The following will be included as a minimum:

At the elementary level each selected publisher will be piloted at the primary AND intermediate level. There must be parity between school sites. At the secondary level, each publisher will be piloted by at least one grade level.

Selected teachers will receive training and materials from the publisher.

Selected teachers will receive training from the Curriculum Coordinator regarding the purpose and goals of the pilot process and their role and responsibilities.

Pilot teachers will report back to the Committee and teachers regarding the strengths and weaknesses of the science text they piloted.

Instruction New Policy #6161.11

SUPPLEMENTAL AND INSTRUCTIONAL MATERIAL

The Board of Education encourages teachers to use supplementary instructional materials which are relevant to curriculum objectives and compatible with district goals and objectives. By using such materials, teachers can introduce content and instructional strategies that enrich the curriculum, enhance learning, help students make critical judgments, and stimulate their intellectual growth.

Teachers shall carefully preview all supplementary instructional materials in order to ensure that, in their professional judgment, the materials are:

- 1. Directly related to the course of study in which they are being used
- 2. Appropriate for students' ages and maturity levels

Supplementary instructional materials must also be consistent with criteria developed for the selection and evaluation of other instructional materials. If the teacher believes that the materials may be in conflict with district criteria, the teacher shall confer with the principal or designee before using them.

When using supplementary materials, teachers shall provide appropriate introductory and follow-up activities. In addition, teachers shall ensure that supplementary materials do not supplant the use of basic texts or teaching activities.

All materials must be used within legal copyright limits.

Films

When a teacher desires to show a film that has not been approved by the district or county for use in the grade level taught, the teacher shall preview the film to determine whether in his/her professional judgment it is consistent with district criteria for the selection of instructional materials. All films must be appropriate for the curriculum and the students' ages.

If the teacher has any questions about how established district criteria apply to the film, he/she shall confer with the principal or designee before showing the film.

Legal Reference:

EDUCATION CODE

233.5 Duty re instruction in morals, manners and citizenship

18111 Exclusion of books by governing board

51510 Prohibited study or supplemental materials

51511 Religious matters properly included

51933 Sex education materials

60010 Definitions

COURT DECISIONS

McCarthy v. Fletcher, (1989) 207 Cal. App. 3d 130

Instruction Policy #6161.2

DAMAGED OR LOST INSTRUCTIONAL MATERIALS

The Governing Board recognizes that instructional materials are an expensive resource. The Superintendent or designee may establish procedures in accordance with law to protect instructional materials from damage or loss.

Instructional materials provided for use by students remain the property of the District. Students are responsible for returning borrowed materials in good condition, with no more wear and tear than usually results from normal use.

When materials are lost or so damaged that they are no longer usable, the student shall be responsible for reparation equal to the current replacement cost of the materials. When materials are damaged but still usable, the Superintendent or designee shall determine a lesser charge.

If it can be demonstrated to the Principal's satisfaction that the student has taken all reasonable precautions to safeguard instructional materials issued to him/her, the Principal may excuse the student/parent/guardian from payment of reparation.

If reparation is not excused and not paid by the student or parent/ guardian, the District may initiate due process procedures to withhold the student's grades, diploma and transcripts.

Legal Reference:

EDUCATION CODE

48904 Willful misconduct; limit of liability of parent or guardian

48904.3 Withholding grades, diplomas or transcripts of pupils causing property damage or injury; transfer of pupils to new school Districts; notice to rescind decision to withhold

60411 Purchase and use; property of District

CODE OF REGULATIONS, TITLE 5

305 Pupil responsible for care of property

Page 1 of 1. Adopted: March 5, 1998 CSBA: 12/91

Instruction Policy #6162.5

STUDENT ASSESSMENT

The Governing Board believes that the primary purpose of student assessments should be to help students, parents/guardians and teachers identify individual student's academic strengths and progress, as well as areas needing improvement, in order to enhance teaching and learning. Assessments should also serve to determine the effectiveness of the schools and the District as measured by students' knowledge of fundamental skills and their ability to apply those skills.

The Board desires to use a variety of evaluation measures to reach the above goals. To have validity, tests must correspond to the material that is being taught and measure the extent to which students meet clearly specified standards of achievement. A single test or testing method cannot be expected to always take ethnic, cultural or gender differences into account, nor to provide an accurate assessment of each student's skills.

When District-wide and school-level results of student assessments are published, the Superintendent or designee may provide supplementary information to assist the local community in interpreting test results and evaluating school perfor-mance.

Mandatory Statewide Assessments

The Superintendent or designee shall administer mandatory student assessments in core curricular areas to all students in grades 2 through 11 as required by law. (Education Code 60640)

The Board desires to use the results of the statewide, nationally normed assessment to evaluate the performance of its students with that of other students across the state and nation.

Golden State Examinations

The Board believes that participation in the Golden State Examinations can motivate students to succeed in key academic courses.

The Superintendent or designee may require students in one or more selected courses to participate in the Golden State Examinations for reasons related to the curricular offerings.

School award programs shall be held to recognize all students who participate in the Golden State Examinations, with special recognition for those who receive honors.

CSBA: 10/97

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Instruction Policy #6162.5

STUDENT ASSESSMENT

Legal Reference:

EDUCATION CODE

51041 Evaluation of educational program

51450-51455 Golden State Seat Merit Diploma

60600-60652 Assessment of academic achievement

60800 Physical fitness testing

60810 Assessment of language development 60850-60856 Exit examination

CODE OF REGULATIONS[, TITLE 5

850-870 Standardized Testing and Reporting program

880-901 Designated primary language test

1200-1216 High School Exit Examination, as proposed 11121 / 00

Management Resources:

CDE PROGRAM ADVISORIES

Students with Disabilities: Guidelines for Testing the California Standardized

Testing and Reporting Program

0327.86 Reporting norm-referenced standardized achievement test scores to parents

CSBA ADVISORIES

0306.01 California Assessment Update

0313.00 Districts must ensure that all required student data is submitted to the publisher, or face financial penalty #00-01

Page 2 of 2. Adopted: March 5, 1998 CSBA: 10/97

Instruction Policy #6162.5

STUDENT ASSESSMENT

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

The Use of Tests as Part of High-Stakes Decision-Making for Students: A Resource Guide for Educators and Policy-Makers , December 2000 WEB SITES:

CDE: http://www.cde.ca.gov CSBA: http://www.csba.org U.S. Department of Education, Office for Civil Rights: http:// www.ed.gov/offices/OCR

Instruction

Regulation 6162.5

STUDENT ASSESSMENT

Mandatory Statewide Assessments

The Superintendent or designee shall administer the mandatory statewide test to all students in grades 2 through 11 before May 15 of each year. (EC 60640)

The district shall provide two make-up days for the testing of previously absent students no later than May 25. (Education Code 60640)

Special education students shall be exempted from the testing requirement if they have an explicit provision in their individualized education program that so exempts them. (Education Code 60640)

Any district student who has been enrolled in a California public school for less than 12 months shall take both the statewide assessment in English and a test in their primary language if such a test is available. (Education Code 60640)

Following the first year of enrollment in a California public school, students of limited English proficiency shall continue to take a second achievement test in their primary language, if such a test is available, as well as the statewide assessment in English.

Upon written request by the parent/guardian, a student shall be excused from any or all parts of statewide student assessments. (Education Code 60615)

The Superintendent or designee shall report the results of each student's test in writing to the student's parents/guardians. The report shall include a clear explanation of the purpose of the test, the student's score, and its intended use by the district. (Education Code 60641)

Individual student's scores shall also be reported to the student's school and teachers and shall be included in the student's records. Individual test results shall not be released without the permission of the student's parents/guardians. (Education Code 60641)

Districtwide, school-level and grade-level results shall be reported to the Governing Board at a regularly scheduled meeting. The Board shall not receive individual student's scores or the relative position of any individual student. (Education Code 60641)

The Superintendent or designee shall report to the Superintendent of Public Instruction: (Education Code 60640)

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CSBA: 10/97

Instruction

Regulation 6162.5

STUDENT ASSESSMENT

- 1. The number of students enrolled in the district in grades 2 through 11
- 2. The number of students in the district to whom an achievement test was administered in grades 2 through 11
- 3. The number of special education students in the district who were exempted from the test based on an explicit provision in their individualized education program
- 4. The number of students in the district who were exempted from the test at the request of their parents/guardians

Individual Record of Accomplishment

The Superintendent or designee shall ensure that each student, by the end of grade 12, has an individual record of accomplishment that includes the following: (Education Code 60607)

- 1. The results of mandatory state assessments administered pursuant to EC 60640- $60647\,$
- 2. The results of any end-of-course examinations taken
- 3. The results of any vocational education certification examinations taken

CSBA: 10/97

Instruction Policy #6162.7

USE OF TECHNOLOGY IN INSTRUCTION

Appropriate Use Of Technology

The Governing Board recognizes that technology provides ways to access the most current and most extensive sources of information available. Technology also enables students and staff to practice skills and to develop reasoning and prob-lem-solving In addition, electronic resources foster workplace skills that may be transferable to new technologies. Therefore while efforts will be made to provide access to technology and on-fine services through the District's schools and classes, it is critical that such access is appropriately used.

On-Line Services

To preclude misuses of the system, the Superintendent or designee shall establish telecommunications user guidelines that ensure that users receive training in user obligations and responsibilities.

Before using on-line services, the user shall sign the District's Technology User Agreement and sign and initial where appropriate the Technology User Contract, indicating that the user understands and agrees to abide by specified user obligations and responsibilities.

Staff shall closely supervise students while using on-line services and may ask teacher aides and student aides to assist in this supervision.

The Superintendent or designee shall establish administrative regulations governing use of the District's on-line services. The Superintendent shall ensure that users have no expectation of privacy and understand that District staff may monitor or examine all system activities to ensure proper use of the system. Users who fail to abide by these regulations shall be subject to disciplinary action, revocation of the user account and legal action as appropriate.

Legal Reference: **EDUCATION CODE** 51870-51884 Educational Technology Act of 1992 51865 Management Resources: CDE PUBLICATIONS

The California Master Plan For Educational Technology, April 1992

Page 1 of 1. Adopted: 12/7/95 CSBA: 10/93

Instruction

Regulation #6162.7

USE OF TECHNOLOGY IN INSTRUCTION

Guidelines/User Obligations and Responsibilities

The principal or designee shall oversee the maintenance of each school's technological resources and may establish guidelines and limits on their use. He/she shall ensure that all users of these resources receive training in their proper use as well as copies of related District policies and regulations.

On-line Service

Students and staff are authorized to use the District's on-line services in accor-dance with user obligations and responsibilities specified below.

- 1. The user in whose name an on-line services account is issued is responsible for its proper use at all times. Users shall keep personal account numbers, home addresses and telephone numbers private. They shall use the system only under their own account number.
- 2. The system shall be used only for purposes related to education. Commercial, political and/or personal use of the District's system is strictly prohibited. The District reserves the right to monitor any on-line communications for improper use.
- 3. Users shall not use the system to encourage the use of drugs, alcohol or tobacco, nor shall they promote unethical practices or any activity prohibited by law or District policy.
- 4. Users shall not transmit material that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disa-bility, religion or political beliefs.
- 5. Copyrighted material may not be placed on the system without the author's permission. Users may download copyrighted material for their own use only.
- 6. Vandalism will result in the cancellation of user privileges. Vandalism includes uploading, downloading or creating computer viruses and/or any malicious attempt to harm or destroy District equipment or materials or the data of any other user.
- 7. Users shall not read other users' mail or files- they shall not attempt to interfere with other users' ability to send or receive electronic mail, nor shall they attempt to read, delete, copy, modify or forge other users' mail.
- 8. Users are expected to keep messages brief and use appropriate language.
- 9. User shall report any security problem or misuse of the network to the teacher or principal.

Page 1 of 1. Issued: 12/7/95 CSBA: 10/93

Regulation #6162.7 Instruction

USE OF TECHNOLOGY IN INSTRUCTION

All users shall sign a Technology User Agreement and contract prior to using the District systems.

Instruction Policy #6162.8

Research

The Governing Board recognizes the value of academic research to improve educational programs and practices. Researchers shall respect the privacy rights of students, including their right to refrain from participation in research projects in accordance with law, Board policy and administrative regulation.

The Superintendent or designee may authorize research projects within the district by outside groups or persons when such research is aligned with district goals and objectives and is likely to benefit the district without disrupting the school program.

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(cf. 0000 - Vision)
(cf. 0100 - Philosophy)
(cf. 0200 - Goals for the School District)
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The Superintendent or designee shall ensure that parents/guardians receive prior notification of any surveys or evaluations that collect personal student information and that consent is obtained in accordance with law.

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(cf. 5022 - Student and Family Privacy Rights)
(cf. 5125 - Student Records)
(cf. 5145.6 - Parental Notifications)
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Legal Reference: EDUCATION CODE 51513 Personal beliefs UNITED STATES CODE, TITLE 20 1232h Protection of pupil rights

Management Resources:

WEB SITES

CSBA: http://www.csba.org CDE: http://www.cde.ca.gov

USDOE, Family Policy Compliance Office: http://www.ed.gov/offices/OM/fpco/

Instruction Regulation #6162.8

Research

Persons or groups wishing to use district staff, students or property in connection with an academic research project shall submit to the Superintendent or designee a written proposal which includes:

- 1. Name of researcher(s) and academic credentials
- 2. Purpose and scope of the project
- 3. Method of study or investigation to be used
- 4. Extent of participation expected of students and staff
- 5. Use to which project results will be put
- 6. Benefits to the school(s) or the district

The Superintendent or designee shall evaluate the extent to which the proposal:

- 1. Shows potential for improving instructional programs and strategies
- 2. Addresses a relevant educational problem, concern or issue
- 3. Is designed to minimize interruptions and demands upon the time of students and staff

The Superintendent or designee may approve the proposed project for a period of one school year or less. To extend any project into a second school year, the researcher(s) must obtain approval from the Superintendent or designee.

Researchers shall certify that they will use no school names in the publication of findings without the approval of the Superintendent or designee.

Instruction Policy #6163.2

ANIMALS AT SCHOOL

The Governing Board of the Pacific Grove Unified School District recognizes that animals can be an effective teaching aid and can help support the district's instructional program. In addition, instruction related to the care and treatment of animals teaches students a sense of responsibility and promotes the humane treatment of living creatures.

A teacher may bring an animal to school or arrange for students in his/her class to bring an animal to school for instructional purposes upon written permission from the principal or designee and subject to administrative regulation and other reasonable health, safety, and sanitation precautions. The animal's handler shall be responsible for ensuring that animals are strictly controlled and for ensuring that all such precautions are observed so as to protect both the students and the animal.

Individuals with disabilities may be accompanied by service animals on school premises or on school transportation unless its presence will fundamentally alter the nature of the educational program, or in any other manner consistent with the law.

When any animal is brought into the classroom, the principal or designee shall provide written notification to all parents/guardians of students in the affected class asking them to verify whether their child has any known allergies, asthma, or other health condition that may be affected by the animal's presence.

The Pacific Grove Unified School District assumes no liability for the safety of animals voluntarily brought to school.

Legal References:

EDUCATION CODE

233.5- Instruction in kindness to pets and humane treatment of living creatures

39839- Transportation of guide dogs, signal dogs, service dogs

51202- Instruction in personal and public health and safety

51540- Safe and humane treatment of animals at school

CIVIL CODE

54.1- Access to public places

54.2- Guide, signal, or service dogs, right to accompany

GOVERMNET CODE

810-996.6- California Tort Claims Act, especially:

815- Liability for injuries generally; immunity of public entity

835- Conditions of liability

VEHICLE CODE

21113- Public grounds

CODE OF REGULATIONS TITLE 13

1216- Transportation of property

UNITED STATES CODE TITLE 20

1400-1482- Individuals with Disabilities Education Act

UNITED STATES CODE TITLE 29

794- Rehabilitation Act of 1973, Section 504

Instruction Regulation #6163.2

ANIMALS AT SCHOOL

In accordance with Pacific Grove Unified School District policy, a teacher or student may bring an animal into the classroom for instructional purposes with prior approval of the principal, program manager or designee. When a parent/guardian has provided notification that his/her child has an allergy, asthma, or health condition that may be affected by the animal, the teacher shall remove the animal from the classroom or provide an alternative instructional activity for the student as appropriate.

All animals brought to school must be in good physical condition and appropriately immunized. The teacher shall ensure that the species of animal is appropriate for the instructional purpose and age and maturity of the students.

All animals, with the exception of service animals or animals required under an Individualized Education Program (IEP), are prohibited on school transportation services.

All animals shall be humanely and properly housed in cages or containers specific for the species or otherwise appropriately controlled. The teacher shall also ensure that cages or containers are cleaned regularly and that waste materials are removed and disposed of in an appropriate manner. If the animal is to remain in the classroom longer than one day, the teacher shall be responsible for care and maintenance of the animal and ensure care when school is not in session, such as weekends, vacations, and holidays.

The teacher shall ensure that students receive instruction regarding personal hygiene around animals.

Service Animals at Facilities and Programs

This information is designed to provide guidance for use of service animals by enrolled students with disabilities at Pacific Grove Unified School District facilities and programs. This information also applies to all visitors and staff who bring a service animal to school.

Definitions

- 1. Individual with a disability as defined by the Americans with Disabilities Act, and section 504 of the Rehabilitation Act of 1973 is an individual who:
 - a. Has a physical or mental impairment that substantially limits one or more major life activities; or
 - b. Has a record of such an impairment; or
 - c. Is regarded as having such an impairment.
- 2. A Service animal as defined by the ADA is any dog individually trained to do work or perform tasks for the benefit of an individual with a disability. These tasks include, but are not limited to: guiding individuals with impaired vision; alerting individuals who are hearing impaired to intruders or sound; providing minimal protection or rescue work; pulling wheelchairs or carrying and picking up things for persons with mobility impairments and assisting persons with mobility impairments with balance.
- 3. *Handler* is the individual with the disability who requires assistance with one or more daily living activities from a service animal.

Page 1 of 3

Issued: November 15, 2018

Instruction Regulation #6163.2

ANIMALS AT SCHOOL

Right to Use of Facilities and Services

An individual with a disability has the right to be accompanied, in or on Pacific Grove Unified School District property and facilities, by a service animal specifically trained to provide a service for that individual; subject to the following conditions:

- 1. Upon request, the handler of the service animal shall identify the specific individualized training of the animal, including what tasks the animal performs for the individual.
- 2. The handler of the service animal is responsible for the care and conduct of the service animal at all times. The service animal must be under handler's control at all times. The handler of the service animal is responsible for the cleanliness of the service animal, including flea control and other protective measures for health and safety.
- 3. The service animal shall not exhibit aggressive behavior toward staff, students, or any other individuals, may not otherwise pose a direct threat to the health and safety of others, and may not be disruptive to the educational environment.

If any of the above conditions are not met, the handler can be required to remove the service animal and not bring the service animal back to the facility or program until the handler has corrected and re-trained the animal appropriately.

Liability for Service Animals

The handler of a service animal shall keep the service animal properly harnessed or leashed and under control at all times. The owner/handler of the service animal is solely responsible for any damage to persons, premises or facilities caused by that service animal. The Pacific Grove Unified School District assumes no responsibility for service animals.

Special Education/Section 504 Students

The on-site administrator must evaluate the student's need for an animal. For special education students (i.e., those students qualifying for special education services under the Individuals with Disabilities Education Act (IDEA)), Individualized Education Program (IEP) teams may also consider whether or not a service animal is required to meet a particular student's unique needs. Should such an animal be found to be required by an IEP team, conditions for the use of such an animal should be referenced in the IEP document. Similarly, should an animal be included in a student's Section 504 Plan, the conditions for the use of such an animal should be referenced in the Plan document. Those conditions should include a list of tasks the animal is able to perform for the student.

The use of animals must comply with all relevant federal and state laws. Requests for exceptions to this Service Animal Policy must be considered and evaluated by the Pacific Grove Unified School District on a case-by-case basis.

Legal References:

EDUCATION CODE

233.5- Instruction in kindness to pets and humane treatment of living creatures 39839- Transportation of guide dogs, signal dogs, service dogs

Page 2 of 3

Issued: November 15, 2018

Instruction Regulation #6163.2

ANIMALS AT SCHOOL

51202- Instruction in personal and public health and safety

51540- Safe and humane treatment of animals at school

CIVIL CODE

54.1- Access to public places

54.2- Guide, signal, or service dogs, right to accompany

GOVERMNET CODE

810-996.6- California Tort Claims Act, especially:

815- Liability for injuries generally; immunity of public entity

835- Conditions of liability

VEHICLE CODE

21113- Public grounds

CODE OF REGULATIONS TITLE 13

1216- Transportation of property

UNITED STATES CODE TITLE 20

1400-1482- Individuals with Disabilities Education Act

UNITED STATES CODE TITLE 29

794- Rehabilitation Act of 1973, Section 504

Instruction Policy #6163.4

STUDENT USE OF TECHNOLOGY

Mandated Policy

The Governing Board intends that technological resources provided by the District be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning.

The Superintendent or designee shall notify students and parents/guardians about authorized uses of district computers, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with district regulations and the district's Acceptable Use Agreement.

Before a student is authorized to use the District's technological resources, the student and his/her parent/guardian shall sign and return an Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree to not hold the district or any district staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or user mistakes or negligence. They shall also agree to indemnify and hold harmless the District and District personnel for any damages or costs incurred.

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other Internet services. Such instruction shall include, but not be limited to, the dangers of posting personal information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

The Superintendent or designee, with input from students and appropriate staff, shall regularly review this policy, the accompanying administrative regulation, and other relevant procedures to help ensure that the district adapts to changing technologies and circumstances.

Use of District Computers for Online Services/Internet Access

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors, and that the operation of such measures is enforced. (20 USC 7131, 47 USC 254)

To reinforce these measures, the Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall supervise students while students are using online services and may have teacher aides, student aides, and volunteers assist in this supervision.

Student use of district computers to access social networking sites is prohibited. To the extent possible, the Superintendent or designee shall block access to such sites on district computers with Internet access.

Legal Reference:

EDUCATION CODE

51006 Computer education and resources

51007 Programs to strengthen technological skills

60044 Prohibited instructional materials

Adopted: July 16, 1998 Revised: June 6, 2019 Instruction Policy #6163.4

STUDENT USE OF TECHNOLOGY

Mandated Policy

PENAL CODE

313 Harmful matter

502 Computer crimes, remedies

632 Eavesdropping on or recording confidential communications

653.2 Electronic communication devices, threats to safety

UNITED STATES CODE, TITLE 15

6501-6506 Children's Online Privacy Protection Act

UNITED STATES CODE, TITLE 20

7131Internet safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.13 Children's Online Privacy Protection Act

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

Management Resources:

CSBA PUBLICATIONS

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

FEDERAL TRADE COMMISSION PUBLICATIONS

How to Protect Kids' Privacy Online: A Guide for Teachers, December 2000

MY SPACE.COM PUBLICATIONS

The Official School Administrator's Guide to Understanding MySpace and Resolving Social Networking Issues

WEB SITES

CSBA: http://www.csba.org

American Library Association: http://www.ala.org

California Coalition for Children's Internet Safety: http://www.cybersafety.ca.gov

California Department of Education: http://www.cde.ca.gov Center for Safe and Responsible Internet Use: http://csriu.org Federal Communications Commission: http://www.fcc.gov Federal Trade Commission, Children's Online Privacy

Protection: http://www.ftc.gov/privacy/privacyinitiatives/childrens.html

U.S. Department of Education: http://www.ed.gov Web Wise Kids: http://www.webwisekids.org

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Revised: June 6, 2019

Instruction Regulation #6163.4

STUDENT USE OF TECHNOLOGY

Mandated Policy

The principal or designee shall oversee the maintenance of each school's technological resources and may establish guidelines and limits on their use. All instructional staff shall receive a copy of this administrative regulation, the accompanying Board policy, and the District's Acceptable Use Agreement describing expectations for appropriate use of the system and shall also be provided with information about the role of staff in supervising student use of technological resources. All students using these resources shall receive instruction in their proper and appropriate use.

Teachers, administrators, and/or library media specialists shall prescreen technological resources and online sites that will be used for instructional purposes to ensure that they are appropriate for the intended purpose and the age of the students.

On-Line/Internet Services: User Obligations and Responsibilities

Students are authorized to use District's equipment to access the Internet or other online services in accordance with Board policy, the user obligations and responsibilities specified below and the District's Acceptable Use Agreement.

- 1. The student in whose name an online services account is issued is responsible for its proper use at all times. Students shall keep personal account numbers and passwords private and shall only use the account to which they have been assigned.
- 2. Students shall use the District's system safely, responsibly and primarily for educational purposes.
- 3. Students shall not access, post, submit, publish or display harmful or inappropriate matter that is threatening, obscene, disruptive or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, immigration status, sex, gender, sexual orientation, age, disability, religion or political beliefs.
 - Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes in a patently offensive way sexual conduct and which lacks serious literary, artistic, political or scientific value for minors. (Penal Code 313)
- 4. Unless otherwise instructed by school personnel, students shall not disclose, use, or disseminate personal identification information about themselves or others when using electronic mail, chat rooms, or other forms of direct electronic communication. Students are also cautioned not to disclose such information by other means to individuals contacted through the Internet without the permission of their parents/guardians.
 - Personal information includes the student's name, address, telephone number, Social Security number, or other individually identifiable information.
- 5. Students shall not use the system to encourage the use of drugs, alcohol or tobacco, nor shall they promote unethical practices or any activity prohibited by law, Board policy or administrative regulations.
- 6. Students shall not use the system to engage in commercial or other for-profit activities.

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Instruction Regulation #6163.4

STUDENT USE OF TECHNOLOGY

Mandated Policy

- 7. Students shall not use the system to threaten, intimidate, harass, or ridicule other students or staff.
- 8. Copyrighted material shall be posted online only in accordance with applicable copyright laws. Any materials utilized for research projects should be given proper credit as with any other printed source of information.
- 9. Students shall not intentionally upload, download, or create computer viruses and/or maliciously attempt to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking."
- 10. Students shall not attempt to interfere with other users' ability to send or receive email, nor shall they attempt to read, delete, copy, modify or use another individual's identity.
- 11. Students shall report any security problem or misuse of the services to the teacher or principal.

The district reserves the right to monitor use of the District's systems for improper use without advance notice or consent. Students shall be informed that computer files and electronic communications, including email, are not private and may be accessed by the District for the purpose of ensuring proper use.

Whenever a student is found to have violated Board policy, administrative regulation, or the District's Acceptable Use Agreement, the principal or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the District's technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy.

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Instruction Policy #6164.4

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION Mandated Policy

The Governing Board recognizes the need to actively seek out and evaluate residents within the school District who are between the ages of birth and 21 years who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

The Superintendent or designee shall develop processes to determine when an individual is eligible for special education services and shall establish systematic procedures for special education program identification, screening, referral, assessment, planning, implementation, review and triennial assessment.

The Superintendent or designee shall develop a method to ensure that all eligible individuals residing within the District are currently receiving needed special education and related services. In addition, the Superintendent or designee shall consult with appropriate representatives of private school students with disabilities on how to identify, locate and evaluate these students.

The Superintendent or designee shall establish a method whereby parents/guardians, teachers, appropriate professionals and others may refer an individual for assessment for special education services. Identification procedures shall be coordinated with school site procedures for referral of students with needs that cannot be met with modifications to the regular instructional program.

For assessment purposes, staff shall use appropriate tests to identify specific information about the individual's abilities in accordance with Education Code 56320.

The Superintendent or designee shall notify parents/guardians in writing of their rights related to identification, referral, assessment, instructional planning, implementation and review, including the District's procedures for initiating a referral for assessment to identify individuals who need special education services.

Legal Reference:

EDUCATION CODE

44265.5 Professional preparation for teachers of impaired students

56000-56885 Special education programs, especially:

56026 Individuals with disabilities

56170-56177 Children in private schools

56195.8 Adoption of policies

56300-56304 Identification of individuals with disabilities

56320-56330 Assessment

56340-56347 Instructional planning and individualized education program

56381 Reassessment of students

56425-56435 Early education for individuals with disabilities

56441.11 Eligibility criteria, children 3 to 5 years old

56445 Transition to grade school; reassessment

56500-56508 Procedural safeguards

GOVERNMENT CODE

95000-95029 California Early Intervention Services Act

Page 1 of 2. Adopted: March 5, 1998 Revised: September 3, 2003; January 17, 2013

Instruction Policy #6164.4

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION Mandated Policy

CODE OF REGULATIONS, TITLE 5

3021-3029 Identification, referral and assessment

3030-3031 Eligibility criteria

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1412 State eligibility

1415 Procedural safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.756 Assistance to states for the education of students with disabilities

COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

Management Resources:

FEDERAL REGISTER

34 CFR 300.a Appendix A to Part 300 - Questions and Answers

34 CFR 300a1 Attachment 1: Analysis of Comments and Changes

WEB SITES

CDE: http://www.cde.ca.gov

U.S. Department of Education, Office of Special Education Programs:

http://www.ed.gov/offices/OSERS/OSEP

Instruction Regulation #6164.4

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION

Mandated

A student shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and used where appropriate.

All referrals for special education and related services from school staff shall include a brief reason for the referral and describe the regular program resources that were considered and/or modified for use with the student, and their effect. (5 CCR 3021)

Within 15 days of a referral for assessment the student's parent/guardian shall receive a notice of parental rights and a written proposed assessment plan or a written explanation of the reason for refusing to conduct an assessment. The 15-day period does not include days between the student's regular school session or term, or days of school vacation in excess of five school days.

The proposed assessment plan shall meet all of the following requirements:

- 1. Be in a language easily understood by the general public
- 2. Be provided in the primary language of the parent/guardian or other mode of communication used by the parent/guardian unless it is clearly not feasible
- 3. Explain the types of assessment to be conducted
- 4. State that no individualized education program (IEP) will result from the assessment without parent/guardian consent

Upon receiving the proposed assessment plan or written refusal, the parent/guardian shall have at least 15 days to decide whether or not to consent to the assessment or may disagree with the reason for refusal. The assessment may begin as soon as informed parental consent is received by the District. The District shall not interpret parent/guardian consent for initial assessment as consent for initial placement or initial provision of special education services.

Informed parental consent means that the parent/guardian:

- 1. Has been fully informed of all information relevant to the activity for which consent is sought, in his/her native language or other mode of communication, unless it is clearly not feasible to do so
- 2. Understands and agrees in writing to the assessment
- 3. Understands that the granting of consent is voluntary on his/her part and may be revoked at any time

If the student is a ward of the state and is not residing with his/her parents/guardians, the district shall make reasonable efforts to obtain informed consent from the parent/guardian as defined in 20 USC 1401 for an initial evaluation to determine whether the student is a student with a disability.

Page 1 of 3 Issued March 5, 1998 Revised: September 4, 2003; January 17, 2013

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION

Mandated

The district shall not be required to obtain informed consent from the parent/guardian of a student for an initial evaluation to determine whether the student is a student with a disability if either of the following situations exists:

- 1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent/guardian of the student
- 2. The rights of the parent/guardian of the student have been terminated in accordance with California law
- 3. The rights of the parent/guardian to make educational decisions have been subrogated by a judge in accordance with California law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the student

As part of the assessment plan, the parent/guardian shall receive written notice that:

- 1. Upon completion of the administration of tests and other assessment materials, an IEP team meeting that includes the parent/guardian or his/her representative shall be scheduled pursuant to Education Code 56341. At this meeting, the team shall determine whether or not the student is a student with disabilities as defined in Education Code 56026 and shall discuss the assessment, the educational recommendations and the reasons for these recommendations. A copy of the assessment report and the documentation of determination of eligibility shall be given to the parent/guardian.
- 2. If the parent/guardian disagrees with an assessment obtained by the District, the parent/guardian has the right to obtain, at public expense, an independent educational assessment of the student from qualified specialists, in accordance with 34 CFR 300.502.
 - If the district observed the student in conducting its assessment, or if its assessment procedures make it permissible to have in-class observation of a student, an equivalent opportunity shall apply to the independent educational assessment. This equivalent opportunity shall apply to the student's current placement and setting as well as observation of the district's proposed placement and setting, regardless of whether the independent educational assessment is initiated before or after the filing of a due process hearing proceeding.
- 3. The District may initiate a due process hearing pursuant to Education Code 56500-56508 to show that its assessment is appropriate. If the final decision resulting from the due process hearing is that the assessment is appropriate, the parent/guardian still has the right for an independent educational assessment but not at public expense.
 - If the parent/guardian obtains an independent educational assessment at private expense, the results of the assessment shall be considered by the district with respect to the provision of free, appropriate public education to the student, and may be presented as evidence at a due process hearing regarding the student. If the district observed the student in conducting its assessment, or if its assessment procedures make it permissible to have in-class observation of a student, an equivalent opportunity shall apply to an independent educational assessment of the student in the student's current educational placement and setting, if any, proposed by the district, regardless of

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION

Mandated

whether the independent educational assessment is initiated before or after the filing of a due process hearing.

4. If a parent/guardian proposes a publicly financed placement of the student in a nonpublic school, the district shall have an opportunity to observe the proposed placement and, if the student has already been unilaterally placed in the nonpublic school by the parent/guardian, the student in the proposed placement. Any such observation shall only be of the student who is the subject of the observation and may not include the observation or assessment of any other student in the proposed placement unless that student's parent/guardian consents to the observation or assessment. The results of any observation or assessment of another student in violation of Education Code 56329(d) shall be inadmissible in any due process or judicial proceeding regarding the free appropriate public education of that other student.

An individualized education program (IEP) required as a result of an assessment shall be developed within a total time not to exceed 60 days, not counting days between the student's regular school sessions, terms, or days of school vacation in excess of five school days, from the date of the receipt of the parent/guardian's consent for assessment, unless the parent/guardian agrees in writing to an extension.

Before entering Kindergarten or first grade, children with disabilities who are in a preschool program shall be reassessed to determine if they still need special education and services. IEP teams shall identify a means of monitoring the continued success of children who are determined to be eligible for less intensive special education programs to ensure that gains made are not lost by a rapid removal of individualized programs and supports for these individuals.

Instruction Policy #6164.5

STUDENT STUDY TEAMS

The Governing Board encourages the cooperation of the parent/guardian, class-room teacher, resource personnel and administrators in studying the needs of students having academic, attendance or behavioral difficulties and in identifying strategies and programs that may resolve or alleviate these difficulties. The Superintendent or designee shall establish student study teams that address individual student needs. The Board expects that student study teams will improve communications within the school and support teachers in working with the student.

The Board expects student study teams to investigate the problems of disruptive students and develop plans to modify their behavior.

Student study teams may recommend transferring the student to another school only when the study team's investigation indicates that a different placement would result in more cooperative behavior without endangering employees or other students.

Legal Reference:

EDUCATION CODE

54720-54734 School-Based Pupil Motivation and Maintenance Program and Dropout Recovery Act

Page 1 of 1. Adopted: March 5, 1998
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Instruction

Regulation #6164.5

STUDENT STUDY TEAMS

The principal or designee at each school shall:

- 1. Select a coordinator who will set student study meeting times and procedures.
- 2. Establish a process by which teachers, other staff members or parents/ guardians may initiate a student referral.
- 3. Design provisions for:
 - a. Contacting parents/guardians.
 - b. Observing the student in the problem setting.
 - c. Collecting background information.
 - d. Helping the student and parent/guardian prepare for the meeting.
 - e. Bringing in other school or District resource personnel.

Members of individual student study teams may include:

- 1. The principal or designee.
- 2. Resource teachers or specialists: psychologists, nurses, school counselors, bilingual staff, categorically funded staff, department chairpersons, and speech and language specialists.
- 3. One or more of the student's teachers or previous teachers.
- 4. The student's parents or guardians, and the student if appropriate.
- 5. Representatives of community or law enforcement agencies, if appropriate.

Team Meetings

Because a positive solution to a student's difficulties often grows out of the student's strengths and potential, the initial study team meeting shall always begin by discussing the student's strengths. His/her problems shall be described as precisely as possible, and a plan for resolving these problems shall be developed.

Strategies and interventions may include, but are not limited to:

- 1. Program changes involving different classes, a different level and/or variety of instructional materials, and/or more time for completing assignments.
- 2. Contracts for task completion and/or behavior modification.
- 3. Daily progress reports.
- 4. Use of after-school tutoring, peer tutoring, cross-age or cross-grade tutoring or buddy system.
- 5. Reinforcement and modifications at home.
- 6. Special instructional strategies for students of limited English proficiency.

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STUDENT STUDY TEAMS

- 7. Strategies for improving social skills and peer relationships.
- 8. Special school projects or programs.
- 9. Independent study.
- 10. Modified day.
- 11. Period-by-period attendance.
- 12. In-school suspension.
- 13. Detention.
- 14. Saturday school or work program.
- 15. Work experience education.
- 16. Transfer to a different school (including opportunity, continuation or alter-native education facility, as appropriate).
- 17. Referral to District resource staff for academic assessment.
- 18. Referral for health examination.
- 19. Referral to school psychologist.
- 20. Referral to community agency or other community resource.
- 21. Referral of family to community agency.

Whenever the student study team is considering the possibility of transferring a disruptive student to another school, the principal or designee of the school to which the student may be transferred shall be invited to attend the study team meeting before a final decision is made.

A follow-up meeting shall be scheduled to evaluate the effectiveness of the plan and the extent to which the recommended strategies have been implemented. The plan shall be modified as needed. Subsequent review meetings may be held to monitor the student's progress and reinforce the fact that real change for students takes sustained effort over time.

Instruction Policy #6164.6

IDENTIFICATION AND EDUCATION UNDER SECTION 504

The Pacific Grove Unified School District endorses the purpose of the Rehabilitation Act of 1973, Section 504, which prohibits discrimination and assures that disabled students have educational opportunities and benefits equal to those provided to non-disabled students. It is the Board's policy that no otherwise qualified disabled person shall, on the basis of the disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by the District.

The Superintendent shall designate at least one person to coordinate the District's efforts to comply with Section 504. The Superintendent shall also promulgate grievance procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of any complaint alleging discrimination prohibited by Section 504.

The Superintendent shall prepare and distribute to parents, guardians, and students notice that the District does not discriminate in admission or access to its programs and activities. The notification shall identify the person or position designated by the District to coordinate compliance with Section 504.

The Board of Trustees acknowledges the need to identify and evaluate students with disabilities in order to provide them with appropriate educational opportunities. The Superintendent or designee shall establish procedures whereby parents/guardians or staff may request evaluation for any student to determine eligibility.

To determine eligibility, a Section 504 Team composed of knowledgeable professionals, and including the student's parents, shall meet to review information from the evaluation. The evaluation may include, but is not limited to, classroom and playground observation, performance-based testing, academic assessment information, health information, and data offered by parents. Parents are not required to attend.

If the student is determined to be eligible under Section 504, the 504 Team shall develop a written Section 504 plan for the student. The plan shall specify the accommodations that will be provided in the regular or special education program in order to ensure the student a free, appropriate education. It shall include a schedule for periodic review of the student's needs and indicate that this review may occur sooner at the request of the parents or school staff.

A copy of this plan will be given to the parents and to all staff who work with the student in the school setting.

If the committee determines that the student is not eligible for services under Section 504 or that no modification of educational services is needed, the parents shall receive a record of the proceedings stating the basis for the decision. Parents shall also receive a copy of the procedural safeguards guaranteed under the Code of Federal Regulations, Title 34, Part 104.36

LEGAL REFERENCES:

UNITED STATES CODE, TITLE 20 1242g Family Education Rights and Privacy Act of 1974, 1400, et seq., Individuals with Disabilities Education Act UNITED STATES CODE, TITLE 29 701, et, Seq., Rehabilitation Act of 1973 794 Rehabilitation Act of 1973, Section 504

Instruction Policy #6164.6

IDENTIFICATION AND EDUCATION UNDER SECTION 504

CODE OF FEDERAL REGULATIONS, TITLE 34

104.10-104.6 Nondiscrimination on the Basis of Disability

104.10 Purpose to Effectuate Section 504 of the Rehabilitation Act of 1973

104.30 Definitions

104.32 Location and Notification

104.33 Free Appropriate Public Education

104.34 Education Setting

104.35 Evaluations and Placement

104.36 Procedural Safeguards

Instruction Regulation 6164.6

IDENTIFICATION AND EDUCATION UNDER SECTION 504

1. Purpose

It is the intent of the District to ensure that students who are disabled within the meaning of Section 504 of the Rehabilitation Act of 1973 (Section 50411) are identified, evaluated, and provided with the appropriate education, i.e., regular or special education and related aids and services that are designed to meet the needs of each disabled student as adequately as the needs of non-disabled students.

Under this policy, a Section 504 disabled student is one who has a physical or mental impairment that substantially limits one or more major life activities such as learning or behavior [34 CFR section 104.3(j).]

Students who are identified as individuals with exceptional needs according to the Individuals with Disabilities Improvement Education Act ("IDEA 2004") criteria are not addressed under this policy, as the needs of such students are provided for elsewhere under state and federal law, and the Special Education Local Plan Area procedures. [34 CFR section 104.3(j).]

2. Location and Notification Procedures

- a. The District shall annually undertake reasonable measures to locate each disabled student of school age residing in the District who is not receiving a public education and to notify such students and their parents of the right to free and appropriate public education under Section 504.
- b. Location and notification procedures may include personal contacts, posting of notices, newspaper advertisements, press releases, communications with public and private community agencies and information home to parents.

3. Identification and Referral Procedures

- a. Any student believed to qualify under this regulation may be referred by a parent, teacher, other certificated school employee, or community agency to the school site principal.
- b. The school site principal, or designee, will bring the referral to the school's Student Study Team (SST), which will be composed of persons knowledgeable about the student's school history, the meaning of evaluation data, and placement options.
- c. The SST will promptly consider the referral and, based upon a review of a student's school records (including academic, social, health and behavioral records) and the student's needs, will make a determination as to whether an evaluation under this procedure should be considered. Students being considered for evaluation will be referred to appropriate evaluation specialist(s), who will inform the parents and the SST in writing, whether or not they will conduct an assessment and their rationale for their decision.
- d. If assessment is recommended, parent(s) will be asked to provide written consent for the proposed Section 504 evaluation. An evaluation will include consideration of any behaviors

Instruction Regulation 6164.6

IDENTIFICATION AND EDUCATION UNDER SECTION 504

or medical issues that interfere with the regular participation of a student who otherwise meets the criteria for participation in the District's educational program and/or activities.

Following an evaluation, parents will receive reasonable notice of and invitation to the initial Section 504 Team meeting, along with a copy of the Section 504 Procedural Safeguards (Parent and Student Rights).

4. Section 504 Team Meeting:

The Section 504 Team shall be responsible for determining whether or not the student meets the criteria for identification as a student with a disability under Section 504 and if so, what supports or services are necessary to ensure that the identified student receives a free, appropriate public education.

- a. In making this determination, the Section 504 Team shall consider all available relevant information, drawing upon a variety of sources, which will include but is not limited to, assessments conducted by the District's professional staff.
- b. The parents shall be invited to participate in the Section 504 Team meeting where supports or services for a student, if any, will be determined. Parents shall, upon request, be given an opportunity to examine all relevant records in advance.
- c. If the Section 504 Team determines that a pupil has a disability within the meaning of Section 504 requiring a modification of his/her program, the Section 504 Team will develop a written plan describing the disability and any supports or services needed. The plan will specify how the supports or services will be provided and by whom. A copy of the plan shall be maintained in a student's cumulative file. The student's teachers, aides, and other school employees who provide services to a student shall be provided with a copy of the plan.
- d. The Section 504 Team may determine that a student is not eligible under the Section 504 or that no program modifications are necessary. If the Section 504 Team so determines, the record of the Section 504 Team meeting will state the basis for the decision.
- e. In all cases, a disabled student shall be placed in the regular educational environment of the District, unless the District demonstrates that such placement cannot be achieved satisfactorily with the use of supplemental aids and services. A disabled student shall be educated with non-disabled students to the maximum extent appropriate to the individual needs of the student.
- f. The parents will be asked to sign the record/plan whether or not modifications are necessary. The parents shall be notified, in writing, of the final decision concerning supports or services to be provided, if any, and of the Section 504 procedural safeguards, including the right to an impartial hearing.

5. Review of Student Progress

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IDENTIFICATION AND EDUCATION UNDER SECTION 504

a. The Section 504 Team will monitor the progress of disabled students and the effectiveness of a student's plan, as needed, to determine whether the plan is appropriate and necessary.

- b. Prior to any subsequent, significant change in placement, a reevaluation of the student's needs will be conducted. Parents will receive reasonable, prior written notice of and invitation to any meeting convened to propose a significant change in placement.
- 6. Disciplinary Action for Students Who Are Disabled Only Under Section 504

The District must conduct a review prior to expulsion or a suspension beyond 10 days in one school year of a student who qualifies for services under Section 504 standards. This section does not apply to a student who is disabled under IDEA 2004 and Section 504 standards. The Section 504 review will determine whether the student's misconduct was a manifestation of his/her disability or was the result of an inappropriate placement. This decision will be made by a Section 504 Team at a meeting the parent/guardian shall be invited to attend. If the Section 504 Team determines that the misconduct was not caused by the student's disability or by an inappropriate placement, the District may proceed with the expulsion or suspension beyond 10 days. If the Section 504 Team determines that the student's misconduct was caused by the disability or was a direct result of an inappropriate placement, the student may not be expelled or suspended for more than 10 days in one school year.

The student's parent/guardian shall be informed of the Section 504 Team's decision, in writing, and the right to request an impartial hearing on the issue. The parent/guardian's disagreement with the Team's determination or their request for an impartial hearing shall not preclude the District from proceeding with disciplinary action.

If, following an impartial hearing and the exhaustion of any judicial proceedings reviewing that decision, it is determined that the misconduct was caused by the student's disability or by an inappropriate placement, then the District shall reinstate the student to his/her prior educational program and shall promptly hold a Section 504 Team meeting to re-examine the student's current educational needs.

Instruction Policy #6170.1

SPECIALIZED PROGRAMS

TRANSITIONAL KINDERGARTEN

The Governing Board desires to offer a high-quality transitional kindergarten program for eligible children who do not yet meet the minimum age criterion for kindergarten. The program shall assist children in developing the academic, social, and emotional skills they need to succeed in kindergarten and beyond.

The District's Transitional Kindergarten shall be the first year of a two-year kindergarten program.

The Board encourages ongoing collaboration among district preschool staff, other preschool providers, elementary teachers, administrators, and parents/guardians in program development, implementation, and evaluation.

Eligibility

The District's Transitional Kindergarten program shall admit children whose fifth birthday lies between September 2 and December 2 in the 2013/14 school year and each school year thereafter.

Parents/guardians of eligible children shall be notified of the availability of this program and the age, residency, and any other enrollment requirements. Enrollment in the transitional kindergarten program shall be voluntary.

Curriculum and Instruction

The District's Transitional Kindergarten program shall be based on a modified kindergarten curriculum that is age and developmentally appropriate.

Upon recommendation by the Superintendent or designee, the Board shall approve academic standards for transitional kindergarten that bridge preschool learning foundations and kindergarten standards. Such standards shall be designed to facilitate students' development in essential skills which may include, as appropriate, language and literacy, mathematics, physical development, the arts, science, social sciences, English language development, and social-emotional development.

The number of instructional minutes offered in transitional kindergarten shall be the same as that required for the district's kindergarten program.

Transitional kindergarten students may be placed in the same classrooms as kindergarten students when necessary, provided that the instructional program is differentiated to meet student needs.

Staffing

Teachers assigned to teach in transitional kindergarten classes shall possess a teaching credential or permit that authorizes instruction at the kindergarten grade level.

The Superintendent or designee may provide professional development as needed to ensure that transitional kindergarten teachers are knowledgeable about district standards and effective instructional methods for teaching young children.

Instruction Policy #6170.1

SPECIALIZED PROGRAMS

Continuation to Kindergarten

Students who complete the transitional kindergarten program shall be eligible to continue in kindergarten the following school year. Parents/guardians of such students shall not be required to submit a signed parental permission form for kindergarten attendance.

A student shall not attend more than two years in a combination of transitional kindergarten and kindergarten. (Education Code 46300)

Program Evaluation

The Superintendent or designee shall develop or identify appropriate assessments of transitional kindergarten students' development and progress. He/she shall monitor and regularly report to the Board regarding program implementation and the progress of students in meeting related academic standards.

Legal Reference:

EDUCATION CODE

8973 Extended-day kindergarten

44258.9 Assignment monitoring by county office of education

46111 Kindergarten, hours of attendance

46114-46119 Minimum school day, kindergarten

46300 Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten

48000 Minimum age of admission (kindergarten)

48002 Evidence of minimum age required to enter kindergarten or first grade

48200 Compulsory education, starting at age six

60605.8 Academic Content Standards Commission, development of Common Core Standards

Management Resources:

CSBA PUBLICATIONS

Transitional Kindergarten, Issue Brief, July 2011

CALIFORNIA COUNTY SUPERINTENDENTS EDUCATIONAL SERVICES ASSOCIATION PUBLICATIONS

Transitional Kindergarten (TK) Planning Guide: A Resource for Administrators of California Public School Districts, November 2011

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Transitional Kindergarten FAQs

California Preschool Curriculum Framework, Vol. 1, 2010

California Preschool Learning Foundations, Vol. 1, 2008

Prekindergarten Learning Development Guidelines, 2000

First Class: A Guide for Early Primary Education, 1999

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

11-08 <u>Transitional Kindergarten Assignments</u>, Credential Information Alert, August 25, 2011 WEB SITES

CSBA: http://www.csba.org

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

California Department of Education: http://www.cde.ca.gov California Kindergarten Association: http://www.ckanet.org Commission on Teacher Credentialing: http://www.ctc.ca.gov Transitional Kindergarten California: http://www.tkcalifornia.org

Policy #6171 Instruction

SPECIALIZED PROGRAMS

TITLE 1 PROGRAMS

Mandated Policy

In order to improve the academic achievement of students from economically disadvantaged families, the district shall use federal Title I funds to provide supplementary services that reinforce the core curriculum and assist students in attaining proficiency on state academic standards and assessments.

The Superintendent or designee shall provide technical assistance and support to any school participating in the Title I program, including consultation in the development and implementation of school plans and activities. (20 USC 6312)

The district and each school receiving Title I funds shall develop a written parent involvement policy in accordance with 20 USC 6318.

Local Educational Agency Plan

The Superintendent or designee shall consult with teachers, principals, administrators, other appropriate school personnel, and parents/guardians of participating students in the development, periodic review, and, as necessary, the revision of a local educational agency (LEA) plan. The plan and any revisions shall be submitted to the Governing Board for approval. (20 USC 6312)

The plan shall address the components specified in 20 USC 6312, which describe the assessments, strategies, and services the district will use to help low-achieving students meet challenging academic standards.

The initial plan shall be submitted to the California Department of Education (CDE) and approved by the State Board of Education. Subsequent revisions of the plan shall be kept on file in the district.

Comparability in Instruction

State and local funds used in schools receiving Title I funds shall provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds or, if all district schools are receiving Title I funds, that are substantially comparable in each school. Comparability may be determined on a school-by-school basis or by grade span. (20 USC 6321)

To demonstrate comparability of services among district schools:

- 1. The Board shall adopt and implement a districtwide salary schedule.
- 2. The ratio of students to teachers, administrators, and other staff at each Title I school shall not exceed 110 percent of the average ratio across non-Title I schools.
- 3. Salary expenditures at each Title I school shall be no less than 90 percent of the average salary expenditure across non-Title I schools.

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SPECIALIZED PROGRAMS

4. All district schools shall be provided with the same level of base funding per student for curriculum and instructional materials.

5. The Superintendent or designee shall maintain records of the quantity and quality of instructional materials and equipment at each school.

In determining comparability, the district shall not include staff salary differentials for years of employment. The district also may exclude unpredictable changes in student enrollment or personnel assignments that occur after the beginning of the school year, state and local funds expended for language instruction educational programs, state and local funds expended for the excess costs of providing services to disabled students, and supplemental state or local funds expended in any school attendance area or school for programs that specifically meet the intent and purposes of Title I. (20 USC 6321)

At the beginning of each school year, the Superintendent or designee shall measure comparability in accordance with the above criteria and maintain records documenting the district's compliance. If any instances of noncomparability are identified, the Superintendent or designee shall promptly implement adjustments as needed to ensure comparability.

Program Evaluation

The Board shall use state assessment results and other available measures or indicators to annually determine whether each participating school is making adequate yearly progress toward ensuring that all students meet the state's proficient level of achievement on state assessments. (20 USC 6316)

(cf. 5149 - At-Risk Students)

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

(cf. 0420 - School Plans/Site Councils)

(cf. 6020 - Parent Involvement)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

11503 Parent involvement programs in Title I schools

52055.57 Districts identified or at risk of identification for program improvement

54020-54028 Economic Impact Aid

54420-54425 State Compensatory Education

64001 Single plan for student achievement, consolidated application programs

UNITED STATES CODE, TITLE 20

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Adopted: March 5, 1998
Revised December 7, 2006

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- 6301 Program purpose
- 6311-6322 Improving basic programs for disadvantaged students, including:
- 6312 Local educational agency plan
- 6313 Eligibility of schools and school attendance areas; funding allocation
- 6314 Title I schoolwide programs
- 6315 Targeted assistance schools
- 6316 School improvement
- 6318 Parent involvement
- 6320 Participation of private school students
- 6321 Comparability of services
- 7881 Participation of private school students

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1-200.79 Improving basic programs for disadvantaged students

Management Resources:

CSBA PUBLICATIONS

Parent Involvement: Development of Effective and Legally Compliant Policies, Governance and Policy Services Policy Briefs, August 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

LEA Plan, rev. May 17, 2006

Provisions for Private School Students, Teachers, and Other Education Personnel in the No Child Left Behind Act of 2001, rev. November 1, 2005

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Title I Fiscal Issues, May 26, 2006

Designing Schoolwide Programs, March 22, 2006

Supplemental Educational Services, June 13, 2005

The Impact of the New Title I Requirements on Charter Schools, July 2004

Parental Involvement: Title I, Part A, April 23, 2004

Serving Preschool Children Under Title I, March 4, 2004

Title I Services to Eligible Private School Students, October 17, 2003

Local Educational Agency Identification and Selection of School Attendance Areas and Schools and Allocation of Title I Funds to Those Areas and Schools, August 2003

WEB SITES

CSBA: http://www.csba.org

California Department of Education: http://www.cde.ca.gov/iasa/titleone

No Child Left Behind: http://www.ed.gov/nclb U.S. Department of Education: http://www.ed.gov

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SPECIALIZED PROGRAMS

TITLE 1 PROGRAMS

School wide Programs

A school may operate a Title I school wide program in order to upgrade the entire educational program of the school when at least 40 percent of the students in the school attendance area, or at least 40 percent of the students enrolled in the school, are from low-income families. The Superintendent or designee shall inform any such eligible school and the school's parents/guardians of the school's eligibility and its ability to consolidate funds from federal, state, and local sources for program purposes. (20 USC 6312, 6314)

Any participating school shall develop, annually review, and update a single plan for student achievement which incorporates the plan required by 20 USC 6314 for reforming the school's total instructional program and plans required by other categorical programs included in the state's consolidated application. (Education Code 64001; 20 USC 6314)

A school wide program shall include: (20 USC 6314)

- 1. A comprehensive needs assessment of the entire school, including the needs of migrant students, which includes the achievement of students in relation to state academic content and achievement standards,
- 2. School wide reform strategies that:
 - a. Provide opportunities for all students to meet the state's proficient and advanced levels of achievement.
 - b. Use effective methods and instructional strategies, based on scientifically based research, that strengthen the school's core academic program, increase the amount and quality of learning time, help provide an enriched and accelerated curriculum, and include strategies for meeting the educational needs of historically underserved populations,
 - c. Include strategies to address the needs of all students in the school, but particularly the needs of low-achieving students and those at risk of not meeting state achievement standards who are members of the target population of any program that is part of the school wide program,
 - Such strategies may include counseling, student services, mentoring services, college and career awareness and preparation, and the integration of vocational and technical education programs.
 - d. Address how the school will determine if student needs have been met,
 - e. Are consistent with and designed to implement state and local improvement plans, if any.
- 3. Instruction by highly qualified teachers

SPECIALIZED PROGRAMS

- 4. High-quality and ongoing professional development for teachers, principals, paraprofessionals, and, if appropriate, student services personnel, other staff, and parents/guardians to enable all students in the school to meet state academic achievement standards
- 5. Strategies to attract high-quality, highly qualified teachers to high-need schools
- 6. Strategies to increase parent involvement
- 7. Plans for assisting preschool children in the transition from early childhood programs to elementary school programs
- 8. Measures to include teachers in decisions regarding the use of academic assessments to provide information on and to improve the achievement of individual students and the overall instructional program
- 9. Activities to ensure that students who experience difficulty mastering the proficient and advanced levels of academic standards shall be provided with effective, timely additional assistance, which shall include measures for timely identification of students' difficulties and provision of sufficient information on which to base effective assistance
- 10. Coordination and integration of federal, state, and local services and programs.

Targeted Assistance Programs

Any school that receives Title I funds but does not operate a schoolwide program shall use Title I funds to provide services to: (20 USC 6315)

- 1. Students in grades 3-12 identified by the school as failing, or most at risk of failing, to meet the state's academic achievement standards on the basis of criteria established by the district and supplemented by the school.
- 2. Students in preschool through grade 2 selected solely on the basis of such criteria as teacher judgment, interviews with parents/guardians, and developmentally appropriate measures

A targeted assistance program shall: (20 USC 6315)

- 1. Use program resources to help participating students meet state academic achievement standards expected for all students.
- 2. Ensure that program planning is incorporated into existing school planning.
- 3. Use effective methods and instructional strategies, based on scientifically based research, that strengthen the core academic program, give primary consideration to providing extended learning time, help provide an accelerated, high-quality curriculum, and minimize removing

SPECIALIZED PROGRAMS

students from the regular classroom during regular school hours for instruction provided by Title I.

- 4. Coordinate with and support the regular education program, which may include services to assist preschool students in the transition to elementary school programs.
- 5. Provide instruction by highly qualified teachers.
- 6. Provide opportunities for professional development for teachers, principals, paraprofessionals, and, if appropriate, student services personnel, other staff, and parents/guardians who work with participating students
- 7. Provide strategies to increase parent involvement.
- 8. Coordinate and integrate federal, state, and local services and programs.

Participation of Private School Students

The Superintendent or designee shall provide or contract to provide special educational services or other Title I benefits to eligible private school students residing in a participating school attendance area. Such services and benefits shall be provided on an equitable basis with participating public school students. (20 USC 6320, 7881)

Teachers, other educational personnel, and families of participating private school students shall have an opportunity to participate, on an equitable basis, in parent involvement activities and professional development pursuant to 20 USC 6318 and 6319. (20 USC 6320, 7881)

Each year the Superintendent or designee shall contact officials of private schools with students who reside within district boundaries, regardless of whether the private school they attend is located within the district or whether or not those officials have previously indicated any interest in program participation.

The Superintendent or designee shall consult, in a meaningful and timely manner, with appropriate private school officials during the design and development of the district's Title I programs. Such consultation shall occur before the district makes any decision that affects the opportunities of eligible private school students to participate in Title I programs and shall include a discussion of: (20 USC 6320, 7881; 34 CFR 200.63)

- 1. How the needs of private school students will be identified
- 2. What services will be offered
- 3. How, where, and by whom the services will be provided
- 4. How the services will be academically assessed and how assessment results will be used to improve those services

SPECIALIZED PROGRAMS

5. The size and scope of the equitable services to be provided to private school students and the proportion of funds that is allocated for such services

- 6. The method or sources of data that are used to determine the number of students from low-income families in participating school attendance areas who attend private schools
- 7. How and when the district will make decisions about the delivery of service to such students, including a thorough consideration and analysis of the views of private school officials on the provision of services through a third-party provider
- 8. How, if the district disagrees with the views of private school officials on the provision of services through a third-party provider, the district will provide to private school officials a written analysis of the reasons that the district has chosen not to use a contractor

Meetings between district and private school officials shall continue throughout implementation and assessment of services. (20 USC 6320)

The Superintendent or designee shall maintain, and shall provide to the California Department of Education upon request, a written affirmation signed by officials of each participating private school that consultation has occurred. (20 USC 6320)

If the private school officials do not provide such affirmation within a reasonable period of time, the Superintendent or designee shall maintain records of the consultation or the offer of consultation.

The Superintendent or designee also shall maintain records documenting that:

- 1. The needs of private school teachers and/or private school students were identified.
- 2. The funds made available were equitable to those allocated for public school students and teachers.
- 3. The district's program met the needs of the private school teachers and/or private school students.
- 4. The district made efforts to resolve any complaints made by private school representatives.
- (cf. 0420 School Plans/Site Councils)
- (cf. 6011 Academic Standards)
- (cf. 6162.5 Student Assessment)
- (cf. 6162.51 Standardized Testing and Reporting Program)
- (cf. 6162.52 High School Exit Examination)
- (cf. 6175 Migrant Education Program)
- (cf. 5148.2 Before/After School Programs)
- (cf. 6111 School Calendar)
- (cf. 6112 School Day)
- (cf. 6177 Summer School)
- (cf. 5149 At-Risk Students)
- (cf. 6030 Integrated Academic and Vocational Instruction)

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SPECIALIZED PROGRAMS

- (cf. 6164.2 Guidance/Counseling Services)
- (cf. 6164.5 Student Success Teams)
- (cf. 0520.2 Title I Program Improvement Schools)
- (cf. 0520.3 Title I Program Improvement Districts)
- (cf. 4112.24 Teacher Qualifications Under the No Child Left Behind Act)
- (cf. 4131 Staff Development)
- (cf. 4222 Teacher Aides/Paraprofessionals)
- (cf. 4231 Staff Development)
- (cf. 4331 Staff Development)
- (cf. 4111 Recruitment and Selection)
- (cf. 5020 Parent Rights and Responsibilities)
- (cf. 6020 Parent Involvement)
- (cf. 6300 Preschool/Early Childhood Education)
- (cf. 6179 Supplemental Instruction)
- (cf. 3580 District Records)

Instruction Policy #6172

GIFTED AND TALENTED STUDENT PROGRAM

The Governing Board believes that all students deserve an education that matches their abilities. The District shall participate in the California Gifted and Talented Pupil Program in order to give gifted and talented students opportunities to acquire skills and understanding at levels commensurate with their potential. By cultivating their exceptional abilities or talents, these students may contribute significantly to our society's progress in diverse fields.

Gifted and talented programs may offer part-time grouping; enrichment acti-vities; cluster grouping; independent study; acceleration; and services for under-achieving, linguistically or culturally divergent and/or economically disadvan-taged eligible students. (EC 52206; TITLE 5, SECTION 3840)

The Superintendent or designee shall establish procedures that ensure parent/ guardian participation in planning, evaluating and implementing the program. (Education Code 52208)

The Board shall conduct an annual assessment of the gifted and talented program. (EC 52208)

Reference: EC 52200-213, 62000.11; Adopted: March 5, 1998

CODE OF REGS TITLE 5 3820-3870; CDE PROG ADV 06271.09, 0620.09.

Instruction Regulation #6172

GIFTED AND TALENTED PROGRAM

To carry out the District's gifted and talented program, the Superintendent or designee shall develop a written plan that meets the standards of law. (Title 5, Section 3831)

The Superintendent or designee shall develop methods for examining a student's range of capacities and identifying students from varying backgrounds whose capacities far exceed those of their age group by virtue of one or more of the following:

- 1. Intellectual ability.
- 2. Creative ability.
- 3. Specific academic ability.
- 4. Leadership ability.
- 5. High achievement.
- 6. Talent in visual or performing arts. (Code of Regulations, Title 5, Section 3822)

The Superintendent or designee determines a student's eligibility based on collected evidence such as tests, records and interviews. (Code Of Regulations, Title 5, Sections 3823-3824)

Each participating student's gifted and talented program shall include an academic component and, where appropriate, instruction in basic skills. (Education Code 52206)

Written parental consent shall be secured before students participate in the program. (Code of Regulations, Title 5, Section 3831)

Reference: See Policy #6172. Issued: March 5, 1998 All Rights Reserved by PGUSD. CSBA: 9/90 Instruction Policy #6173

Education for Homeless Children

The Governing Board shall ensure that homeless students have access to the same free and appropriate public education provided to other students within the district. The district shall provide homeless students with access to education and other services necessary for these students to meet the same challenging academic standards as other students. Homeless students shall not be segregated into a separate school or program based on their status as homeless and shall not be stigmatized in any way.

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

Transportation

***Note: The U.S. Department of Education states in its Non-Regulatory Guidance Education for Homeless Children and Youth Program, issued July 2004, that the law imposes an affirmative obligation to transport homeless students, even if transportation is not provided to other students. The Guidance clarifies that, because the state of California receives funds under McKinney-Vento, all districts in California are subject to this requirement. ***

Note: Federal law does not address the authorization provided by Education Code 39807.5 for the district to charge for the cost of home-to-school transportation. However, it is likely that most homeless students would be identified as indigent and would therefore be exempt from transportation costs. See AR 3250 - Transportation Fees.

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

Legal Reference:

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5111.13 - Residency for Homeless Children)

(cf. 3250 - Transportation Fees)

(cf. 3541 - Transportation Routes and Services)

1980-1986 County community schools;

2558.2 Use of revenue limits to determine average daily attendance of homeless children

39807.5 Payment of transportation costs by parents;

UNITED STATES CODE, TITLE 42; 11431-11435

McKinney-Vento Homeless Assistance Act; Management Resources: U.S. DEPARTMENT OF EDUCATION GUIDANCE;

Education for Homeless Children and Youth Program, Non-Regulatory Guidance, July 2004;

WEB SITES:

http://www.cde.ca.gov/sp/hs/cy;

http://www.serve.org/nche;

http://www.nlchp.org;

http://www.ed.gov/programs/homeless/index.html

Education for Homeless Children

Definitions

Homeless means students who lack a fixed, regular, and adequate nighttime residence and includes:

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

School of origin means the school that the student attended when permanently housed or the school in which the student was last enrolled.

Best interest means, to the extent feasible, continuing a student's enrollment in the school of origin for the duration of his/her homelessness, except when doing so is contrary to the wishes of his/her parent/guardian.

Unaccompanied youth means a youth not in the physical custody of a parent or guardian.

District Liaison

***Note: Pursuant to 42 USC 11432, districts are required to designate an appropriate staff person, who may also be a coordinator for other federal programs, as a district liaison for homeless students.

The Superintendent designates the following staff person as the district liaison for homeless students:

Director of Student Services	
435 Hillcrest Avenue, Pacific Grove, CA 93950	
(831) 646-6523	

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Instruction Regulation #6173

Education for Homeless Children

The district's liaison for homeless students shall ensure that:

1. Homeless students are identified by school personnel and through coordinated activities with other entities and agencies

- 2. Homeless students enroll in, and have a full and equal opportunity to succeed in, district schools
- 3. Homeless families and students receive educational services for which they are eligible
- 4. Parents/guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children
- 5. Notice of the educational rights of homeless children is disseminated at places where children receive services, such as schools, shelters, and soup kitchens
- 6. Enrollment disputes are mediated in accordance with law, Board policy, and administrative regulation
- 7. Parents/guardians are fully informed of all transportation services

Enrollment

When making a placement decision, the Superintendent or designee may consider the age of the student, the distance of the commute and the impact it may have on the student's education, personal safety issues, the student's need for special instruction, the length of anticipated stay in the temporary shelter or other temporary location, likely area of future housing, school placement of siblings, and the time remaining in the school year.

The student may continue attending his/her school of origin for the duration of the homelessness and until the end of any academic year in which he/she moves into permanent housing.

In the case of an unaccompanied youth, the district's homeless liaison shall assist in placement or enrollment decisions, consider the views of the student, and provide notice to the student of his/her appeal rights.

If the student is placed at a school other than his/her school of origin or the school requested by his/her parent/guardian, the Superintendent or designee shall provide the parent/guardian with a written explanation of the decision along with a statement regarding the parent/guardian's right to appeal the placement decision.

Once a placement decision has been made, the principal or designee shall immediately enroll the student in the school of choice, even if the parent/guardian is unable to provide the school with the records normally required for enrollment.

The principal or designee shall immediately contact the school last attended by the student to obtain

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Instruction Regulation #6173

Education for Homeless Children

the relevant records. If the student needs to obtain immunizations or does not possess immunization or other medical records, the principal or designee shall refer the parent/guardian to the district's liaison for homeless students. The liaison shall assist the parent/guardian in obtaining the necessary immunizations or records for the student.

Enrollment Dispute Resolution Process

If a dispute arises over school selection or enrollment in a particular school, the student shall be immediately admitted to the school in which enrollment is sought pending resolution of the dispute.

The parent/guardian shall be provided with a written explanation of the placement decision, including an explanation of the parent/guardian's right to appeal the decision. He/she shall also be referred to the district liaison.

The written explanation shall be complete, as brief as possible, simply stated and provided in language that the parent/guardian or student can understand. The explanation may include contact information for the district liaison, a description of the district's decision, notice of the right to enroll in the school of choice pending resolution of the dispute, notice that enrollment includes full participation in all school activities, and notice of the right to appeal the decision to the county office of education and, if the dispute remains unresolved, to the California Department of Education.

The district liaison shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute.

The liaison shall provide the parent/guardian a copy of the district's decision, dispute form, and a copy of the outcome of the dispute.

If a parent/guardian disagrees with the liaison's enrollment decision, he/she may appeal the decision to the Superintendent. The Superintendent shall make a determination within five working days.

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

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Instruction Policy #6173.1

EDUCATION FOR FOSTER YOUTH

The Board of Education recognizes its obligation to ensure that foster youth have access to the same academic resources, services and extracurricular and enrichment activities that are available to Pacific Grove Unified School District (PGUSD) students. PGUSD shall provide students in foster care living within the district with access to educational opportunities and other services necessary to help such students achieve the district's performance standards.

The Superintendent or designee shall ensure that placement decisions for foster youth are based on the students' best interests as defined in law and administrative regulation.

The Superintendent or designee shall collaborate with the county placing agency and other appropriate agencies to ensure maximum utilization of available funds and to meet the educational needs of foster youth within the district.

Legal Reference:

EDUCATION CODE

42920-42925 Foster children educational services

48645.1 Juvenile court schools

48645.5 Coursework completed in public school, juvenile court school, or nonpublic nonsectarian school

48850-48859 Educational placement of students residing in licensed children's institutions

49061 Student records

49069.5 Foster care students transfer of records

49076 Access to student records

56055 Rights of foster parents in special education

WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction

309 Investigation and release of child

361 Limitations on parental or guardian control

366.27 Educational decision by relative providing living arrangements

602 Minors violating law; ward of court

726 Limitations on parental or guardian control

727 Order of care, ward of court

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

Management Resources:

WEB SITES

California Department of Education, Foster Youth Services

Program: http://www.cde.ca.gov/spbranch/ssp/fysprfa/fysrfa.htm

California Department of Social Services, Foster Youth Ombudsman Office: http://www.fosteryouthhelp.ca.gov

EDUCATION FOR FOSTER YOUTH

Definitions

"Foster youth" means a child who has been subject to one of the following:

- 1. Has been removed from his/her home pursuant to Welfare and Institutions Code <u>309</u> (investigation and release of child)
- 2. Is the subject of a petition filed under Welfare and Institutions Code <u>300</u> (jurisdiction of juvenile court) or 602 (minors ward of court, violating law)
- 3. Has been removed from his/her home and is the subject of a petition filed under Welfare and Institutions Code 300 or 602

"Person holding the right to make educational decisions" means a responsible adult appointed by a court pursuant to Welfare and Institutions Code <u>361</u> or <u>727</u>.

"School of origin" means the school that the foster youth attended when permanently housed or the school in which the student was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which he/she was last enrolled, or if there is some other school that the foster youth attended within the preceding 15 months and with which the youth is connected, the district liaison shall, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, determine, in the best interest of the foster youth, the school of origin.

"Best interest" means a placement that ensures that the youth is placed in the least restrictive educational program and has access to academic resources, services, and extracurricular and enrichment activities that are available to district students.

District Liaison

The district's liaison for foster youth shall:

- 1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care
- 2. Assist foster youth when transferring from one school to another or from one district to another in ensuring proper transfer of credits, records, and grades, including ensuring that records reflect full or partial credit for courses taken.

Beginning January 1, 2012, the district will award partial and complete class credit for successfully completed coursework to students in foster care who transfer from another public school, a juvenile court school or a nonpublic, nonsectarian school or agency. Full or partial credit for satisfactorily completed coursework for transferring foster youth must be granted, even if the student did not complete the entire course. The district will apply credits accepted to the same or equivalent course offered by the district.

Foster youth will not be required to retake courses that were satisfactorily completed in their entirety at other schools. If the coursework was only partially completed, the student will not be required to retake the completed portion, unless the district, in consultation with the holder of the student's

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EDUCATION FOR FOSTER YOUTH

educational rights, determines that the student is reasonably able to complete the course requirements in time for graduation.

Further, when awarding credit for partially completed coursework in a particular course, the student must be enrolled in the same equivalent course, if applicable, to allow him/her to complete the course.

Foster youth cannot be prevented from taking or retaking courses to meet eligibility requirements for admission to the California State University or the University of California.

Enrollment

A foster youth placed in a licensed children's institution or foster family home shall attend programs operated by the district unless one of the following circumstances applies:

- 1. The student has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency or in another local educational agency.
- 2. The parent/guardian or other person holding the right to make educational decisions for the student determines that it is in the best interest of the student to be placed in another educational program.
- 3. The student is entitled to remain in his/her school of origin as defined above.

At the initial detention or placement, or any subsequent change in placement of a foster youth, the district shall allow the student to continue his/her education in the school of origin for the duration of the academic school year. However, the district liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, recommend that the youth's right to attend the school of origin be waived and he/she be enrolled in any school that students living in the attendance area in which the foster youth resides are eligible to attend. All decisions shall be made in accordance with the foster youth's best interest.

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

The role of the liaison shall be advisory with respect to placement decisions and determination of the school of origin.

If the liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agree that the best interests of the youth would be served by his/her transfer to a school other than the school of origin, the principal or designee of the new school shall immediately enroll the foster youth. The youth shall be immediately enrolled even if he/she has outstanding fees, fines, textbooks, or other items or monies due to the school last attended or is unable to produce records, such as academic, medical, or proof of residency, or clothing normally required for enrollment.

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EDUCATION FOR FOSTER YOUTH

Beginning January 1, 2012, foster youth, when transferring into a new school, will be allowed to immediately enroll in the new school, without proof of immunization. However, after enrolling, the district shall obtain the immunization records for these students to ensure they are immunized.

Within two business days of enrollment, the liaison shall contact the school last attended by the student to obtain all academic and other records. Upon receiving a request from a new school, the liaison for the school last attended shall provide all records within two business days of receiving the request.

If a parent/guardian or foster youth disagrees with the liaison's enrollment decision, he/she may appeal the decision to the Superintendent. The Superintendent shall make a determination within 30 days of receipt of the appeal. Within 30 days of receipt of the Superintendent's decision, the parent/guardian or foster youth may appeal that decision to the Board of Education. The Board shall consider the issue at its next regularly-scheduled meeting. The Board's decision shall be final.

If any dispute arises regarding the request of a foster youth to remain in the school of origin, the youth has the right to remain in the school of origin pending resolution of the dispute.

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Instruction Policy #6177

SUMMER SCHOOL

The Governing Board recognizes that summer school provides valuable opportunities for students to improve their skills and make academic progress. When the need is demonstrated and funds are available, the Superintendent or designee, with Board approval, shall establish summer school day and/or evening classes for purposes of remediation, enrichment or acceleration.

Elementary and Middle School Program

To the extent that space is available after District students have enrolled, remaining openings in summer high school classes for core academic subjects shall be open to private school students.

The remaining openings shall be offered to District students on a first-come first-serve basis.

Because summer courses cover extensive instructional content in a relatively short time period, consistent class attendance is crucial.

Students who have more than three excused absences shall not receive credit for their summer session class(es).

Students who have more than one unexcused absence shall not receive credit for their summer session class(es).

Secondary School Program

Summer school at the high school level is available to students through arrange-ments with the Monterey Peninsula Unified School District.

Legal Reference:

EDUCATION CODE

420-428 Intensive English language and literacy instruction, summer school

37252-37253.5 Supplemental instructional programs

41976.5 Summer school programs, substantially disabled persons or graduating high school seniors

42239-42239.2 Summer school apportionments

46010 Total days of attendance; absences excluded in computing attendance

48070-48070.5 Promotion and retention

51210 Areas of study for elementary schools

51220 Areas of study for grades 7-12

51730-51732 Powers of governing boards (authorization for elementary summer school classes)

53025-53031 Intensive reading instruction, summer school

53081-53084 Intensive algebra instruction, summer school

54000-54033 Economic impact aid

54035-54036 Back to basics summer school reading program

58700-58702 Credit towards summer school apportionments for tutoring and homework assistance program

58806 Summer school apportionments

60851 Supplemental instruction toward exit examination

CODE OF REGULATIONS, TITLE 5

3043 Extended school year

11470-11472 Summer schools

ATTORNEY GENERAL OPINIONS

70 Ops.Cal.Atty.Gen. 282 (1987)

Page 1 of 2. Adopted: March 5, 1998 CSBA: 6/97

Instruction Regulation #6177

SUMMER SCHOOL

Elementary and Middle School Program

At the elementary and middle school levels, the district may offer instruction in any branches of study authorized and prescribed for elementary schools. (EC 51210, 51730; 5 CCR 11472)

When more than 10 percent of district students in grades 1 through 3 are reading below grade level, the district may offer a special back-to-basics summer school program designed to increase students' ability to read English. This program shall offer direct reading instruction based on phonics and phonemic awareness and/or other state-approved instructional methodologies. To be eligible to participate, a student must have a test score that places him/her at one or more grade levels below the grade level he/she will be leaving at the end of the school year. (Education Code 54036)

Secondary Program

At the secondary level, the district has made arrangements with the Monterey Peninsula Unified School District to offer summer school to District's high school students in grades 9 through 12.

Counseling staff shall notify parents/guardians of the summer school arrange-ment with the highest priority given to the following:

- 1. High school seniors who need courses for graduation prior to September (Education Code 41976.5)
- 2. Students enrolled in grades 9 through 12 who were assessed as not meeting the district's adopted standards of proficiency in basic skills, including students who were seniors during the prior school year (Education Code 37252)

For the purposes of these programs, a student shall be considered to be enrolled in a grade immediately upon completion of the preceding grade. (EC 37252)

Upon completing the summer program, students who were seniors during the prior school year may be reassessed for their ability to meet the district's standards of proficiency. (Education Code 37252)

SUMMER SCHOOL

Special Education

Extended-year special education and related services shall be provided for substantially disabled students between the close of one academic year and the beginning of the succeeding academic year when so specified in the student's individualized education program (IEP). Eligible students shall be those for whom the IEP team determines that interruption of the student's educational program may cause regression, making it impossible or unlikely that the student will attain the level of self-sufficiency and independence otherwise expected. (Education Code 41976.5; Code of Regulations, Title 5, Section 3043)

The services provided during the extended-year program shall be comparable in standards, scope and quality to the special education program offered during the regular school year. (Code of Regulations, Title 5, Section 3043)

Rotation of School Sites

Reference: See Policy #6177. Issued: March 5, 1998 All Rights Reserved by PGUSD. CSBA: 6/97

Instruction Regulation #6177

Sites for summer school programs shall be rotated in an effort to make summer school programs more accessible to all students, regardless of residence or regular attendance area and to equalize long-term facility and maintenance needs.

Reference: See Policy #6177. Issued: March 5, 1998 All Rights Reserved by PGUSD. CSBA: 6/97

Instruction Policy #6178

VOCATIONAL EDUCATION

The Governing Board affirms the importance of providing all students with quality vocational education experiences that teach life skills, demonstrate the value of work, and provide training that leads to entry-level employment. The Board views vocational education and academic education as complementary educational programs. Vocational courses should give students abundant opportunities to obtain or reinforce basic academic skills. Teachers should emphasize as often as possible the practical applications of academics to the working world. (EC 52910)

The Board recognizes that vocational education is best presented in a well-articulated sequence of courses, with instruction first given in broad clusters of skills basic to similar occupations. A comprehensive vocational education includes research into various employment options, vocational counseling, establishment of career goals, and the development of job skills, good work attitudes and job hunting strategies.

Because the equipment used in business and industry changes rapidly, as do the skills needed to operate it, the Board especially desires that the district's voca-tional education program be updated regularly to reflect current vocational practices, changes in technology and labor market conditions.

Equal access shall be provided to handicapped and disadvantaged individuals in recruitment, enrollment, and placement activities of the vocational education program.

Every three years, the Board shall compare the district's existing vocational curriculum, course content and course sequence with model state curriculum standards. (Education Code 51226, 52376)

The Superintendent or designee shall establish procedures for the systematic review of district vocational education classes to determine the degree to which each class may offer an alternative means for completing and receiving credit for specific portions of the course of study prescribed by the district for high school graduation. The Superintendent or designee shall present the Board with evidence that enables the Board to ensure that these classes are equivalent in content and rigor to the courses prescribed for graduation. (Education Code 52376)

VOCATIONAL EDUCATION

Advisory Committee

The (Board/Superintendent) shall appoint a vocational education advisory committee as required by law to develop recommendations on the vocational education program and provide liaison between the district and potential em-ployers. (Education Code 8070)

The Board expects that this advisory committee will provide staff with useful information about new technologies and the changing needs of community businesses.

Participation in ROC/ROP

At a public hearing or regular Board meeting, the Board shall annually review and assess the participation of 11th and 12th grade students in regional occupational centers and programs. Unless it is determined that no additional students would benefit from such participation, the Board shall prepare an annual plan to increase participation by these students. The plan shall be adopted at a public hearing or regular Board meeting. (Education Code 52304.1)

Reference: EC 8070, 48430, 51225.3, 51226, 51228, Adopted: March 5, 1998 EC 52300-335.8, 52304.1, 52350-355, 52370-376, 52450-462, 52910-911, 52980-982, 54728, 54761; CARL D. PERKINS VOC & APPLIED TECH ED ACT Public Law 98-524, 204; FED REGISTER Vol. 45, No. 92 5/9/90, p. 30929, Vol. 50, No. 159, 8/1/85, p. 3308; CDE LEGAL ADV 0125.09; CDE PROGRAM ADV 1107.89.

VOCATIONAL EDUCATION

Handicapped and Disadvantaged Students

Vocational programs and activities for individuals with disabilities shall be provided in the least restrictive environment and planned in coordination with appropriate representatives of vocational education and special education staffs. (Public Law 98-524, 204)

By the beginning of the ninth grade, information shall be provided to individuals with disabilities and disadvantaged students and to their parents/guardians concerning the opportunities available in vocational education programs and the requirements for eligibility to enroll. (Public Law 98-524, 204)

Individual student records shall identify the category of disadvantage or disability which warrants any special services which are provided. Each disabled or disadvantaged student who enrolls in a vocational education program shall receive:

- 1. Assessment of his/her interests, abilities and special needs with respect to successfully completing the vocational education program.
- 2. Special services designed to meet identified needs, including adaptation of curriculum, instructional equipment and facilities.
- 3. Guidance, counseling and career development activities conducted by appro-priately trained counselors.
- 4. Counseling services designed to facilitate the transition from school to post-school employment/career opportunities. (Public Law 98-524, 204)

When receiving funds through the federal Carl D. Perkins Vocational and Applied Technology Education Act, Title II, Part A Basic Grant, the District shall give priority to sites or programs that serve the highest concentrations of persons who are members of special populations.

Notifications

Before the beginning of each school year, the District shall publicly announce that its vocational programs and courses will be offered without regard to race, color, national origin, sex or disability. This announcement shall be made through media that reach the general public, minorities, women and disabled persons and shall include a brief summary of program offerings and admission criteria, as well as the name, address and telephone number of the District's nondiscrimination coordinator. If the District contains a community of national origin minority persons with limited English skills, the announcement will be disseminated to that community in its language and state that lack of English language skills will not be a barrier to admission and participation in vocational education programs.

Program Criteria

In consultation with the District's regional occupational center/program and local community college, the Superintendent or designee shall develop and imple-ment a vocational education program which meets at least the following criteria: (Education Code 52376)

1. Provides a series of vocational education programs, each with a sequence of courses leading to specific competencies that will enable students to manage personal work life and attain entry level employment in business or industry upon graduation from high school. This plan shall be consistent with local agreements with regional occupational centers/programs and community colleges regarding responsibilities for the provision and articulation of ser-vices among those local agencies. The Superintendent or designee shall also develop and implement plans for articulation of vocational or technical courses, or both, with the community colleges to extend the sequence of courses through grades 13 and 14.

Page 1 of 2. Issued: March 5, 1998 CSBA: 6/91

Instruction Regulation #6178

VOCATIONAL EDUCATION

2. Conducts or obtains access to data on local business and industry to ensure that the vocational education programs offered will prepare students in competencies for which employment opportunities exist.

- 3. Provides counseling and guidance services to students to help them meet all necessary requirements for high school graduation and make informed career preparation choices. Such counseling may serve students in grades 6 to 12, inclusive.
- 4. Involves business and industry in cooperative projects with the schools to provide work experience opportunities, instructors from business and Indus-try, assistance with needs assessments and program evaluations, and access to business and industry employment placement services.
- 5. Provides access to employment placement services to help graduating students obtain employment.
- 6. Includes a system of data collection to report annually to the Board on the success or failure of each vocational education program in terms of:
 - a. Students achieving the desired competencies.
 - b. Students securing employment, particularly in jobs related to the area of their vocational preparation.
 - c. Students proceeding to advanced education and training at the post-secondary level.
 - d. Number and types of vocational classes offered and the number of those classes that qualify as alternative means for completing the prescribed course of study.
 - e. Number of students enrolled in vocational classes.

Page 2 of 2. Issued: March 5, 1998 CSBA: 6/91

Instruction Policy #6179

CHILD CARE AND DEVELOPMENT PROGRAMS

The Governing Board wishes to provide a safe environment, with competent, car-ing supervision, for children whose parents/guardians are working, in training, seeking jobs, incapacitated, or in need of respite. Besides attempting to help children develop intellectually, socially, emotionally and physically, District child care and development programs shall aim to strengthen families by enhancing parenting skills and reducing the strain on parents.

The Superintendent or designee shall ensure that District child care and develop-ment programs comply with requirements of law and that subsidized child care is provided to eligible families.

Legal Reference:

EDUCATION CODE

8200-8499.7 Child Care and Development Services Act

17264 New construction; accommodation of before and after school programs

54740-54749 Cal-SAFE program for pregnant/parenting students and their children

56244 Staff development funding

HEALTH AND SAFETY CODE

1596.70-1596.895 California Child Day Care Act

1596.90-1597.21 Day care centers

120325-120380 Immunization requirements

CODE OF REGULATIONS, TITLE 5

18000-18308 Child care and development programs

CODE OF REGULATIONS, TITLE 22

101218 Admission policies

UNITED STATES CODE, TITLE 42

9831-9852a Head Start programs

9855-9855g Head Start Transition Program

9858-9858q Child Care and Development Block Grant

Management Resources:

CDE PROGRAM ADVISORIES

06121.89 Educating Young Children: Next Steps in Implementing the School Readiness Task Force Report

CDE PUBLICATIONS

Here They Come: Ready or Not!, Report of the School Readiness Task Force, 1988

WEB SITES

Department of Social Services: http://www.dss.cahswnet.gov/CCLD

Page 1 of 1. Adopted: March 5, 1998 CSBA: 3/91

CHILD CARE AND DEVELOPMENT PROGRAMS

District child care and development programs shall include: (Education Code 8240)

- Age and developmentally appropriate activities for children.
- Supervision.
- 3. Parenting education and parent/guardian involvement.
- 4. Social services that include, but are not limited to, identification of child and family needs and referral to appropriate agencies.
- 5. Health services.
- 6. Nutrition.
- 7. Training and career ladder opportunities.

All programs shall include plans for the care of the children when they are sick. (Education Code 8251)

The program coordinator shall maintain a developmental profile for each child served by the program. (EC 8203.5)

Each child's profile shall appropriately identify the child's social, physical and cognitive growth. The profile shall be maintained from the time the child enters the program until he/she leaves. (EC8203.5)

No child shall be denied access to a child care and development program on the basis of disability unless at least 5% of those receiving subsidized child care and development services are children with exceptional needs. (Education Code 8250.5)

The percentage of children with exceptional needs in each extended day care program shall at least equal the percentage of children in grades K-8 inclusive residing in the District and receiving special education services, unless the demand for this level of service does not exist. (EC 8468.5)

Attendance

Sign in/sign out sheets shall be used daily for all children. Attendance records shall include documentation verifying the specific reason for all excused absences.

Absences shall be excused for the following reasons:

- 1. Illness or quarantine of the child or of the parent/guardian.
- 2. Family emergency.
- Time spent with a parent/guardian or other relative as required by a court of law or which is clearly in the best interest of the child. (EC 8208(d))

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

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

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Instruction Policy #6184

CONTINUATION EDUCATION

The Governing Board provides a continuation education program to meet the special needs of students sixteen (16) and seventeen (17) years old who are not attending a high school or other appropriate educational institution and who are not legally exempted from compulsory school attendance. (Education Code 48400) Continuation education classes shall provide:

- 1. An opportunity for the student to complete courses required for high school graduation.
- 2. A program of instruction that emphasizes occupational orientation, or a work-study program that offers intensive guidance services to meet students' special needs.
- 3. A program designed to meet each student's educational needs, with classroom instruction supplemented by independent study, regional occupational programs, work-study, career counseling, and/or job placement services. (EC 48430)

The Board further expects this program to help students develop self-confidence, a sense of responsibility, and tolerance for a variety of viewpoints. Students shall be encouraged to understand and obey laws, to manage money wisely, and to engage in constructive recreational activities.

Students under 16 shall be discouraged from enrolling voluntarily in this pro-gram.

The Superintendent or designee shall develop administrative regulations govern-ing the involuntary transfer of students into the continuation program, including students under the age of sixteen (16).

The Board shall evaluate its continuation education program and annually report required information to the Superintendent of Public Instruction. (EC 48443)

Legal Reference:

EDUCATION CODE

48400-48454 Compulsory continuation education in general, especially:

48401 Weekly minimum attendance requirement

48402 Minors not regularly employed

48410-48416 Compulsory continuation education

48430-48438 Continuation classes

48450-48454 Violation

48900 Grounds for suspension and expulsion

48903 Limitations on days of suspension

51224 Courses of study

51225.3 Requirements for graduation

60850-60856 High school exit examination

FAMILY CODE 7000-7002 Emancipation of minors law

7050 Purposes for which emancipated minor considered an adult

CODE OF REGULATIONS, TITLE 5 11000-11010 Continuation education

WEB SITES: CDE: www.cde.ca.gov

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CONTINUATION EDUCATION

Minimum Attendance Requirement

Each student in the continuation education program shall attend classes for not less than four (4) sixty-minute hours per week for the regular school term. The requirement may be met by attendance in a continuation education class and/or regional occupational center or program. (EC48400)

If a student subject to compulsory attendance in continuation education classes cannot give satisfactory proof of regular employment, the student shall attend continuation education classes and/or a regional occupational center or program for not less than fifteen (15) hours per week. (Education Code 48402)

Students Exempted

Minors may be exempted from compulsory continuation education if they have regular work and present evidence that they attend adult classes at least four (4) full hours a week.

Reenrollment

Any person sixteen (16) or seventeen (17) years old who left school after obtaining a certificate of proficiency may reenroll in the District without prejudice. If the student leaves a second time, the District may deny reenrollment until the beginning of the next semester. (Education Code 48414)

Involuntary Transfer

1. Grounds

A decision to transfer the student involuntarily shall be based on a finding that the student (a) committed an act enumerated in Education Code 48900, or (b) has been habitually truant or irregular in legally required school attendance. High school students under age sixteen (16) may be so transferred when they have used up twenty (20) days of suspension at their school of attendance.

2. Limitation

Involuntary transfer to a continuation school shall be made only when other means fail to bring about student improvement. However, a student may be involuntarily transferred the first time he/she commits an act enumerated in Education Code 48900 if the principal determines that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48432.5)

3. Duration

No involuntary transfer to a continuation school shall extend beyond the end of the semester following the semester when the acts leading to the involuntary transfer occurred. (EC 48432.5)

4. Notice and Hearing

The student and parent/guardian shall be given written notice that they may request a meeting with the Superintendent's designee prior to an involuntary transfer.

At the meeting, the student and/or parent/guardian shall be told specific facts and reasons for the proposed transfer. The student or parent/guardian shall have the opportunity to inspect all documents relied upon, and to present evidence on the student's behalf. The student may designate one or more representatives and witnesses to be present with him/her at the meeting.

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Regulation 6184 Instruction

CONTINUATION EDUCATION

The persons making the final decision for involuntary transfer shall not be members of the staff of the school in which the student is enrolled at the time. (Education Code 48432.5)

A written decision to transfer, stating the facts and reasons for the decision, shall be sent to the student and to the parent/guardian. If the decision is subject to annual review, the letter shall explain the procedure involved.

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Instruction Policy #6185

COMMUNITY DAY SCHOOL

Mandated Policy

The Governing Board recognizes the need to provide an appropriate alternative educational program for expelled students who are prohibited from attending regular schools in the District and for certain students referred by probation or District processes. The District shall operate one or more community day schools designed to meet the needs of these students, the Superintendent or designee shall ensure that any such school is operated in accordance with legal requirements related to enrollment, instructional time and facilities.

The Board perceives the community school as a flexible component of a comprehensive effort to meet the needs of expelled and other at-risk students throughout the county. The Superintendent or designee shall solicit input from the County Superintendent of Schools and neighboring Districts when designing the District community school and shall collaborate with them in the formation of a county plan that fulfills countywide needs. (EC 48926)

In order to foster positive attitudes and academic progress, the Board recognizes that community day schools must give students substantial individual help with the problems that contributed to their misconduct. Community day school staff shall collaborate with District counselors, psychologists, and other support staff and with the county office of education, law enforcement, probation, and human services agency staff who work with at-risk youth. To the extent possible, community day school programs shall provide a low student-teacher ratio as well as individualized instruction and assessment.

The Superintendent or designee shall establish procedures for the involuntary transfer of students to a community day school in accordance with law. (EC 48662)

The Superintendent or designee may require community day school students to attend school for up to seven days each week in a directed program designed to provide students with the skills and attitudes necessary for success when they are returned to a regular school environment.

The Superintendent or designee shall maintain community school outcome data in accordance with law and shall report the data upon request to the California Department of Education.

Legal Reference:

EDUCATION CODE

1980-1986 County community schools

17085-17096 Emergency portable facilities

17280-17316 Field Act, approvals

17365-17374 Field Act, fitness of occupancy

48660-48666 Community day schools

48900-48926 Suspension or expulsion

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction

602 Minors violating laws defining crime; ward of court

UNITED STATES CODE, TITLE 20

1400-1487 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

Management Resources:

CDE PROGRAM ADVISORIES

0306.96 Expulsion Policies and Expulsion Placements, SPB: 95/96-04

WEB SITES CDE, Educational Options Office: http://www.cde.ca.gov/spbranch/essdiv/edoptshome.html

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Instruction Regulation #6185

COMMUNITY DAY SCHOOL

Involuntary Transfer

A student may be assigned to a community day school only upon meeting one or more of the following conditions: (Education Code 48662)

- 1. The student is expelled for any reason.
- 2. The student is probation-referred pursuant to Welfare and Institutions Code 300 and 602.
- 3. The student is referred by a district-level referral process.

Unless the district has an agreement that the County Superintendent of Schools shall serve any of the above students, first priority for assignment to a community day school shall be given to a student expelled pursuant to Education Code 48915, subdivision (d). Second priority shall be given to students expelled for other reasons, and third priority shall be given to students referred according to item #2 or #3 above. (Education Code 48662)

Instructional Time

The minimum school day for community day school students shall be 360 minutes of classroom instruction provided by a certificated employee. Independent study shall not be used as a means of providing any part of this minimum day. (Education Code 48663)

Facilities

To house community day school operations, the district shall do one or more of the following: (Education Code 39141.12)

- 1. Use available school facilities conforming with Field Act requirements specified in the Code of Regulations, Title 24, Part 2 (Section 101 to 2327a.3), Part 3 (Section 089-1 to 70-848), Part 4 (Section 403 to 1313.13) and Part 5 (Section 102 to 1218.8).
- 2. Apply for emergency portable classrooms pursuant to Education Code 17785- 17795.
- 3. Upon certifying to the State Allocation Board that all reasonable efforts have been made to use facilities that conform with the requirements of item #1 above, enter into lease agreements for facilities for which a structural engineer has submitted a report stating that substantial structural hazards do not exist.

As needed, the Board shall provide certifications related to the absence of satisfactory alternative facilities for community day schools. Such certifications shall be valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the Board. (Education Code 48661)

Page One of Two

COMMUNITY DAY SCHOOL

Page Two

A community day school serving any of grades K-6 shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity or continuation school except when the Board certifies by a two-thirds vote that no satisfactory alternative facilities are available for a community day school in those grades. (Education Code 48661)

On or before September 1, 1996, and every three years thereafter, the Superintendent or designee shall report to the State Allocation Board on the facilities used for the district's community day programs and efforts to place these programs in facilities that conform with the requirements of item #1 above. (Education Code 39141.12)

Reference: See Policy #6185.

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Issued: March 5, 1998

CSBA: 2/97

Instruction Policy #6190

EVALUATION OF THE INSTRUCTIONAL PROGRAM

The Governing Board recognizes that it is accountable to the students, parents/ guardians and community for conducting a continual evaluation of the curriculum and the instructional program.

The Superintendent or designee shall review the effectiveness of District programs in meeting desired outcomes. He/she shall provide the Board and the community regular reports on student progress toward Board-established standards of expected achievement at each grade level in each area of study. Based on these evaluations, the Board shall take appropriate actions to maintain the effectiveness of programs and, as needed, to improve the quality of education that District students receive.

Program Quality Reviews

The Superintendent or designee shall ensure that program quality reviews for the District schools are conducted in accordance with law. (Education Code 64001)

To prepare for a program quality review, the Superintendent or designee shall establish procedures by which a thorough self-study shall be conducted. The goal of the self-study shall be to provide accurate information about the curriculum and instructional program and their effectiveness in meeting student needs and District goals for the instructional program. This information shall be analyzed in comparison to quality criteria formulated by the California Department of Education, and a self-study summary shall be prepared for use during the program quality review.

Findings from the program quality review shall be consulted during Board evaluations of the instructional program and shall guide ongoing efforts to improve the quality of curriculum and instruction at each school.

Coordinated Compliance Reviews

The Superintendent or designee shall cooperate with the California Department of Education in the conduct of coordinated compliance reviews to ensure that all District categorical programs comply with federal and state laws and regulations. The Superintendent or designee shall notify the Board of the results of these reviews. (EC 64001)

Criteria for Evaluation of Consolidated Programs

The Superintendent or designee shall conduct annual evaluations to determine whether supple-mental services provided by consolidated programs are effective and supportive of the core curriculum. As a basis for this evaluation, the Superintendent or designee shall recommend specific, measurable criteria, which shall be used at each school and at the District level to evaluate student achievement and the effectiveness of each consolidated program. (Title 5, Section 3942)

The Superintendent or designee shall submit these criteria for consideration by the Board. If desired, each school may establish additional evaluation criteria beyond these District-wide criteria. Evaluations conducted for each school shall be presented annually to the Board.

Western Association of Schools and Colleges (WASC) Accreditation

The Board believes that accreditation by the Western Association of Schools and Colleges can foster excellence and ongoing academic improvement in the District's schools. The accreditation process also may demonstrate to parents/ guardians and the community that the schools are meeting their goals and objectives and the WASC criteria for school effectiveness through a viable instructional program.

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Instruction Policy #6190

EVALUATION OF THE INSTRUCTIONAL PROGRAM

The Superintendent or designee shall undertake procedures whereby the District's schools may achieve and maintain full WASC accreditation status. The schools shall conduct a self-study in accordance with WASC requirements, cooperate with the WASC committee during a site visit, and develop and review action plans to increase the effectiveness of the instructional program for students. The Superintendent or designee shall regularly report to the Board on the status of District schools and any WASC recommendations for school improvement.

Legal Reference:

EDUCATION CODE

33400-33407 Educational evaluations (by CDE)

44662 Evaluation and assessment guidelines

51041 Education program, evaluation and revisions

51226 Model curriculum standards

51513 Personal beliefs

52034 Evaluations required for School Improvement Program

54650-54659 Education Improvement Incentive Program

62005.5 Failure to comply with purposes of funds

64000-64001 Consolidated Application Process

CODE OF REGULATIONS, TITLE 5

3930-3937 Program requirements

3942 Continuity of funding

Management Resources:

CDE PUBLICATIONS

Guide and Criteria for Program Quality Review - Elementary, 1994

Guide and Criteria for Program Quality Review - Middle Level, 1994

Guide and Criteria for Program Quality Review - High School, 1995

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EVALUATION OF THE INSTRUCTIONAL PROGRAM

The intent of the Pacific Grove Unified School District Governing Board and Administration is to provide student performance targets for schools. These student performance targets also address state and federal requirements that the board adopt criteria for the assessment of program effectiveness.

District and school staff will collect student performance data, demographic data, survey results and other qualitative information needed to implement these regulations. District staff will develop the means for analyzing data and information collected in order to evaluate program effectiveness.

Performance data and program evaluations will be reported out to school staff and to the community annually, and utilized by school site councils in planning site based program improvements.

Evaluation of School Improvement Programs

Standardized Testing

Grade level scores in reading, language, math, and basic skills battery will meet one or both of the following criteria.

- 1. Median NCE greater than 50
- 2. Gain of at least four NCE points, comparing median scores of matched groups of students over three data points

Writing Proficiency

1. At least 70% of students receiving language arts in English at grades 5, 8, and 11 will achieve a passing score in writing using the District writing rubric for English.

Other School Improvement Measures

Each school shall annually evaluate progress toward achieving its school improvement objectives as detailed in the school plan or annual Student Achievement Improvement Plan.

Evaluation of Services to English Language Learners

- 1. The District will maintain a minimum annual redesignation rate of 70% for Limited English Proficient students who have consistently attended school and have received program services for a minimum of six years. The target for his measure is 100%.
- 2. The District will maintain a minimum annual redesignation rate of 50% for Limited English Proficient students who have consistently attended school and have received program services for a minimum of four years. The target for this measure is 100%.
- 3. A minimum of 80% of each school's LEP students will progress one level of English Language Development for each year in school and receiving services. The target for this measure is 100%.
- 4. A minimum of 70% of LEP students in grades 4-12, in attendance at least four full years of school, will pass the PVUSD Writing Proficiency Test in English.
- 5. Standardized test scores of all redesignated FEP students will show a mean score of at least 50 NCE at each grade level in reading, language and math.
- A minimum of 70 % of all former-LEP students redesignated as FEP within PGUSD will maintain an average grade of "C" or better for all academic courses. The target for this measure is 100%.
- 7. A minimum of 70% of LEP students in grades 4-12 enrolled in mainstream or SDAIE classes will maintain an average grade of "C" or better for all such courses. The target for this measure is 100%.

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EVALUATION OF THE INSTRUCTIONAL PROGRAM

8. LEP students tested in Spanish at each grade level will demonstrate either (a) median scores greater than 50 NCE or (b) a gain in median scores of at least 4 NCE points using two-year matched scores.

Evaluation of Miller Unruh Reading Program

By the end of third grade, a minimum of 80% of all students in each school participating in the Miller-Unruh program will pass the District's third grade literacy test.

Evaluation of Innovative Education Programs (Title VI)

Each site purchasing instructional and educational materials (including computer software/hardware, books, media, library equipment/media) shall annually submit a report listing the items purchased, which areas of the curriculum they support, information on the use of software and/or hardware purchased and a summary of teacher and/or student outcomes as a result of utilization of the software and/or hardware,

Guidelines for Identifying Title I Schools for Program Improvement

- 1. Each Title I school will demonstrate satisfactory annual progress toward meeting the state's student performance standards in reading /language arts and math.
- 2. For 1996-97 any school that does not demonstrate a n-minimum of 40 percent of students at fifth grade or at eighth grade meeting grade level standards will be designated as a "Program Improvement" school.
- 3. Each year thereafter schools must demonstrate adequate yearly progress toward 90 percent of students meeting or exceeding grade level standards in the grades assessed. Adequate yearly progress will be calculated using the state's May, 1997 draft guidelines.
- 4. Standards-based judgments of individual achievement during 1996-97 will be based upon student achievement in reading/language arts and math at least two measures in each area, one of which will be a standardized test
- 5. Criteria for individual performance on standardized tests will be the 45th percentile or above on Total Reading, Total Language or Total Math.
- 6. Criteria for individual performance using the District writing rubric is 14 points or more.
- 7. Criteria for individual performance based upon mathematics course grades is C or better.
- 8. In 1997-98 the District will research and develop a full standards-based assessment and accountability system or adopt the state's system. The system will employ a greater variety and number of assessments than is required for 1996-97.

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Instruction Policy #6200

ADULT EDUCATION

The Governing Board recognizes that education is a lifelong process and that it is important for individuals to continuously develop new skills.

The Superintendent or designee shall develop and oversee the District's adult edu-cation program. The Board shall approve all courses to be offered in this program.

Legal Reference:

EDUCATION CODE

8500-8538 Adult education

41975-41976.2 Adult education; authorized classes and courses

44865 Qualifications for home teachers and teachers in special classes

46190-46192 Adult school; days of attendance

46300.4 Independent study in adult education

46351-46352 Adult classes

51040 Prescribed courses

51225.3 Requirements for graduation

51240-51246 Exemptions from attendance

51730-51732 Elementary school special day and evening classes

51810-51815 Community service classes

52500-52523 Adult schools

52530-52531 Use of hospitals

52540-52544 Adult English classes

52550-52556 Classes in citizenship

52570-52572 Disabled adults

52610-52616.24 Finances

52651-52656 Immigrant Workforce Preparation Act

52900-52904 Alternative education and work centers for high school dropouts

60410 Books for adult classes

CODE OF REGULATIONS, TITLE 5

10501 Adult education

10508 Records and reports

10530-10560 Standards

10600-10615 Adult education innovation

UNITED STATES CODE, TITLE 8

1184 Foreign students

Management Resources:

CDE PUBLICATIONS

Adult Education Handbook for California, 1997

CDE LEGAL ADVISORIES

0319.97 Amendments to F-1 Student Visa Requirements, LO: 1-97

CDE PROGRAM ADVISORIES

0600.92 Using Independent Study in Adult Education Programs: An Option

0609.88 Education Fees for F-1 Visa Students

0622.87 Discrimination Against the Handicapped in Adult Education Programs

Page 1 of 1. Adopted: March 5, 1998 CSBA: 6/97

ADULT EDUCATION

All adult education programs, courses and classes and their enrollment period shall be listed in the District's catalog of adult education classes provided to the public. (Education Code 52523) For additional guidance in carrying out adult education programs, refer to the "Adult Education Handbook of California, 1997".

Enrollment

Adults shall have first priority for enrollment in any adult education class, provided they enroll during the regular enrollment period. (EC 52523)

Students possessing or seeking an F-1 visa designation shall not be enrolled in District adult school programs. Students currently enrolled with an F-1 visa designation shall continue to be eligible for enrollment in District adult schools until their visas expire or until they leave the United States. (8 USC 1184)

Concurrent Enrollment of High School Students

High school students shall be permitted to enroll in an adult education program, course or class for sound educational purposes. Such classes shall not supplant the regular high school curriculum. Enrollment purposes include, but are not limited to, the following: (Education Code 52523)

- 1. The adult education program, course or class is not offered in the regular high school curriculum.
- 2. The student needs the adult education program, course or class in order to pass the high school exit examination.
- 3. The adult education program, course or class allows the student to gain vocational and technical skills beyond that provided by the regular high school's vocational and technical education program.
- 4. The adult education program, course or class supplements and enriches the high school student's educational experience.

Before enrolling in an adult education class, the high school student shall complete a counseling session that includes his/her parent/guardian and a certificated representative of the high school. The certificated high school representative shall ensure that the student's school record includes written documentation of the meeting and both of the following statements: (EC 52500.1, 52523)

- 1. That the student is enrolling voluntarily in the adult education class
- 2. That this enrollment will enhance the student's progress toward meeting educational requirements for high school graduation.

The above statement shall be signed by the student, the parent/guardian and the certificated high school representative.

Courses

Instruction Regulation #6200

Proposed adult education class shall have an educational purpose and meet the following criteria required for approval by the California Department of Education:

- 1. Classes shall be located in a facility which clearly identifies the class as being open to the general public, with the exception of apprenticeship training classes, classes designed to serve the needs of disabled adults, classes in state hospitals and classes in jails and prisons. (Education Code 52517, 52570)
- 2. Class time shall be devoted to instruction.
- 3. Course content shall be educational and intended to teach a skill or knowledge unrelated to repetitive practices.
- 4. The course title shall clearly indicate its educational nature.

Adult education classes or courses shall offer instruction in one or more of the following categories: (Education Code 41976)

- 1. Parenting, including parent cooperative preschools, classes in child growth and development, and parent-child relationships
- 2. Elementary and secondary basic skills and other courses and classes required for the high school diploma
- 3. English as a second language (ESL)
- 4. Programs for immigrants eligible for educational services in citizenship, English as a second language, and workforce preparation classes in the basic skills of speaking, listening, reading, writing, mathematics, decision making and problem solving, and other classes required for preparation to participate in job-specific technical training
- 5. Programs for substantially disabled persons
- 6. Short-term vocational programs with high employment potential
- 7. Programs for older adults
- 8. Programs for apprentices
- 9. Home economics
- 10. Health and safety education

Community Service Classes

As part of the adult education program, the Board may establish and maintain community service classes to provide instruction that contributes to the physical, mental, moral, economic or civil development of any persons who may wish to enroll. (Education Code 51810)

Certificates of skill or accomplishment may be provided upon the satisfactory completion of community service classes. (Education Code 51813)

Independent Study

The District may make independent study available as an instructional strategy for students twenty-one years of age or older, or students nineteen years of age or older who have not been continuously enrolled in school since their eighteenth birthday. However, in order for reimbursement to be obtained, the course must meet the District's requirements for a high school diploma. (ED Code 46300.4)

Fees

The District may charge adult education students a registration fee for each adult education class, with the following exceptions:

- 1. No fee shall be charged for a class for which high school credit is granted if the class is taken by an individual who does not hold a high school diploma. (Education Code 52612)
- 2. No charge shall be made for a class in an elementary subject or a class in English or citizenship for immigrants unless the student is a nonimmigrant alien with an F-1 visa status. Any nonimmigrant enrolled in these classes shall be charged a fee to cover the full cost of the instruction, not to exceed actual costs. The fee shall be adopted by the Board at a regular meeting at least 90 days before the beginning of the class for which the fee is charged. (Education Code 52612, 52613)

Except for those fees required by law, at the recommendation of the Superintendent or designee, the payment of fees may be waived in cases of unusual hardship.

The Board may fix a charge, not to exceed costs, for books furnished to adult education students. In some cases books may be obtained from the District at cost or may be obtained on loan with the payment of a refundable deposit. In addition, materials purchased from the incidental expense account may be sold to adult school students for use in their classes. (Education Code 52615, 60410)

The Board, with the active involvement of parents/guardians, administrators, teachers and students shall adopt alternative means for students to complete the prescribed course of study which may include practical demonstration of skills and competencies, supervised work experience or other outside school experience, vocational education classes offered in high schools, course offered by regional occupational centers or programs, interdisciplinary study, independent study, and credit earned at a post secondary institution. Requirements for graduation and specified alternative modes for completing the prescribed course of study shall be made available to students, parents/guardians and the public. (EC 51225.3)

Adult education students who fulfill the District's graduation requirements shall receive a diploma of high school graduation.

Graduation Requirements

The following requirements shall govern the granting of a high school diploma by the Adult School:

1 Adult Student

By definition, an "adult" means a person 18 years of age or older *or* a person who is not concurrently enrolled in a regular high school program. However, persons 18 years of age or older who are concurrently enrolled in a regular high school program are not adults. (EC 52610) No students under 16 may be accepted into adult education classes unless it is a parent-child participation class where the parent or legal guardian is also a student.

Adult education classes may be taken by concurrently enrolled high school students who want to make up credits or expand their educational experience, with the permission of the students' parent or guardian and approval of the high school. Adult education class may not supplant regular high school classes. Adults will always receive priority in adult education class.

Also, notwithstanding EC 52620, any minor, regardless of age, who is pregnant or is actively engaged in raising one or more of his/her children, is eligible to enroll in any adult education course or class described in subdivision (a) or EC 41976 or in EC 52626.2.

2. Credit Requirements

Students must earn a minimum of 200 semester credits in order to be eligible for a diploma from the Pacific Grove Adult School. The following courses and/or credits are required:

a. English 40 units

Forty(40) units and successfully passing the California State High School Exit Examination in Reading/Language Arts.

b. Mathematics 30 units

Thirty (30) units to include ten (10) units of Algebra and successfully passing the California State High School Exit Examination in Mathematics

d. Social Sciences 40 units

Thirty (30) units to include: ten (10) units in World History/Geography, ten (10) units in U.S. History, five (5) units in U.S. Government and five (5) units in Economics.

e Science 20 units

Twenty (20) units of laboratory applied science to include ten (10) units in physical science and ten (10) units in life science.

- f. Vocational Education 5 units
- g. Foreign Language/Visual and Performing Arts 10 units
- h. Electives fifty five (55) units, Thirty (30) or forty (40) units

i. Attendance Requirement

Minimum of five credits earned in residence.

3. Additional information

a. Any of the above coursework/requirements can be completed by demonstrating proficiency at a level and standard required for graduation from the Pacific Grove Unified School District.

- b. Adult students are exempt from required Physical Education units to graduate from high school as stated in Education Code sections 51241, 51242, and 51246.
- c. The Principal of Adult Education may specify additional courses in lieu of electives on the basis of test results and evaluation of educational training and vocational goals.

4. Methods of Earning Credits

- a. Attendance at Pacific Grove Adult School and/or other adult schools
- b. Subjects passed during prior attendance at an accredited high school, adult school, community college, trade or business school. Foreign transcripts will be evaluated by the principal or designee.
- c. Correspondence and/or online courses from an accredited private school, college, or university. Evaluation of credits by Principal or designee.
- d. Completion of the G.E.D. test battery by persons eighteen (18) years of age or older. A minimum standard score of 450 must be attained on any of the five tests. Upon successful demonstration of competency as evidenced by passing the entire GED battery, 75 credits will be granted as follows:

30 credits of English (not English 4)

10 credits of Math

5 credits of Algebra

10 credits of World History.

20 credits of Science.

e. Vocational experience - a maximum of 10 semester credits for a year of employment. Evaluated by Principal or designee.

5. Residence Requirement

Residence requirements will have been met when the student earns at least ten (10) semester credits while regularly enrolled at the Pacific Grove Adult School. This requirement may be waived at the discretion of the Principal.

Legal Reference:

Education Code 8500-8538 Adult education 51440-51442 Veterans' education 52500-52520 General provisions (adult schools) 52530-52531 Use of hospitals (adult schools) 52540-52544 Adult English classes 52550-52556 Classes in citizenship

Instruction Regulation #6200

52570-52572 Handicapped adults 52610-52615 Finances (adult schools)

FACILITIES

Facilities Policy #7000

CONCEPTS AND ROLES

The Governing Board recognizes that one of its major responsibilities is to provide healthful, safe and adequate facilities that enhance the instructional program. The Board shall endeavor to make the provision of adequate school facilities a priority in the District. Because the schools serve as a focal point for the community, the Board shall also strive to ensure that District facilities fit harmoniously and attractively into their neighborhoods and have flexibility of design to meet future educational and community needs.

The Board shall strive to have a school facilities master plan in place and regularly reviewed in light of the District's educational goals. In accordance with this plan, the Board shall:

- 1. Approve additions or major alterations to existing buildings
- 2. Determine what new buildings shall be built, when and where, and what equipment shall be purchased for them
- 3. Determine the method of financing that will be used
- 4. Select and purchase school sites for future expansion
- 5. Approve the selection of architects and structural engineers
- 6. Award contracts for design and construction
- 7. Name schools and individual buildings
- 8. Advocate school facility needs to the community

The Superintendent or designee shall:

- 1. Assess the District's short and long-term facility needs
- 2. Direct the preparation and updating of the facilities master plan
- 3. Oversee the preparation of bids and award of contracts
- 4. Supervise the implementation of the District's building program in accordance with the master plan, Board policy, and state and local requirements, including collaboration with the architect and contractor on the construction of new facilities and modernization of existing facilities
- 5. Represent the District in official governmental interactions related to the building program
- 6. Wherever possible, use recycled products and recycled materials.

Legal Reference: EDUCATION CODE

39000-39018 General provisions (school sites)

39110-39120 Plans of schoolhouses

39140-39159 Approval of plans and supervision of construction

39180-39183 Building of schoolhouses

39190-39200 Factory-built school buildings

39210-39232 Fitness of buildings for occupancy; liability of board members

39300-39325 Leasing of school buildings

CODE OF REGULATIONS, TITLE 5

14000 Policy declaration

14001 Minimum standards

14010 Procedure for site acquisition

Page 1 of 1. Adopted: May 7, 1998 All Rights Reserved by PGUSD. Revised Dec. 11, 2008

CSBA: 2/96

Facilities Policy #7000

CONCEPTS AND ROLES

14030 Preliminary procedure, planning and approval of school facilities 14031-14032 Submissions to bureau of school facilities planning; approval

Page 2 of 1. Adopted: May 7, 1998
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CSBA: 2/96

Facilities Policy #7110

FACILITIES MASTER PLAN

The Superintendent or designee shall develop and maintain a master plan for District facilities. This plan shall describe the District's anticipated school facilities needs and priorities. It shall also identify funding sources and timelines for building. The plan shall be reviewed at regular intervals specified within the plan.

The plan shall be based on an assessment of the District's short- and long-term facility needs, giving consideration to:

- 1. Current and projected school enrollments for each grade level, based on residential housing growth patterns in accordance with city/county general plans and other demographic factors
- 2. The District's educational goals
- 3. Current and projected educational program requirements
- 4. Student safety and welfare
- 5. An evaluation of existing buildings and needs for modernization and reno-vation
- 6. State planning standards and local zoning requirements
- 7. The community's social, economic and political characteristics
- 8. Estimated costs associated with meeting the District's facility needs

The Superintendent or designee shall ensure that staff, parents/ guardians, students, and business and community representatives are kept informed of the need for facilities construction or modernization. The Superintendent or designee shall also establish a facilities committee that shall meet at regular intervals in order to give community members opportunities to provide input into the planning process.

To ensure that proposed facilities conform with all state planning standards and local zoning requirements, the Superintendent or designee shall consult architectural and engineering firms, utility companies, local governmental and planning agencies, the county office of education, the California Department of Education, the Division of the State Architect and the Office of Public School Construction. Assistance from colleges and universities, planning laboratories and private consulting firms shall be authorized when necessary to augment District staff resources.

Legal Reference:

EDUCATION CODE

17717.5 Approval of applications for projects

35275 New school planning; cooperation with recreation and park authorities

39101 CDE standards and advice

39110-39120 Plans of schoolhouses, especially:

39113.5 Plan requiring accommodation for child care programs

39140-39159 Approval of plans and supervision of construction

39210-39232 Fitness for occupancy

39304.5 Relocatable structures; lease requirements

CODE OF REGULATIONS, TITLE 5

14001 Minimum standards

14030-14037 Standards, planning and approval of school facilities

UNITED STATES CODE, TITLE 42

12101 et seq. Americans with Disabilities Act

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Policy #7110 Facilities

FACILITIES MASTER PLAN

CODE OF FEDERAL REGULATIONS, TITLE 28 35 New construction or alteration of existing facilities

Facilities Regulation #7110

FACILITIES MASTER PLAN

The Superintendent or designee shall prepare educational specifications for school design to support the educational program as determined by District goals, objectives, policies and community input. These specifications shall define: (Code of Regulations, Title 5, Section 14030)

- 1. The enrollment of the school and its grade level configuration
- 2. The emphasis in curriculum content or teaching methodology that influences the school design
- 3. The type, number, size, function, special characteristics of each space, and spatial relationships of the instructional area that are consistent with the educational program
- 4. Community functions that may affect the school design

Facilities plans shall conform with state standards as specified in the Code of Regulations, Title 5, Section 14030. These standards are briefly and partially summarized below:

- 1. Sites shall be arranged so that parent drop off, bus loading areas and staff parking are separated to allow students to enter and exit the school grounds safely.
- 2. Playgrounds and field areas shall be adequate to accommodate physical education requirements for the planned student enrollments.
- 3. Delivery and service areas shall be located so as to provide vehicle access without jeopardizing the safety of students and staff.
- 4. Site layouts shall have capability for expansion without substantial alterations to existing structures or playgrounds.
- 5. The placement of buildings shall be compatible with their functions and with the functions of other buildings.
- 6. Unless otherwise justified, classrooms at new school sites shall be not less than 960 square feet or shall provide not less than 30 square feet per student, with conduit/cabling and outlets related to planned and potential educational functions.
- 7. Specialized classrooms shall be designed to reflect the function planned for that portion of the educational program, such as small-group instruction, kindergarten, and special education.
- 8. Laboratories shall be designed for the planned curriculum, allowing for storage, ventilation, teacher preparation areas, proper outlets and power sources, safety equipment, proper hazardous materials management, and room to move around fixed learning stations.
- 9. Gymnasiums and shower/locker areas shall be designed to accommodate multiple use activities in accordance with the planned enrollment, with the gymnasium secured from other parts of the campus for evening, weekend and public use purposes.
- 10. Auxiliary areas such as multipurpose cafeterias, administrative offices and library/media centers shall be adequately sized, allow adaptation for changing technology and communication systems, and provide security for technology and media equipment.
- 11. Lighting shall be designed to provide comfortable and adequate levels of illu-mination in each educational space.
- 12. Hearing conditions shall complement the educational functions by good sound control.
- 13. Restrooms shall be sufficient to accommodate the maximum planned enroll-ment and located on campus to allow for supervision.

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Facilities Regulation #7110

FACILITIES MASTER PLAN

14. Schools planned for multitrack year-round operation shall have additional space for associated storage, supplies and planning.

Plans shall also comply with the Americans with Disabilities Act and its implementing regulations which require that facilities be designed and constructed so that they are readily accessible to and usable by individuals with disabilities. (42 U.S.C. 12131 et seq., 28 C.F.R. 35)

Plans shall also comply with state requirements for appropriate space to accommodate before-and afterschool child care programs. (Code of Regulations, Title 5, Section 14030)

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Facilities Policy #7111

EVALUATING EXISTING BUILDINGS

The adequacy and design of all existing school facilities shall be evaluated periodically in terms of meeting the needs of the instructional program and fulfilling the requirements of law regarding safety and structural soundness, accessibility to the handicapped and energy conservation.

A primary consideration in evaluating existing facilities shall be the preservation of a healthful environment for students and staff as well as providing an aesthetically pleasing learning and working atmosphere.

In the evaluation of existing buildings, the installation of energy conserving devices, including insulation or the implementation of other design modifications, shall be considered as permitted by law for purposes of reducing energy costs. Wherever possible, use recycled products and recycled materials.

Legal Reference:

EDUCATION CODE

17070.10-17076.10 Leroy F. Greene School Facilities Act of 1998 especially:

17071.10-17071.40 Existing school building capacity

17280-17316 Building approvals

17365-17374 Fitness for occupancy

17650-17653 Retrofitting school facilities for energy conservation

GOVERNMENT CODE

53097 Compliance with city or county ordinances

53097.5 Inspection of schools by city or county

CODE OF REGULATIONS, TITLE 2

1859-1859.106 Regulations relating to the Leroy F. Greene School Facilities Act of 1998

Management Resources:

WEB SITES

Department of General Services, Office of Public School Construction:

http://www.dgs.ca.gov./opsc/

Revised December 11, 2008

Facilities Regulation #7111

EVALUATING EXISTING BUILDINGS

The Superintendent or designee shall periodically evaluate the adequacy and design of existing district facilities to determine whether they meet the needs of the instructional program, provide a healthful and pleasing environment for students and staff, and fulfill legal requirements for safety and structural soundness, accessibility to the disabled, and energy conservation.

When evaluating existing buildings, the Superintendent or designee shall arrange for the preaudit and postaudit of school buildings by utility companies or independent energy audit firms to the extent that these services are available. Information provided by these services shall be used to determine the cost of retrofitting the buildings and the savings which may result from adding insulation, making design modifications, or using other energy-conserving devices. The district may contract with qualified businesses capable of retrofitting these buildings and may borrow funds which do not exceed the amount of energy savings to be accumulated from the improvement of the buildings. (Education Code 17901-17903)

In the event that the Department of General Services or any licensed structural engineer or licensed architect finds and reports to the Governing Board that a district building is unsafe for use, the Superintendent or designee shall immediately obtain an estimate of the cost of repairs or reconstruction necessary to bring the building up to legal standards for structural safety. The Board shall establish a system of priorities for the repair, reconstruction or replacement of unsafe school buildings. (Education Code 39212)

Education Code 39141.10 authorizes the district, under certain circumstances, to request a waiver of the requirements of Education Code 39140-39159 and 39210-39232 for portable school buildings. SB 291 (Ch. 655, Statutes of 1995) amended Education Code 39141.10 and added Education Code 39141.11, extending the time period under which certain portables may be used and discontinuing the waiver process effective September 30, 1997. After that date, nonconforming portables built after December 19, 1979 may be used until September 30, 2007 if they meet specified conditions, including compliance with Department of Housing and Community Development criteria and reinspection by the State Architect. In addition, on or before September 30, 2007, the Board must certify that any such portables it may have in use will no longer be used as school buildings.

Reference: EC 17900-903, 39140-159, Issued: May 7, 1998

EC 39210-232, 39212; GC 53097, 53097.5.

Facilities Policy 7112

Environmentally Preferable Purchases and Practices

The District will use recycled products and recycled materials to meet it's needs, in compliance with the Waste Management Reduction Act, whenever financially feasible and practical relative to program and operational needs,

- 1. When a choice of products is available, within the constraints of financial resources and program needs, special emphasis shall be placed on the purchase of products manufactured with post-consumer recycled materials.
- 2. Contractors and consultants to the District will be requested to use recycled products in fulfilling contractual obligations to the District to the extent that this is practical and within their financial resources and operational constraints.

Environmentally Preferable Practices

- 1. The District will act to make resource conservation an integral part of its waste reduction and recycling programs, whenever practical.
- 2. The District will attempt to decrease the amount of waste of consumable materials by encouraging, wherever practical: a) the reduction of the consumption of consumable materials; b) the full utilization of all materials prior to disposal; and c) minimum use of non-biodegradable products wherever possible.
- 3. The District will cooperate with, and participate in, recycling efforts being made by the city and county. As systems for recovering waste and recycling develop within the area, the District will participate by appropriately separating and allowing recovery of recyclable waste products, whenever practical.
- 4. The District will purchase recycled products when such product alternatives are available, financially viable and practical relative to program needs.
- 5. The District will also encourage suppliers, both private and public, that it conducts business with, to make recyclable products and unbleached paper products available for purchase.

Purchase Responsibilities of Recycled Products and Materials Coordinator

The Assistant Superintendent shall coordinate the implementation of the district's policy regarding environmentally preferable practices.

A list of recycled products meeting possible district and school site needs will be established for use by sites and programs whenever practical. A mechanism for updating the list will be established.

Facilities Policy #7131

RELATIONS WITH LOCAL AGENCIES

The Governing Board recognizes the importance of two-way communication with other local agencies in order to provide the best possible school facilities and make the best use of school construction funds. The Board shall consult and coordinate with local agencies as required by law and whenever the expertise of these agencies can assist the District in the planning, design and construction of facilities.

The Superintendent or designee shall monitor land development proposals within District boundaries and shall ensure that an exchange of accurate information with city/county planning staff regarding the impact of land development on the District's educational programs and facility needs is maintained.

Recognizing that available funds may not suffice to eliminate overcrowding in District schools caused by new development, the Board urges the city/county to adopt in its general plan, or other appropriate planning documents, a provision which ensures that adequate school facilities will be available to the extent permitted by law.

Impact Ordinances

The Board shall notify the city council or county board of supervisors whenever it finds, based on clear and convincing evidence: (Government Code 65971)

- 1. That conditions of overcrowding exist in one or more attendance areas within the District that will impair the normal functioning of the educational pro-grams, and the reason for the existence of those conditions
- 2. That all reasonable methods of mitigating conditions of overcrowding have been evaluated and no feasible method for reducing those conditions exist.

The above notice shall specify the mitigation measures considered by the District and shall include a completed application to the Office of Public School Construction for preliminary determination of eligibility for school construction under applicable state law. (Government Code 65971)

Legal Reference:

EDUCATION CODE

17280-17316 Approval of plans and supervision of construction

35275 New school planning; cooperation with recreation and park authorities

GOVERNMENT CODE

53090-53097.5 Compliance with city or county regulations

65300-65307 Authority for and scope of general plans

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2002

CSBA: 2/99

Facilities Policy #7131

RELATIONS WITH LOCAL AGENCIES

65850-65863.9 Adoption of regulations, especially 65860 Consistency of zoning ordinances with general plan 65970-65981 School facilities, especially: 65995-65997 Developer fees PUBLIC RESOURCES CODE 21000-21177 California Environmental Quality Act of 1970 CODE OF REGULATIONS, TITLE 5 14010 Procedure for site acquisition CODE OF REGULATIONS, TITLE 14 15000-15282 Implementation of California Environmental Quality Act of 1970

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CSBA: 2/99

Facilities Regulation #7131

RELATIONS WITH LOCAL AGENCIES

The Superintendent or designee shall provide the city/county with:

- 1. Regularly updated copies of the District's master plan for facilities
- 2. Regularly updated records of:
 - a. Maximum capacity of each school facility, excluding portable classrooms
 - b. Maximum capacity of each school facility, including portable classrooms
 - c. Current enrollments in each facility
- 3. A written response to each proposed annexation, rezoning, general plan amendment, proposed specific plan, proposed community plan, environmental impact report, negative declaration, or tentative subdivision map for residential construction, including:
 - a. An estimate of student enrollment to be generated by the development at its completion and total occupancy
 - b. An estimate of student enrollment to be generated annually in terms of the developer's buildout schedule, as reported to the District by the planning staff
- 4. A District plan for managing the growth anticipated from each development, indicating:
 - a. Which school(s) would be affected
 - b. A specific plan, with timelines, for housing the total new enrollment at completion of the development
 - c. An interim plan, with timelines, for managing the anticipated annual growth of enrollment at each affected school
 - d. Proposed conditions that would mitigate the impact of expected enrollment growth, such as whether the school or District can be placed on a year-round calendar

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Facilities Policy #7140

ARCHITECTURAL AND ENGINEERING SERVICES

In order to ensure safe construction and protect the investment of public funds, the Governing Board requires that a licensed and certified architect or structural engineer be employed to design and supervise the construction of District schools and other facilities.

The Superintendent or designee shall devise a competitive process for the selection of architects and structural engineers that is based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. For each project, he/she shall recommend specific architectural and engineering firms to the Board. The Board shall pay fair and reasonable amounts warranted by the provider's qualifications and competence. The Board need not select the lowest responsible bidder.

Legal Reference:

EDUCATION CODE

17070.50 Conditions for apportionment

17280-17316 Approvals, especially:

17302 Persons qualified to prepare plans, specifications and estimates and supervise construction

17316 Contract provision re school District property

17371 Limitation on liability of governing board

GOVERNMENT CODE

4525-4529.5 Contracts with private architects, engineering, land surveying, and construction project management firms

14837 Definition of small business

87100 Public officials: financial interest

PUBLIC CONTRACT CODE

20111 School District contracts

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Facilities

Regulation #7140

ARCHITECTURAL AND ENGINEERING SERVICES

The Governing Board shall engage the services of a licensed architect(s) holding a valid certificate or engineer(s) holding a valid certificate for the preparation of plans, specifications or estimates for any construction project, through a signed contract. (Education Code 17302)

Contractors for any architectural, landscape architectural, engineering, environmental, land surveying or construction project management services shall be selected, at fair and reasonable prices, on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. (Government Code 4526)

The Superintendent or designee shall ensure that the selection process for projects receiving state funding: (Government Code 4526)

- 1. Ensures that projects entail maximum participation by small business firms as defined pursuant to Government Code
- 2. Prohibits practices which might result in unlawful activity such as rebates, kickbacks, or other unlawful consideration
- 3. Prohibits District employees from participating in the selection process when they have a relationship with a person or business entity seeking a contract which would subject the employee to the prohibition of Government Code 87100

The selection process may also include: (Government Code 4527)

- 1. Detailed evaluations of current statements of prospective contractors' qualifications and performance data
- 2. Discussion of alternative approaches for furnishing the services with at least three firms
- 3. Selection of at least three firms deemed to be the most highly qualified to provide the required services, in accordance with established criteria and recommended in order of preference

Contracts shall specify that all plans, specifications and estimates prepared by the contractor shall become the property of the District. (Education Code 17316)

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Facilities Policy #7150

SITE SELECTION AND DEVELOPMENT

The Governing Board believes that an adequate school site should serve the District's educational needs in accordance with the District's master plan and also show potential for contributing to other community needs. The Board will solicit community input whenever a school site is to be selected.

The Superintendent or designee shall establish a site selection process that includes all investigations required by law and ensures that the best possible sites are acquired and developed at the least expense.

Before acquiring property for a new school or an addition to an existing school site, the Board shall evaluate the property at a public hearing using state site selection standards. (Education Code 39001)

Legal Reference: EDUCATION CODE

17006 Definition of self-certifying District

17024 Prior written approval of CDE for selection of school site or construction of building

17070.10-17077.10 Leroy F. Greene School Facilities Act of 1998

17211-17218 General provisions (school sites)

17251 Powers concerning buildings and building sites

17268 Compliance before construction

17565-17592 Board duties re management and control of school property

35271 Power to acquire and construct on adjacent property

35275 New school planning and design, re consultation with local recreation and park authorities

CODE OF CIVIL PROCEDURE

1263.710-1263.770 Remediation of hazardous substances on property to be acquired by school Districts.

GOVERNMENT CODE

53094 Authority to render zoning ordinances inapplicable

65402 Acquisition or disposition of property

65995-65997 Developer fees

66455.9 Written notices of proposed public school site within development; investigation and report; conditions for acquisition

HEALTH AND SAFETY CODE

25300-25395.15 Hazardous Substances Accounts

PUBLIC RESOURCES CODE

21000-21178 Implementation of Environmental Quality Act

CODE OF REGULATIONS, TITLE 5

14001-14037 Minimum standards

CODE OF REGULATIONS, TITLE 14

15000-15209 Review and evaluation of EIRs and negative declarations

ATTORNEY GENERAL OPINIONS

82 Ops.Cal.Atty.Gen. 130 (1999)

Management Resources: WEB SITES

CDE, School Facilities Planning Division: http://www.cde.ca.gov/dmsbranch/sfpdiv

Office of Public School Construction: http://www.opsc.dgs.ca.gov/

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General Investigations

As part of the District's site selection process, the Superintendent or designee shall:

- 1. Meet with appropriate local government recreation and park authorities to review all possible methods of coordinating the planning, design, and construction of new school facilities and school sites or major additions to existing school facilities and recreation and park facilities in the community. (Education Code 35275)
- 2. Notify the appropriate local planning agency in writing and request its report and recommendations regarding the proposed site's conformity with the adopted general plan. (Government Code 65402; Public Resources Code 21151.2)
- 3. Have the site investigated by competent personnel with regard to population trends, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions and other factors affecting initial and operating costs. This investigation shall include geological and soil engineering studies to preclude locating the school on terrain that may be potentially hazardous. (Education Code 17212-17212.5)
- 4. If the proposed site is within two miles of the center line of an airport runway or proposed runway, before acquiring title to the site, notify the California Department of Education in writing. (Education Code 17215)
- 5. If the proposed site is in an area designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production, ensure that the Governing Board has determined all of the following: (EC 39006)
 - a. That the District has notified and consulted with the city, county, or city and county within which the prospective site is to be located
 - b. That the Board has evaluated the final site selection based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land
 - c. That the District shall attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect students and employees at the site
- 6. Ensure that the site meets state standards for school site selection as specified in 5 CCR 14010-14013.

Hazardous Substances: Assessment for Projects Funded Under the School Facilities Program of 1998

As a condition to receiving state funding pursuant to Education Code 17070.10-17077.10 and prior to acquiring a school site or, if the District owns or leases a school site, prior to the construction of a project, the Board shall contract with an environmental assessor to conduct a Phase I environmental assessment of the proposed site. (Education Code 17213.1)

The Phase I assessment shall contain one of the following recommendations: (Education Code 17213.1)

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- 1. A further investigation of the site is not required
- 2. A preliminary endangerment assessment is needed, including sampling or testing, to determine the following:
 - a. If a release of hazardous material has occurred and, if so, the extent of the release
 - b. If there is the threat of a release of hazardous materials
 - c. If a naturally occurring hazardous material is present

If the Phase I environmental assessment concludes that further investigation of the site is not required, the Superintendent or designee shall submit the assessment and all documentation related to the proposed acquisition or use of the site to the CDE. The Superintendent or designee may submit the Phase I assessment to the CDE prior to the submission of the other documentation. (Education Code 17213.1)

If the Phase I environmental assessment or the Department of Toxic Substances Control (DTSC) determines that a preliminary endangerment assessment is needed, the Board shall either: (Education Code 17213.1)

- 1. Elect not to pursue the acquisition or construction project or
- 2. Contract with an environmental assessor to prepare a preliminary endangerment assessment of the proposed site and enter into an agreement with the DTSC to oversee the preparation of the preliminary endangerment assessment

The preliminary endangerment assessment shall contain one of the following conclusions: (Education Code 17213.1)

- 1. That a further investigation of the site is not required
- 2. That a release of hazardous materials has occurred, and if so, the extent of the release, that there is a threat of a release of hazardous materials, or that a naturally occurring hazardous material is present, or any combination thereof

The Superintendent or designee shall submit the preliminary endangerment assessment to the DTSC for its review and approval. He/she shall also make the assessment available to the public for review for not less than 30 calendar days. (Education Code 17213.1)

If the preliminary endangerment assessment determines that no further investigation of the site is required and, upon notification from the DTSC of its approval of the assessment, the District may proceed with the acquisition or construction project. (Education Code 17213.1)

If the preliminary endangerment assessment determines (1) that a release of hazardous material has occurred, that there is the threat of a release of hazardous material, that a naturally occurring hazardous

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material is present, or any combination thereof, (2) that further investigation is required, and (3) DTSC approves this determination, the Board may elect not to proceed with the acquisition or construction project.

If the Board elects to pursue the acquisition or construction project, it shall do all of the following: (Education Code 17213.1)

- 1. Prepare a financial analysis that estimates the cost of response action that will be required at the proposed school site
- 2. Assess the benefits that accrue from using the proposed school site when compared to the use of alternative school sites, if any
- 3. Obtain the approval of the CDE that the proposed school site meets the school site selection standards adopted by the CDE pursuant to Education Code 17251 (b)
- 4. Evaluate the suitability of the proposed school site in light of the recommended alternative school site locations in order of merit if the District has requested the assistance of the CDE pursuant to Education Code 17251

Hazardous Substances: Assessments for Projects Not Funded Under the School Facilities Program of 1998

The Board shall not approve a project involving the acquisition of a school site by the District unless all of the following occur. (Education Code 17213)

- 1. The Superintendent or designee determines that the proposed site is not any of the following: (Education Code 17213)
 - a. The site of a current or former hazardous waste or solid waste disposal site unless, if the site was a former solid waste disposal site, the Board concludes that the wastes have been removed
 - b. A hazardous substance release site identified by the State Department of Health Services and currently listed for removal or remedial action
 - c. A site which contains one or more pipelines, under or above ground, carrying hazardous substances, acutely hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line used only to supply natural gas to the school or neighborhood
- 2. The Superintendent or designee shall consult with the city or county and with the local air quality management District in order to identify any facilities within a quarter mile of the proposed site which might produce hazardous air emissions or handle hazardous or acutely hazardous materials, substances or waste. (Education Code 17213)

Following this consultation, the Board shall make one of the following written findings: (Education Code 17213)

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- a. That no such facilities exist
- b. That although such facilities exist, one of the following conditions applies:
 - (1) The health risks from the facilities do not and will not actually or potentially endanger the health of students or staff.
 - (2) Corrective measures required under an existing order by another appropriate jurisdiction will, before the school is occupied, mitigate all chronic or accidental hazardous air emissions to levels that will not actually or potentially endanger the health of students or staff.

Environmental Impact Investigation

The following actions shall be taken to ensure compliance with the California Environmental Quality Act: (Public Resources Code 21080)

- 1. Each proposed project shall be evaluated to determine whether it:
 - a. Is exempt from the California Environmental Quality Act
 - b. Is the appropriate subject of a negative declaration
 - c. May have a significant effect on the environment that makes an environ-mental impact report (EIR) necessary
- 2. If the project is categorically exempt from the California Environmental Quality Act, a notice of exemption should be filed pursuant to Public Resources Code 21152.
- 3. The EIR or negative declaration shall include all findings as specified in Public Resources Code 21151.8, and, with respect to hazardous substances assessment, findings pursuant to Education Code 17213 and 17213.1, as appropriate.
- 4. If the initial study has identified potentially significant effects on the environment, a mitigated negative declaration shall be filed. The mitigated negative declaration must show that: (Public Resources Code 21064.5)
 - a. Revisions in the proposal before the negative declaration is released would mitigate the effect so that no significant effect on the environment would occur.
 - b. There is no record that the revised project would have a significant effect on the environment.
- 5. If it is determined that the project does not require the preparation of a draft EIR, a negative declaration and the initial study shall be filed with the Office of Planning and Research (state clearinghouse) and with the county clerk. (Public Resources Code 21152; 14 CCR 15205-15206)

Copies of the negative declaration and the initial study shall also be made available to local planning agencies, other interested persons, and to the general public.

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a. The Board shall not approve a project until at least 30 days have passed for review of and comment on the proposed negative declaration or the draft EIR. This review period shall be extended as necessary for review by the state clearinghouse. (Public Resources Code 21091)

When the District is preparing a negative declaration, public notice of that fact shall be provided pursuant to Public Resources Code 21092. The notice shall briefly describe the proposed project and its location, the address where copies of the negative declaration and all documents referenced therein are available for review, the time period when comments will be received, and the date, time and place of any related public meetings or hearings. (Public Resources Code 21092)

The above notice shall be either published in a newspaper of general circulation in the area(s) affected by the notice, posted on or off site in the area where the project is to be located, or mailed directly to the owners and occupants of contiguous property shown on the latest equalized assessment role. (Public Resources Code 21092)

The notice shall also be posted in the office of the county clerk and mailed to all persons who have requested it. It shall remain posted for 20 days unless otherwise required by law to be posted for 30 days. (Public Resources Code 21092.3)

The request for a mailed notice shall be renewed annually. Except for notices sent to public agencies, the District shall charge a fee which is reasonably related to the cost of providing the notice.

- b. Upon the close of the review period, the Board shall determine whether the project is the appropriate subject of a negative declaration at a special or regularly scheduled meeting.
 - (1) The Board may affirm the decision that the project is the appropriate subject of a negative declaration and subsequently proceed according to #5(g).
 - (2) If the Board determines that the project is not the appropriate subject of a negative declaration, it will proceed in accordance with #5.
- 5. If the project may have a significant effect on the environment, an EIR shall be prepared. (Public Resources Code 21080, 21153)
 - a. Upon completion, the draft EIR shall be filed in accordance with 14 CCR 15206. The notice of completion and draft EIR shall also be made available to local planning agencies, appropriate state agencies, other interested parties, and to the general public.
 - b. The public review period for the draft EIR shall be no less than 45 days. This review period shall be extended as necessary for review by the state clearinghouse. (Public Resources Code 21091)
 - c. When the District is preparing an EIR, public notice shall be provided pursuant to Public Resources Code 21092. The notice shall briefly describe the proposed project and its location, any significant effects on the environment anticipated as a result of the project, the address where copies of the draft EIR and all documents referenced therein are available for review,

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the time period when comments will be received, and the date, time and place of any related public meetings or hearings. (Public Resources Code 21092)

The above notice shall be either published in a newspaper of general circulation in the area(s) affected by the notice, posted on or off site in the area where the project is to be located, or mailed directly to the owners and occupants of contiguous property shown on the latest equalized assessment role. (Public Resources Code 21092)

The notice also shall be posted in the office of the county clerk and mailed to all persons who have requested it. It shall remain posted for 30 days. (Public Resources Code 21092.3)

The request for a mailed notice shall be renewed annually, and a fee may be charged as described in item #7(a) above.

- d. After filing the notice of completion, the District shall consult with, and obtain comments from, any bordering cities or counties and any public agency which has jurisdiction over the project. The District also may consult with any other person who has special expertise with respect to any environmental impact involved. (Public Resources Code 21153)
- e. Before the final EIR is prepared, the community shall be given the opportunity to comment on the draft.
- f. The final EIR shall be adopted by the Board prior to the Board's decision to proceed with the project.
- g. The notice of determination shall be filed with the county clerk and the Office of Planning and Research.
- 6. If mitigation measures are required as part of either making a negative declaration or completing an EIR, the Board shall adopt a reporting and monitoring program. The reporting or monitoring program shall be designed to ensure compliance with the mitigation measure during project implementation. (Public Resources Code 21081.6)

Other Requirements for Projects funded under the School Facilities Program of 1998 For projects funded pursuant to Education Code 17070.10-17077.10, the Superintendent or designee shall:

- 1. Annually submit a summary report of expenditures to the State Allocation Board in accordance with law (Education Code 17076.10)
- 2. Include in the plans a hard-wired connection to a public switched telephone network or utilization of wireless technology (Education Code 17077.10)
- 3. Establish a participation goal of at least 3 percent, per year, of the overall dollar amount expended each year by the District for disabled veteran business enterprises (Education Code 17076.11)

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When it is determined that school facilities must be built or expanded to accommodate an increased or projected increased enrollment, the Governing Board shall consider appropriate methods of financing for the purchase of school sites and the construction of buildings. In addition, financing may be needed when safety considerations and educational program improvements require the replacement, reconstruction or modernization of existing facilities.

The Superintendent or designee shall research funding alternatives and recommend to the Board the method that would best serve District needs as identified in the District's master plan for school facilities.

These funding alternatives may include, but not be limited to:

- 1. Levying developer fees pursuant to Education Code 17620 and Government Code 65995-65998
- 2. Forming a community facilities District pursuant to Government Code 53311-53368.3, the Mello-Roos Community Facilities Act
- 3. Forming a school facilities improvement District pursuant to Education Code 15300-15425
- 4. Issuing voter-approved general obligation bonds
- 5. Imposing a qualified parcel tax pursuant to Government Code 50079
- 6. Using lease revenues for capital outlay purposes from surplus school property

Legal Reference:

EDUCATION CODE

15100-17059.2 School bonds, especially:

15122.5 Ballot statement

15300-15425 School facilities improvement Districts

17000-17059.2 State School Building Lease-Purchase Law of 1976

17060-17066 Joint venture school facilities construction projects

17070.10-17076.10 Leroy F. Greene School Facilities Act of 1998

17085-17095 State Relocatable Classroom Law of 1979

17582 District deferred maintenance fund

17620-17626 Levies against development projects by school Districts

17621 Procedures for levying fees

GOVERNMENT CODE

6061 One time notice

6066 Two weeks' notice

50075-50077 Voter-approved special taxes

50079 School Districts; qualified special taxes

53175-53187 Integrated Financing District Act

53311-53368.3 Mello-Roos Community Facilities Act of 1982

53753 Assessment notice and hearing requirements

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53753.5 Exemptions

54954.1 Mailed notice to property owners

54954.6 New or increased tax or assessment; public meetings and hearings; notice

65864-65867 Development agreements

65970-65980.1 School facilities development project

65995-65998 Payment of fees against a development project

66000-66008 Fees for development projects

66016-66018.5 Development project fees

66020-66025 Protests and audits

HEALTH AND SAFETY CODE

33445.5 Overcrowding of schools resulting from redevelopment

33446 School construction by redevelopment agency

CALIFORNIA CONSTITUTION

Article 13D, Sections 1-6 Assessment and property related fee reform

UNCODIFIED STATUTES

17696-17696.98 Greene-Hughes School Building Lease-Purchase Bond Law of 1986

CODE OF REGULATIONS, TITLE 2

1859-1859.106 School facility program

COURT DECISIONS

Loyola Marymount University v. Los Angeles Unified School District (1996) 45 Cal.App.4th 1256

Ehrlich v. City of Culver City (1996) 12 Cal.4th 854

Dolan v. City of Tigard (1994) 114 S.Ct. 2309

Canyon North Co. v. Conejo Valley Unified School District (1993) 19 Cal. App. 4th 243, 23

Cal.Rptr.2d 495

Garlic Development Co. v. Hayward Unified School District (1992) 3 Cal. App. 4th 320, 4

Cal.Rptr.2d 897

Nollan v. California Coastal Commission (1987) 107 S.Ct. 3141

ATTORNEY GENERAL OPINIONS

79 Ops.Cal.Atty.Gen. 149 (1996)

Management Resources:

WEB SITES

Department of General Services, Office of Public School Construction: http://www.dgs.ca.gov/opsc/

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Developer Fees

Before levying developer fees, the Governing Board shall schedule a public hearing. Information on the anticipated amount of fees, other available funds and funding sources, and the estimated cost of planning, land acquisition and school construction shall be available to the public at least 10 days before the hearing. Notice of the hearing shall be given as required by law. (Government Code 66016)

At the above hearing, if warranted, the Board shall adopt a resolution for the levying of developer fees. (Government Code 66016) This resolution shall set forth:

- 1. The purpose of the fee and the public improvement that the fee will be used to finance (Government Code 66006)
- 2. The Board's findings of reasonable relationship which justify the fees pursuant to Government Code 66001
- 3. The District's determination of one of the following conditions which allow collection of the fees at the time when building permits are issued: (Government Code 66007)
 - a. That the fees are to reimburse the District for previous expenditures
 - b. That the fees shall be collected for public improvements or facilities for which an account has been established, funds have been appropriated and the District has adopted a proposed construction schedule or plan

The District shall send a copy of any resolution adopting or increasing developer fees to the city and county, accompanied by all relevant supporting documentation and a map indicating the boundaries of the area subject to the fee. (Education Code 17621)

In cooperation with local governmental agencies issuing building permits, the Superintendent or designee shall establish a means by which all of the following shall be accomplished:

- 1. The project applicant shall receive a written statement of the amount of the fees and notification that the 90-day approval period during which the applicant may protest has begun. (Government Code 66020)
- 2. The Superintendent or designee shall receive and retain acknowledgment that the above notification was received.
- 3. Before a permit is issued, the Board shall certify that the fee has been paid or that the District has determined that the fee does not apply to the development project. (Education Code 17620)

Fees may be revised in accordance with the increase legally allowed for inflation as determined every two years by the State Allocation Board. (GC 65995)

Developer fees shall be deposited, invested, accounted for and expended pursuant to Government Code 66006. Developer fees shall be deposited in a separate capital facilities account, except for temporary investments allowed by law, and shall be used only for the purpose for which they were collected.

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Interest income earned by the capital facilities account shall also be deposited in that account and used only for the purpose for which the fee was originally collected. (Government Code 66006)

For each separate account so established, the Superintendent or designee shall, within 180 days after the last day of each fiscal year, make available to the public the following information for the fiscal year: (Government Code 66006)

- 1. A brief description of the type of fee in the account or fund
- 2. The amount of the fee
- 3. The beginning and ending balance of the account or fund
- 4. The amount of the fees collected and the interest earned
- 5. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees
- 6. An identification of an approximate date by which the construction of the public improvement will commence if the District determines that sufficient funds have been collected to complete financing on an incomplete public improvement
- 7. A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan
- 8. The amount of refunds made pursuant to Government Code 66001(e) and any allocations made pursuant to Government Code 66001(f)

The Board shall review the above information at the first regularly scheduled public Board meeting which occurs 15 days after the information is made available to the public. Fifteen-day prior notice of this meeting shall be mailed to any parties filing a written request pursuant to Government Code 66006. (Government Code 66006)

In addition to discharging its public disclosure duties regarding the levying of developer fees, the Board shall, for the fifth fiscal year after the first deposit into the account or fund and every five years thereafter, make all of the following findings with respect to the portion of the account or fund that remains unexpended, whether committed or uncommitted: (Government Code 66001)

- 1. Identify the purpose to which the fee is to be put
- 2. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged
- 3. Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements originally identified
- 4. Designate the approximate dates on which the funding referred to in item #3 is expected to be deposited into the appropriate account or fund

When sufficient funds have been collected to complete the financing of public improvements but such improvements remain incomplete, the District shall, within 180 days of the date that a determination of sufficient funding was made, either identify an approximate date by which construction will begin or

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refund the unexpended revenues in accordance with Government Code 66001. (Government Code 66001)

Appeals Process for Protests by Developers

Developers of residential, commercial and industrial projects who claim that the developer fee has been inappropriately levied shall use the following procedures:

- 1. The developer shall submit his/her request for exemption in writing to the Superintendent or designee within 10 days from the time the fees are due.
- 2. Within 45 days from filing the request for exemption, the developer shall provide evidence demonstrating that his/her development will have no impact upon the District. Evidence shall include, but not be limited to:
 - a. Evidence showing the estimated number of students that will be generated by the project. Such evidence shall include, but not be limited to, the number of students generated by other similar development, if appropriate, within the District on a first- and fifth-year basis, taking into consideration both primary and secondary generations. Primary generations are the growth of population and students due directly to the construction project. Secondary generations are the growth of population and students occurring because of the population increases in the primary category.
 - b. Evidence that the construction project will continue to be used for its current purpose for five or more years rather than being converted to a use that may generate a higher population increase
 - c. An analysis of the cost of needed District facilities as related to the genera-tion of all revenues including developer fees available to reconstruct and construct facilities on a first- and fifthyear basis
- 3. If the Superintendent or designee determines it appropriate, he/she may request that the evidence submitted by the developer be reviewed by an independent expert to determine its validity. In addition, he/she may request that additional research and analysis be conducted by the independent expert. This work shall be completed within 45 days after the developer submits his/her evidence. The cost of the analysis shall be paid by the developer and deducted from his/her paid developer fees prior to the Board hearing.
- 4. Upon receiving all prepared data, including the independent expert's analysis if requested, the Superintendent or designee shall submit the data, the request for exemption and his/her recommendation to the Board at its next regular meeting.
- 5. At its meeting, the Board shall conduct a hearing, consider all submitted evidence and recommendations and take action to approve or deny the petition of exemption.
- 6. The Board reserves the right to modify the amount of the levy if it determines such action is appropriate.

School Facilities Improvement District

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Upon determining that a school facilities improvement District is necessary, the Board shall adopt a resolution of intention that states all of the following: (Education Code 15320)

- 1. The Board's intention to form the proposed school facilities improvement District
- 2. The purpose for which the proposed District is to be formed, consistent with the requirements of Education Code 15302
- 3. The estimated cost of the school facilities improvement project
- 4. That any taxes levied for financing general obligation bonds issued to finance the project shall be levied exclusively upon the lands in the proposed school facilities improvement District
- 5. That a map showing the exterior boundaries of the proposed District is on file with the Board and available for public inspection, and that these boundaries meet the requirements of Education Code 15301
- 6. The time and place for a Board hearing on the formation of the proposed District
- 7. That any interested persons, including all persons owning lands in the District or in the proposed school facilities improvement District, may appear and be heard at the above hearing

Notice of the hearing shall be given by publishing a copy of the resolution of intention in a newspaper of general circulation pursuant to Government Code 6066, starting at least 14 days before the hearing. The resolution shall also be posted in three public places within the proposed school facilities improvement District for at least 14 days before the hearing. (Education Code 15321)

The Board shall hold the above hearing as specified in its resolution and may, at the hearing, adopt a resolution proposing modifications of its above-stated purposes consistent with Education Code 15302. A resolution proposing modification shall describe the proposed modifications, state any change in the estimated cost of carrying out the purpose, and fix a time and place for a related Board hearing. (Education Code 15322, 15323)

At least 14 days before the above hearing, the Board shall publish the resolution proposing modifications one time in the same newspaper in which the resolution of intention was published. (Education Code 15324)

When hearings are concluded, the Board may, by resolution, order the formation of a school facilities improvement District. The resolution shall state the estimated cost of carrying out described purposes and shall number and designate the improvement District as specified in Education Code 15326. (Education Code 15326)

The Superintendent or designee shall establish procedures consistent with Education Code 15330-15425 governing the financing of bonds, bond elections and the issuance and sale of bonds.

General Obligation Bonds

Whenever the District calls an election regarding the issuance of general obligation bonds to fund a facilities project, all or part of which will require matching funds from the state, the sample ballot shall contain the statement specified in Education Code 15122.5; this statement shall inform voters that the

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project proposal assumes that the District will receive matching funds from the state and that passage of the bond measure is therefore not a guarantee that the project will be completed. (Education Code 15122.5)

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State School Building Lease-Purchase Law of 1976

Under Education Code 17000-17059.2, the State Allocation Board is authorized to provide project funding for the construction, reconstruction or modernization of school buildings. Eligible Districts may use funding under this law to acquire and convert existing building space for school facility purposes.

Developer Fees

Education Code 17620 authorizes Governing Boards to levy developer fees to fund new construction or reconstruction of school facilities. These fees apply to residential, commercial and industrial construction within the District. Under the authority of Government Code 65970-65980.1, cities or counties may levy developer fees to be used to finance interim facilities (temporary classrooms and restrooms) which will be used for five years or less. In total, developer fees may not exceed limits specified in Government Code 65995. Cities and counties may not issue building permits unless the appropriate school board certifies that developer fees have been paid.

General Obligation Bonds

Uncodified Statutes 17696-17696.98 authorize local governments to issue voter-approved general obligation bonds for capital outlay. Two-thirds voter approval is required for passage of local general obligation bond measures. Such bond measures place financial responsibility on all property owners in the school District, rather than only on those developing new homes or businesses.

Mello-Roos Taxes and Bonds

Under the Mello-Roos Community Facilities Act of 1982 (Government Code 53311-53368.3), a school District may establish a "community facilities District" for the area which such facilities would serve. To finance school construction, the community facilities District may issue bonds and may levy a special tax on land within the community facilities District to repay the bonds. The cost of the school facilities may be financed in whole or in part with the proceeds of the bonds. School facilities also may be financed solely from the proceeds of annual special taxes on a "pay-as-you-go" basis.

The special tax and bonds must be approved by two-thirds of the community facilities District voters. When fewer than 12 registered voters live within the community facilities District, the landowners must approve the special tax, each having one vote per acre.

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School Facilities Improvement District

Education Code 15300-15425 authorizes any school District, with the approval of the County Board of Supervisors, to form a school facilities improvement District. School facilities improvement Districts can propose a bond issue that requires approval by two-thirds of its resident voters. The Board must determine that the overall cost of financing these bonds would be less than the overall cost of other financing options; this determination is not necessary if the District includes a Mello-Roos District and if the new school facilities improvement District will include all of the territory within District boundaries that is not included in the existing Mello-Roos District.

Integrated Financing District

By creating an integrated financing District, Boards can levy an assessment on land that is contingent upon the development of the land. This assessment can be made payable at the time when the project is approved. It can be used in combination with the non-contingent special tax under Mello-Roos, provided the total of both assessments is proportionate to the amount of benefit anticipated for each parcel. To establish this assessment, school boards must hold a public hearing and act upon all protests. If more than half of the property owners protest, the assessment proposal must be withdrawn for a year. (Government Code 53175-53187)

Landscaping and Lighting Assessment Districts

Proposition 218, passed by the voters in November, 1996, affects a school District's ability to use Landscaping and Lighting Assessment Districts to fund facility improvements. As codified by SB 919 (Ch. 38, Statutes of 1997), Prop. 218 requires Districts to review existing assessments to first determine if they meet the following conditions: (Government Code 53753.5)

- 1. The assessment was imposed exclusively to finance the capital costs or main-tenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems, or vector control.
- 2. At the time, the assessment was imposed pursuant to a petition signed by the persons owning all of the parcels subject to the assessment or by a majority of the voters.
- 3. The proceeds of the assessment are used exclusively to repay bond indebted-ness.

If an assessment does not meet one of the above conditions, then the school District must either eliminate the assessment or bring it into compliance with the election and assessment requirements specified in Prop. 218. These requirements include notice, election and hearings by the District, as well as a determination as to whether property owners receive a "special benefit" as defined by Prop. 218. (Government Code 53753, California Constitution, Article 13D, Section 4)

Under the Landscaping and Lighting Act of 1972 (Streets and Highways Code 22500-22679), an assessment may be used only to fund the purchase, installation, construction and/or maintenance and servicing of landscaping, public lighting facilities, park or recreational improvements, and land for park, recreational or open-space purposes.

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Parcel Taxes

Government Code 50079 authorizes a school District, with two-thirds voter approval, to impose a qualified special tax that applies equally and uniformly to the taxpayers of all real property within the District, regardless of the value of the property. The District must comply with notice and public hearing procedures specified in Government Code 50077, and taxpayers 65 years of age or older may be exempted from the tax.

Surplus Property

School surplus property may be another funding source for school construction, particularly in the use of lease revenues for capital outlay purposes. Districts should be aware that (1) they are subject to nonuse payments if a facility is not used for educational purposes for five years, (2) they are required to investigate cooperative agreements with other contiguous Districts with respect to housing students before applying for state funds, and (3) they may not receive state funding for school construction if they have surplus school sites. If a surplus site is sold and the proceeds used by the school District, the District is prohibited for five years from applying to the State Allocation Board for additional funds.

City- or County-Imposed Mitigation Requirements

In Mira Development Corporation v. City of San Diego (205 Cal.App.3d 1201, 1988), the court, after distinguishing between zoning and development projects, concluded that the city was not restricted by the terms of Government Code 65996 and therefore, could deny an application that implicated a zoning decision based on the lack of school facilities. If the decision pertained solely to a development project, however, with no legislative entitlements being sought, then Government Code 65996 may impose limitations on the manner in which a city may act in approving or denying the approval of a project on the basis of the adequacy of school facilities.

Some cities and counties subsequently adopted ordinances which require developers in certain areas to contribute a certain amount over and above the developer fees levied by the school District as a condition of obtaining a permit to develop their land. As an alternative, cities and counties may require participation by developers in Mello-Roos financing Districts as a condition to development approval.

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FACILITIES FINANCING

Redevelopment Projects

Health and Safety Code 33000-33071 authorizes cities and the unincorporated parts of counties to establish a redevelopment agency (RDA). Redevelopment is funded by property tax revenues within the redevelopment area that exceed the revenues being received at the time the redevelopment plan was adopted.

Because new housing created by redevelopment projects may generate an increase in school enrollment, K-12 schools affected by redevelopment projects receive, for facilities or capital outlay, a percentage of the tax increment generated over the life of a redevelopment project. For the same purpose, county offices of education also receive a percentage of the tax increment.

Before 1993 redevelopment reform law established the above entitlement, many school Districts negotiated mitigation agreements with RDAs. These agreements were prompted by statutes that gave school Districts the right to accept title to school buildings financed by RDAs or to seek RDA funds to mitigate their increased costs. The 1993 reform law does not affect these existing mitigation agreements.

Transactions and Use Taxes

Revenue and Taxation Code 7288.1-7288.6 authorizes a local public finance authority established by a county, the county office of education, and a majority of the school and community college Districts in the county to propose a transactions and use tax of 1/4 or 1/2 cent on all taxable sales in the county. The tax must be approved by two-thirds of the voters. Tax proceeds may be used for drug abuse prevention, crime prevention, health care services, and public education. Allocation among those uses is determined by the authority's board, half of whom are county supervisors and half of whom are school Board members.

DEVELOPER FEES

Level 1 Funding: Residential, Commercial and Industrial Construction

Before taking action to establish, increase or impose developer fees, the Governing Board shall: (Government Code 66001)

- 1. Identify the purpose of the fee and the use to which the fee will be put
- 2. Determine a reasonable relationship between the fee's use and the type of development project for which the fee is imposed
- 3. Determine a reasonable relationship between the need for the public facility and the type of development project for which the fee is imposed
- 4. Determine a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributed to the development for which the fee is imposed

Level 1 Funding: Notice and Hearing Requirements

Before levying developer fees or prior to increasing an existing fee, the Board shall schedule a public hearing. Information on the anticipated amount of fees, other available funds and funding sources, and the estimated cost of planning, land acquisition and school construction shall be made available to the public at least 10 days before the hearing. Notice of the hearing shall be given as required by law. (Government Code 66016)

At the hearing, the Board shall adopt a resolution for the levying of the developer fees. (Government Code 66016) The resolution shall set forth:

- 1. The purpose of the fee and the public improvement(s) that the fee will be used to finance (Government Code 66006)
- 2. The Board's findings of reasonable relationship which justify the fees pursuant to Government Code 66001
- 3. The District's determination of either of the following conditions which allow collection of the fees at the time when building permits are issued: (Government Code 66007)
 - a. That the fees are to reimburse the District for previous expenditures, or
 - b. That the fees shall be collected for public improvements or facilities for which an account has been established, funds have been appropriated and the District has adopted a proposed construction schedule or plan

Level 2 Funding: Residential Construction

In order to impose residential construction fees within the limits of Government Code 65995.5, the Board shall: (Government Code 65995.5)

1. Make a timely application to the State Allocation Board for new construction funding for which it is eligible

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DEVELOPER FEES

2. Conduct and adopt a school facility needs analysis pursuant to Government Code 65995.6

The needs analysis shall determine the need for school facilities for unhoused students that are attributable to projected enrollment growth from the development of new residential units over the next five years. The needs analysis shall: (Government Code 65995.6)

- a. Project the number of unhoused elementary, middle and high school students generated by new residential units, in each category of students enrolled in the District. This projection shall be based on a historical generation rate from the prior five years.
- b. Calculate the existing school building capacity pursuant to Education Code 17071.10-17071.40.

In addition, when determining the funds necessary to meet its facility needs, the Board shall do each of the following: (Government Code 65995.6)

- a. Identify and consider any surplus property owned by the District that can be used as a school site or that is available for sale to finance school facilities
- b. Identify and consider the extent to which projected enrollment growth may be accommodated by excess capacity in existing facilities
- c. Identify and consider local sources other than fees, charges, dedications or other requirements imposed on residential construction available to finance the construction or reconstruction of school facilities needed to accommodate any growth in enrollment attributable to the construction of new residential units
- 3. Satisfy at least two of the requirements set forth in Government Code 65995.5 (b)(3)(A-D). (Government Code 65995.5)

Level 2 Funding: Notice and Hearing Requirements

The Board shall adopt the school facility needs analysis by resolution at a public hearing. (Government Code 65995.6)

This analysis may not be adopted until the analysis, in its final form, has been made available to the public for a period of not less than 30 days. Prior to its adoption, the public shall have the opportunity to review and comment on the analysis and the Board shall respond to written comments it receives regarding the analysis. (Government Code 65995.6)

During the period of public review, the analysis shall be provided to the local agency responsible for land use planning for its review and comment. (Government Code 65995.6)

No less than 30 days prior to the hearing, notice of the time and place of the hearing, including the location and procedure for viewing or requesting a copy of the proposed analysis, shall be published in

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at least one newspaper of general circulation within the jurisdiction of the District. If there is no paper of general circulation, the notice shall be posted in at least three conspicuous places within the District's jurisdiction not less than 30 days prior to the hearing. (Government Code 65995.6)

In addition, the Board shall mail a copy of the needs analysis not less than 30 days prior to the hearing to any person who has made a written request if the written request was made 45 days prior to the hearing. The Board may charge a fee reasonably related to the cost of providing these materials. (GC 65995.6)

The school facility needs analysis may be revised at any time. The revision is subject to the same conditions and requirements applicable to the adoption of the analysis. The existing school building capacity shall be recalculated as part of any revision to the needs analysis. (Government Code 65995.6)

The fees authorized by Government Code 65995.5 (Level 2) and Government Code 65995.7 (Level 3) shall be adopted by resolution as part of the adoption or revision of the school facilities needs analysis. The fees shall take effect immediately upon adoption of the resolution and may not be effective for more than one year. (Government Code 65995.6)

Level 3 Funding: Residential Construction

If the State Allocation Board is no longer making apportionments for new construction and the District qualifies for Level 2 funding pursuant to Government Code 65995.5, the Board may assess a fee on residential construction pursuant to the requirements of Government Code 65995.7.

Pursuant to Government Code 65995.7, the notice and hearing requirements for Level 3 funding shall be the same as the notice and hearing requirements for Level 2 funding as specified above.

All Developer Funding Fees: Additional Requirements

The District shall send a copy of any resolution adopting or increasing developer fees to the city and county, accompanied by all relevant supporting documentation and a map indicating the boundaries of the area subject to the fee. (Education Code 17621)

In cooperation with local governmental agencies issuing building permits, the Superintendent or designee shall establish a means by which all of the following shall be accomplished:

- 1. The project applicant shall receive a written statement of the amount of the fees and notification that the 90-day approval period during which the applicant may protest has begun. (Government Code 66020)
- 2. The Superintendent or designee shall receive and retain acknowledgment that the above notification was received.

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Reviewed and Issued:
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Facilities Regulation #7211

DEVELOPER FEES

3. Before a permit is issued and upon the payment of the applicable fee or requirement, the Board shall immediately certify that the fee has been paid or that the District has determined that the fee does not apply to the development project. (Education Code 17620)

Developer fees shall be deposited, invested, accounted for and expended pursuant to Government Code 66006. Developer fees shall be deposited in a separate capital facilities account, except for temporary investments allowed by law, and shall be used only for the purpose for which they were collected. Interest income earned by the capital facilities account shall also be deposited in that account and used only for the purpose for which the fee was originally collected. (Government Code 66006)

For each separate account so established, the Superintendent or designee shall, within 180 days after the last day of each fiscal year, make available to the public the following information for the fiscal year: (Government Code 66006)

- 1. A brief description of the type of fee in the account or fund
- 2. The amount of the fee
- 3. The beginning and ending balance of the account or fund
- 4. The amount of the fees collected and the interest earned
- 5. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees
- 6. An identification of an approximate date by which the construction of the public improvement will commence if the District determines that sufficient funds have been collected to complete financing on an incomplete public improvement
- 7. A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan
- 8. The amount of refunds made pursuant to Government Code 66001 (e) and any allocations made pursuant to Government Code 66001 (f)

The Board shall review the above information at the first regularly scheduled public Board meeting which occurs 15 days after the information is made available to the public. Fifteen-day prior notice of this meeting shall be mailed to any parties filing a written request pursuant to GC 66006.

In addition to discharging its public disclosure duties regarding the levying of developer fees, the Board shall, for the fifth fiscal year after the first deposit into the account or fund and every five years thereafter, make all of the following findings with respect to the portion of the account or fund that remains unexpended, whether committed or uncommitted: (Government Code 66001)

- 1. Identify the purpose to which the fee is to be put
- 2. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged

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Facilities

Regulation #7211

DEVELOPER FEES

- 3. Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements originally identified
- 4. Designate the approximate dates on which the funding referred to in item #3 is expected to be deposited into the appropriate account or fund

When sufficient funds have been collected to complete the financing of public improvements but such improvements remain incomplete, the District shall, within 180 days of the date that a determination of sufficient funding was made, either identify an approximate date by which construction will begin or refund the unexpended revenues in accordance with Government Code 66001. (Government Code 66001)

Appeals Process for Protests by Developers

Developers of residential, commercial and industrial projects who claim that the developer fee has been inappropriately levied shall use the following procedures: (Government Code 66020)

- 1. The developer shall tender any required payment in full or provide satisfactory evidence of arrangements to pay the fee when due or ensure performance of the conditions necessary to meet the requirements of the imposition.
- 2. The developer shall serve written notice to the Board. This notice shall include:
 - a. A statement that the required payment is tendered or will be tendered when due, or that any conditions which have been imposed are provided for or satisfied, under protest.
 - b. A statement informing the Board of the factual elements of the dispute and the legal theory forming the basis for the protest.
- 3. The protest shall be filed at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees.
- 4. The developer may file an action to attack, review, set aside, void or annul the imposition of the fees imposed on the development project within 180 days of delivery of the notice.

Facilities Policy #7214

GENERAL OBLIGATION BONDS

The Governing Board desires to provide adequate facilities in order to enhance curriculum and to help the District achieve its vision for educating district students. To that end, the Board may order an election on the question of whether bonds shall be issued for school facilities when in the Board's judgment it is advisable and in the best interest of district students.

The board shall determine the appropriate size of the bond in accordance with law.

Bonds Requiring 55% Approval by Local Voters

The Board may decide to pursue the authorization and issuance of bonds by approval of 55% majority of the voters pursuant to Article 13A, Section 1(b)(3) and Article 16, Section 18(b) of the California Constitution. If two-thirds of the Board agree to such an election, the Board shall vote to adopt a resolution to incur bonded indebtedness if approved by a 55% majority of the voters. (Education Code 15266)

The bond election may only be ordered at a primary or general election, a regularly scheduled local election or a statewide special election. (EC <u>15266</u>)

Bonded indebtedness incurred by the district shall be used only for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities or the acquisition or lease of real property for school facilities. (California Constitution Article 13A, Section 1(b)(3) and 1(b)(3)(A)

The proposition approved by the voters shall include the following accountability requirements: (California Constitution Article 13A, Section 1(b)(3)

- 1. A requirement that proceeds from the sale of the bonds be used only for the purposes specified above and not for any other purposes including teacher and administrative salaries and other school operating expenses
- 2. A list of specific school facility projects to be funded and certification that the Board has evaluated safety, class size reduction and information technology needs in developing that list
- 3. A requirement that the Board conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed
- 4. A requirement that the Board conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.

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Reviewed and Adopted 9/19/02

CSBA: 7/01

Legal Reference: EC 15100-15254, 15264-15288, 17577, 47614 Elections Codes 324, 328, 341, 348, 356, 357, 1302 GC 1090-1098, 1125-1129, 53580-53595.55 CC Article 13A, Section 1; Article 16, Section 18 Management Resources: WEB SITES CSBA:

http://www.csba.org CDE: http://www.cde.org Better Schools for CA:

http://www.betterschoolsforca.org

Facilities Policy #7214

GENERAL OBLIGATION BONDS

Bonds Requiring 66.67% Approval by Local Voters

Bonds shall be sold for the purpose of raising money for the following purposes: (Education Code 15100)

- 1. Purchasing school lots
- 2. Building or purchasing school buildings
- 3. Making of alterations or additions to school building(s) other than as may be necessary for current maintenance, operation or repairs
- 4. Repairing, restoring or rebuilding of any school building damaged, injured or destroyed by fire or other public calamity
- 5. Supplying of school buildings and grounds with furniture, equipment or necessary apparatus of a permanent nature
- 6. Permanent improvement of school grounds
- 7. Refunding of any outstanding valid indebtedness of the district, evidenced by bonds or of state school building aid loans
- 8. Carrying out of sewer or drain projects or purposes authorized in Education Code 17577
- 9. Purchase of school buses with a useful life of at least 20 years
- 10. Demolition or razing of any school building with the intent to replace it with another school building, whether in the same location or in any other location

Except for refunding any outstanding indebtedness, any of the purposes listed above may be united and voted upon as a single proposition by order of the Board and entered into the minutes. (Education Code 15100)

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Reviewed and Adopted 9/19/02

CSBA: 7/01

Legal Reference: EC 15100-15254, 15264-15288, 17577, 47614 Elections Codes 324, 328, 341, 348, 356, 357, 1302 GC 1090-1098, 1125-1129, 53580-53595.55 CC Article 13A, Section 1; Article 16, Section 18 Management Resources: WEB SITES CSBA:

http://www.csba.org CDE: http://www.cde.org Better Schools for CA:

http://www.betterschoolsforca.org

GENERAL OBLIGATION BONDS

Election Notice

The Superintendent or designee shall ensure that election notice and ballot requirements are satisfied in accordance with law.

Certification of Results

If it appears that the appropriate majority of the voters are in favor of issuing the bonds, the Governing Board shall cause an entry of that fact in the minutes. The Board shall then certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the District, all proceedings had in the premises. (Education Code <u>15124</u>, 15274)

Resolution Requesting Sale of Bonds

Following passage of the bond measure, the Board shall pass a resolution to the county board of supervisors to issue the sale of the bonds in accordance with law, (Education Code 15140)

Citizens Oversight Committee

If a District general obligation bond requiring a 55% majority is approved by the voters, the Board shall appoint an independent citizens advisory oversight committee. This committee shall be appointed within 60 days of the date that the Board enter the election results in its minutes pursuant to Education Code 15274. (Education code 15278)

The citizens oversight committee shall consist of at least seven members including but not limited to: (Education Code 15282)

- 1. One member active in a business organization representing the business community located within the District
- 2. One member active in a senior citizens organization
- 3. One member active in a bona fide taxpayers' organization
- 4. One member who is a parent/guardian of a child enrolled in the District
- 5. One member who is a parent/guardian of a child enrolled in the District and is active in a parentteacher organization, such as the Parent Teacher Association or school site council

No employee, official, vendor, contractor or consultant of the District shall be appointed to the citizens oversight committee. (Education Code 15282)

Members of the citizens oversight committee shall serve for a term of two years without compensation and for no more than two consecutive terms. (Education Code 15282)

The purpose of the citizens oversight committee shall be to inform the public concerning the expenditure of bond revenues. The committee shall actively review and report on the proper expenditure of taxpayers' money for school construction and shall convene to provide oversight for, but not limited to, the following: (Education Code 15278)

Page 1 of 3 Adopted: September 19, 2002 CSBA: 7/01

GENERAL OBLIGATION BONDS

- 1. Ensuring that bond revenues are expended only for the purposes described in Article 13A, Section (b)(3) of the California Constitution including the construction, reconstruction, rehabilitation or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities
- 2. Ensuring that, as prohibited by Article 13A, Section 1(b)(3)(A) of the California Constitution, no funds are used for any teacher and administrative salaries and other school operating expenses

In furtherance of its purpose, the committee may engage in any of the following activities: (Education Code 15278)

- 1. Receiving and reviewing copies of the annual, independent performance audit required by Article 13A, Section 1(b)(3)(C) of the California Constitution
- 2. Receiving and reviewing copies of the annual, independent financial audit required by Article 13A, Section 1(b)(3)(D) of the California Constitution
- 3. Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements Article 13(A), Section 1(b)(3) of the California Constitution
- 4. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the District, including any reports required by Education Code 17584.1
- 5. Reviewing efforts by the District to maximize bond revenues by implementing cost-saving measures including, but not limited to, the following:
 - a. Mechanisms designed to reduce the costs of professional fees
 - b. Mechanisms designed to reduce the costs of site preparation
 - c. Recommendations regarding the joint use of core facilities
 - d. Mechanisms designed to reduce costs by incorporating efficiencies in school site design
 - e. Recommendations regarding the use of cost-effective and efficient reusable facility plans

The Board shall, without expending bond funds, provide the citizens oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of its purpose and sufficient resources to publicize the committee's conclusions. (Education Code 15280)

All oversight committee proceedings shall be open to the public and noticed in the same manner as proceedings of the board. (Education Code 15280)

The oversight committee shall issue regular reports, at least once a year, on the results of its activities. Minutes of the proceedings and all documents received and reports issued shall be a matter of public record and shall be made available on the District's Internet web site. (Education Code <u>15280</u>)

Members of the oversight committee shall be subject to prohibitions regarding incompatibility of office pursuant to Government Code 1125-1129 and financial interest in contracts pursuant to Government Code 1090-1098. (EC 15282)

Facilities Regulation #7214

GENERAL OBLIGATION BONDS

Reports

Within 30 days after the end of each fiscal year, the Board shall submit to the County Superintendent of Schools a report concerning any bond election(s) containing the following information: (Education Code <u>15111</u>)

- 1. The total amount of the bond issue, bonded indebtedness or other indebtedness involved
- 2. The percentage of registered electors who voted at the election
- 3. The results of the election, with the percentage of votes cast for and against the proposition

Page 3 of 3 Adopted: September 19, 2002 CSBA: 7/01

Facilities Policy #7230

Grounds and Maintenance Planning and Projects

The Board acknowledges the importance of careful and constant maintenance of our grounds and buildings in order to maintain the safety and aesthetics of our sites. In order to present an aesthetically pleasing design that reflects planning and pride, the Board directs administration to bring forward plans of any tree plantings, large signs, exterior painting or other projects that will impact the general aesthetics or functionality of a district property to the Board for review and direction, unless said projects are implementing a previously Board approved master plan.

Master Facilities Plan

In order to provide guidance for future grounds, maintenance and landscaping projects, the administration, will provide a master facilities plan to the Board, and bring updates to those plans, as appropriate. The District administration will design and recommend these plans in collaboration with local arborists and landscape architect agencies, and will include recommendations, by site, for regular tree and plant maintenance, long term grounds and facilities improvements, and tree removal and replacement.

Tree Removal from District Property

The following are the administrative procedures that are to be followed to minimize the removal of trees from district properties. In order to accomplish this goal, trees may only be removed if they meet one of the following criteria:

- 1. Tree removal is required as a component of a Board approved facility project.
- 2. It has been determined that the tree is a hazard or potential hazard by the Maintenance/Operations Foreman, in collaboration with the Superintendent or Assistant Superintendent. If, however, the tree is of such immediate hazard that it must be removed immediately following collaboration between the Maintenance/Operations Foreman and Superintendent or Assistant Superintendent, then documentation of the reason will be created, photographically if possible.
- 3. It is determined that removal of the tree is necessary, because of its diseased or dead nature, to facilitate the successful growing of replacement trees as determined by the Maintenance/Operations Foreman, in collaboration with the Superintendent or Assistant Superintendent.

In all cases of tree removal, the District maintenance and grounds department in collaboration with the Superintendent or Assistant Superintendent and in collaboration with a professional arborist, will attempt to replant, at least, an equivalent number of trees that were subject to the removal so that the District continues to maintain a stock of trees approximately equivalent to the number prior to any removal being necessary.

Facilities Policy #7230.1

IMPROVEMENTS TO DISTRICT FACILITIES BY OUTSIDE INDIVIDUALS, ORGANIZATIONS, BOOSTER GROUPS AND OTHER SCHOOL RELATED ORGANIZATIONS, AND PUBLIC AGENCIES

The District appreciates support for improving facilities from various individuals, community groups, booster groups, and other groups. Proposals for constructing new facilities or the repair and rehabilitation of existing facilities from such individuals and groups will be considered and, if approved, accepted by the District. These improvements/repairs are donations to the District. The donated facility's use shall be based on the assumption that all educational programs and/or activities have first priority for scheduling and use. The donation does not provide exclusive access or use by the donor or donor's organization unless agreed to by the Governing Board at the time of approval of the project.

All work is to be approved in advance by the site Administrator, District Administration and/or Board of Education, depending upon the type and magnitude of work as defined in regulation. All design and construction is to be in compliance with applicable local, State, and federal laws and regulations and District construction standards. All improvements to athletic facilities shall be in compliance with Title IX of federal regulations. Improvements, repairs, and rehabilitation performed without appropriate approvals and/or in conflict with local, State, and federal laws and regulations and District construction standards are subject to immediate removal by the Maintenance Department. The cost of the removal shall be charged to the individual or organization.

IMPROVEMENTS TO DISTRICT FACILITIES BY OUTSIDE ORGANIZATIONS, BOOSTER GROUPS AND OTHER SCHOOL RELATED ORGANIZATIONS, AND PUBLIC AGENCIES

Approval Process

- A. The initiator of a proposed improvement, repair, or rehabilitation to a District school or facility (Project) shall meet with the site administrator to secure an approval or endorsement of the proposed Project.
- B. Projects approved by the principal shall also be approved in advance by the Assistant Superintendent and/or the Board of Trustees if they involve the following types of work (see Policy 7230):
 - 1. Alterations, additions or repairs to buildings and grounds
 - 2. Construction involving wall or roof penetration, drilling or nailing
 - 3. Structural modifications
 - 4. Electrical, electronic, plumbing, or heating and cooling work
 - 5. Painting
 - 6. Installation of floor coverings
 - 7. Installation of playground equipment and benches
 - 8. Installation of sprinkler systems
 - 9. Paving
 - 10. Installation of marquees and signs
 - 11. Tree planting, pruning or removal

Note: Any tree plantings, large signs, exterior painting or other projects that will impact the general aesthetics or functionality of a district property.

- C. Initiator shall prepare and submit in writing to the Assistant Superintendent for Business a conceptual proposal comprised of:
 - 1. Description of the Project
 - 2. Conceptual design of the Project
 - 3. Plotted location of the Project on a school site plan.
 - 4. Estimated cost of the Project and timelines
 - 5. Description as to how the Project is to be completed and the credentials of labor force. Electrical, electronic, heating, ventilation, air conditioning, plumbing, welding and structural work must be done by a licensed contractor or performed under the supervision of a skilled District maintenance employee with knowledge of the trade involved.
 - 6. How the Project supports or enhances the District's instructional objectives
- D. The Assistant Superintendent for Business will review the proposed Project for its conformity to local, State, federal laws; District Facilities Master Plan; District construction standards; and completeness of design and integration into total campus operations. Assistant Superintendent for Business will provide a list of requirements in order to have an "approvable" project.

- E. The project initiator shall provide an overall revised plan in sufficient detail to show that it will meet the requirements.
- F. The Maintenance Department will review the proposed Project for sufficiency and compliance with requirements defined in paragraph D (above). If the project meets the requirements, approval may be granted by the Assistant Superintendent. However, pursuant to Policy 7230, if the project involves a significant change or is of a significant magnitude as determined by the Superintendent or designee, it will be presented to the Governing Board for action. Administration may recommend rejection of the Project to the Governing Board if it is determined that acceptance is in conflict with the overall goals and objectives of the District.
- G. It is the responsibility of the initiator to allow sufficient time for the Project to be adequately reviewed, approved, and submitted to the Governing Board for action. Review by the Assistant Superintendent and the Maintenance Department will be in concert with all other District work occurring at the same time. Review of proposed donations by the Assistant Superintendent and Maintenance Department may be delayed if completing the review is detrimental to other District planning and construction projects.
- H. Any fees and expenses incurred in conducting the review are the responsibility of the initiator. In some cases, the fees may be shared/paid by the District.
- I. The liability for the construction phase of the project resides with the initiator and proof of adequate insurance is required prior to approval.
- J. The initiator may proceed with the proposed project only after receiving written approval to proceed from the Superintendent or Assistant Superintendent. The project must proceed in accordance with the approved conditions and schedule.
- K. After the project is complete, it will be formally donated to the District. When the donation is approved, the District will accept all future responsibility for liability.

Facilities Policy #7310

NAMING OF FACILITY

The Governing Board shall name schools or individual buildings in recognition of:

- 1. Individuals, living or deceased, who have made outstanding contributions to the county or community
- 2. Individuals, living or deceased, who have made contributions of state, national or worldwide significance
- 3. The geographic area in which the school or building is located

The Board encourages community participation in the process of selecting names. A citizen advisory committee shall be appointed to review name suggestions and submit recommendations for the Board's consideration.

The renaming of existing schools or major facilities shall occur only under extraordinary circumstances and after thorough study.

Memorials

Upon request, the Board shall consider naming buildings, parts of buildings or athletic fields in honor of the contributions of students, staff members and community members who have been deceased for at least one year.

Legal Reference: **EDUCATION CODE** 35160 Authority of governing boards

Page 1 of 1. Adopted: May 7, 1998 CSBA: 2/96

Facilities BP #7400

PROPERTY MANAGEMENT

The Board of Education believes that facilities that are not being used for the educational program of the students at Pacific Grove Unified School District should be reviewed, and if deemed appropriate, used to generate revenue that can be put towards the needs of the school district as allowed by State law.

The Board directs the Superintendent, or his designee, to seek out facility use possibilities and review these possibilities with the Board. After receiving direction from the Board of Education, the Superintendent or designee will move to implement a plan to maximize the use of identified facilities in compliance with State and local law and regulations.

Page 1 of 1 Adopted: 06/03/04

Facilities

Regulations #7400

PROPERTY MANAGEMENT

Terms of the lease, sales agreement or other legal documents approved by the Board will govern the use of the property.

In rent or lease situations, the Superintendent or designee will meet with the tenant to determine ongoing needs, problems, concerns, etc.

On an annual basis, a written report will be forwarded to the Board of Education, which will as a minimum address the following:

- 1. Financial standing of each of the tenants, rents paid, rents owed, utilities paid, or other items as needed
- 2. Needs of tenants and properties that are anticipated for the upcoming year
- 3. In the case that a tenant becomes delinquent in their payment for a period of 60 days, information will be forwarded to the Board of Education regarding the delinquency and actions that are being pursued to recover the rent.

Page 1 of 1 Adopted: June 3, 2004

BOARD BYLAWS

ROLE OF THE BOARD/POWERS AND RESPONSIBILITIES

The Governing Board has been elected by the community to provide leadership and citizen oversight of the district. The Board shall ensure that the district is responsive to the values, beliefs, and priorities of the community.

The Board shall work with the Superintendent to fulfill its major responsibilities, which include:

- 1. Setting the direction for the district through a process that involves the community, parents/guardians, students, and staff and is focused on student learning and achievement
- 2. Establishing an effective and efficient organizational structure for the district by:
 - a. Employing the Superintendent and setting policy for hiring of other personnel
 - b. Overseeing the development and adoption of policies
 - c. Establishing academic expectations and adopting the curriculum and instructional materials
 - d. Establishing budget priorities and adopting the budget
 - e. Providing safe, adequate facilities that support the district's instructional program
 - f. Setting parameters for negotiations with employee organizations and ratifying collective bargaining agreements
- 3. Providing support to the Superintendent and staff as they carry out the Board's direction by:
 - a. Establishing and adhering to standards of responsible governance
 - b. Making decisions and providing resources that support district priorities and goals
 - c. Upholding Board policies
 - d. Being knowledgeable about district programs and efforts in order to serve as effective spokespersons
- 4. Ensuring accountability to the public for the performance of the district's schools by:
 - a. Evaluating the Superintendent and setting policy for the evaluation of other personnel
 - b. Monitoring and evaluating the effectiveness of policies
 - c. Serving as a judicial (hearing) and appeals body in accordance with law, Board policies, and negotiated agreements
 - d. Monitoring student achievement and program effectiveness and requiring program changes as necessary
 - e. Monitoring and adjusting district finances
 - f. Monitoring the collective bargaining process
- 5. Providing community leadership and advocacy on behalf of students, the district's educational program, and public education in order to build support within the local community and at the state and national levels

Page 1 of 4 Adopted: July 16, 1998 All Rights Reserved by PGUSD Revised: March 4, 2004, October 1, 2009

ROLE OF THE BOARD/POWERS AND RESPONSIBILITIES

The Board is authorized to establish and finance any program or activity that is not in conflict with, inconsistent with, or preempted by law. (Education Code 35160)

Vision

The Board shall set the direction for the district by adopting a vision statement which defines the district's goals and priorities. The Board shall carry out its vision setting role by identifying the strengths and needs of the district, developing and adopting a process for framing the vision, soliciting staff and community input as appropriate, ensuring that the adopted vision statement is implemented, and conducting a periodic review of the vision.

Superintendent Employment and Evaluation

The Board shall be solely responsible for employing the Superintendent and ensuring that he/she is the best match for the district based on needed abilities, traits and level of knowledge. When selecting a new superintendent, the Board shall ensure a smooth transition period; evaluate the district's current and long-term needs; plan and conduct a process for recruitment, screening and selection; and approve the Superintendent's employment contract. The Board shall regularly evaluate the Superintendent based on an evaluation system and performance objectives established by the Board and Superintendent.

General Hiring and Personnel Accountability

The Board shall adopt wage and salary schedules, and elect or reject employees at the recommendation of the Superintendent or designee. In order to have the best qualified people working at their maximum effectiveness, the Board shall hold the Superintendent responsible for overseeing the district's personnel system, developing effective hiring practices, creating a climate supportive of personnel and providing an effective framework for staff accountability.

Policy Adoption and Monitoring

The Board shall govern the schools by adopting policies that reflect the district's vision and the mandates of law. The Board shall establish a clear policy develop-ment process through which it may deliberate on issues, identify priorities, assign responsibilities, identify goals and courses of action, and review policy decisions.

The Board shall also adopt bylaws that promote cooperation, trust and teamwork among its members, give parameters to the Board's operation as a governing body, and ensure that its meetings proceed efficiently and in compliance with law.

Curriculum Adoption and Program Accountability

Page 2 of 4 Adopted: July 16, 1998 All Rights Reserved by PGUSD Revised: March 4, 2004, October 1, 2009

ROLE OF THE BOARD/POWERS AND RESPONSIBILITIES

While the design and implementation of curriculum is primarily a staff responsibility, the Board's role is to adopt overall educational goals and standards, define the curriculum development process, specify graduation requirements, adopt the developed curriculum and ensure compliance with state and federal laws.

To ensure accountability to the community, the Board shall establish measurable benchmarks to assess the effectiveness of the district's educational programs in producing desired student achievement results. Based on these assessments, the Board shall direct the Superintendent or designee to take corrective actions as needed.

Budget, Facilities and Fiscal Accountability

The Board shall adopt a sound, responsible budget that supports district goals and priorities. To guide the Superintendent or designee in development of the budget, the Board shall establish a budget calendar, budget process and spending priorities.

Recognizing that school facilities are a long-term obligation that impacts district budgets, the Board shall also ensure that a plan is in place to address the district's facility needs, including the funding, construction and maintenance of school facilities. The Board shall approve facility sites, funding sources and architectural and construction contracts.

The Board recognizes that it is accountable to the community for its budget and facilities decisions and for the district's fiscal integrity. The Board shall use accountability systems and processes in order to monitor the district's fiscal health.

Collective Bargaining

The Board is the legal representative of the district in negotiations with employee representatives. In carrying out the collective bargaining process, the Board shall set goals and guidelines for collective bargaining, select the bargaining team, maintain communications throughout the process and approve the negotiated contract.

Judicial and Appeals Body

In addition to establishing complaint procedures that ensure due process and facilitate the satisfactory resolution of issues, the Board may convene to serve as a judicial and appeals body in accordance with law, Board policies and negotiated agreements. The Board may delegate fact-finding or hearing responsibilities in appropriate cases but remains the final decision-maker in these proceedings.

Community Leadership

Page 3 of 4 Adopted: July 16, 1998 All Rights Reserved by PGUSD Revised: March 4, 2004, October 1, 2009

ROLE OF THE BOARD/ POWERS AND RESPONSIBILITIES

The Board shall build and maintain community awareness and support by actively involving parents/guardians, business and other community members in the schools and informing them about district programs, policies and issues.

Recognizing that the level of local, state and national support for education impacts the Board's ability to fulfill its responsibilities, the Board shall engage in advocacy on behalf of district schools. The Board shall ensure that the district has the capability to respond to emerging issues and a proactive communications plan for issues that are district priorities.

Legal Reference:

EDUCATION CODE

5304 Duties of governing board (re school district elections)

12400-12405 Authority to participate in federal programs

17565-17592 Board duties re property maintenance and control

33319.5 Implementation of authority of local agencies

35000 District name

35010 Control of district; prescription and enforcement of rules

35020-35046 Officers and agents

35100-35351 Governing boards, especially:

35160-35185 Powers and duties

35291 Rules

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance

Professional Governance Standards, November 2000

School Board Leadership: The Role and Function of California's School Boards, 1996

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

The Key Work of School Boards, 2000

WEB SITES

CSBA: http://www.csba.org

CSBA Governance Institute: http://www.csba.org/gi National School Boards Association: http://www.nsba.org

(2/97 3/01) 7/06

Page 4 of 4 Adopted: July 16, 1998 All Rights Reserved by PGUSD Revised: March 4, 2004, October 1, 2009

Board Bylaws Bylaw #9000.1

LEGAL AUTHORITY AND STRUCTURE OF THE BOARD

The Board of Education exists under, and derives its power from the Constitution of the United States, and relevant laws of the State of California.

The school District is designated as the Pacific Grove Unified School District. "Unified" refers to the fact that the boundaries of the elementary and secondary school Districts are coterminous, and is vested in one Board of Education.

Authority for control of the Pacific Grove Unified School District is vested in this elected Board of Education.

The government of the Pacific Grove Unified School District shall be vested in a Board of Education composed of five members who shall be elected at elections called, held, and conducted as now or hereafter provided in the Education Code.

Each person elected to membership on the Board of Education shall hold office for a term of four years in accordance with the Education Code.

Elections will be held biennially, on odd numbered years, in accordance with the provisions of the Education Code.

GOVERNANCE STANDARDS

The Governing Board believes that its primary responsibility is to act in the best interests of every student in the District. The Board also has major commitments to parents/ guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the District. To maximize Board effectiveness and public confidence in District governance, Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

The Board expects its members to work with each other and the Superintendent to ensure that a high-quality education is provided to each student. Each individual Board member shall:

- 1. Keep learning and achievement for all students as the primary focus
- 2. Value, support and advocate for public education
- 3. Recognize and respect differences of perspective and style on the Board and among staff, students, parents and the community
- 4. Act with dignity, and understand the implications of demeanor and behavior
- 5. Keep confidential matters confidential
- 6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader
- 7. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff
- 8. Understand that authority rests with the Board as a whole and not with individuals

Board members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the Board shall have a unity of purpose and:

- 1. Keep the District focused on learning and achievement for all students
- 2. Communicate a common vision
- 3. Operate openly, with trust and integrity
- 4. Govern in a dignified and professional manner, treating everyone with civility and respect
- 5. Govern within Board-adopted policies and procedures
- 6. Take collective responsibility for the Board's performance
- 7. Periodically evaluate its own effectiveness

Board Bylaws Bylaw #9005

GOVERNANCE STANDARDS

8. Ensure opportunities for the diverse range of views in the community to inform Board deliberations.

Adopted: September 6, 2001

Reviewed Oct. 22, 2009

Legal Reference:

EDUCATION CODE

35010 Power of governing board to adopt rules for its own governance

35160 Board authority to act in any manner not conflicting with law

35164 Actions by majority vote

GOVERNMENT CODE: 1090 Financial interest in contract

1098 Disclosure of confidential information

1125-1129 Incompatible activities

54950-54962 The Ralph M. Brown Act

87300-87313 Conflict of interest code

CSBA PUBLICATIONS

CSBA Professional Governance Standards .2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

CSBA: www.csba.org

PUBLIC STATEMENTS

The Governing Board recognizes the rights of Board members to freely express their views and encourages open discussion of issues during the Board meeting. The Board believes that effective Board members have a responsibility to express themselves, whether in agreement or disagreement with the Board majority, in ways that promote the Board's ability to govern the District.

When speaking to community groups, the media, or other members of the public, individual Board members should recognize that their statements may be perceived as reflecting the views and positions of the Board. Board members have a responsibility to identify personal viewpoints as such and not as the viewpoint of the Board.

All public statements authorized to be made on behalf of the Board shall be made by the Board president or, if appropriate, by the Superintendent or other designated representative.

Reference:

EC 35010

GC 54960

Page 1 Adopted: July 16, 1998 All Rights Reserved by PGUSD. Reviewed Oct. 22, 2009

CSBA: 6/94

DISCLOSURE OF CONFIDENTIAL/ PRIVILEGED INFORMATION

The Governing Board recognizes the importance of maintaining the confidentiality of information acquired as part of a Board member's official duties. Confidential/privileged information shall be released only to the extent authorized by law.

Disclosure of Closed Session Information

A Board member shall not disclose confidential information acquired during a closed session to a person not entitled to receive such information, unless a majority of the Board has authorized its disclosure. (Government Code 54963)

Confidential information means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session. (Government Code 54963)

The Board shall not take any action against any person for disclosing confidential information, nor shall the disclosure be considered a violation of the law or Board policy, when the person is: (Government Code 54963)

- 1. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation during a closed session
- 2. Expressing an opinion concerning the propriety or legality of Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action
- 3. Disclosing information that is not confidential

Other Disclosures

A Board member shall not disclose, for pecuniary monetary gain, confidential information acquired in the course of his/her official duties. Confidential

Page 1 of 3 Adopted: May 27, 1999
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Board Bylaws Bylaw #9011

DISCLOSURE OF CONFIDENTIAL/ PRIVILEGED INFORMATION

information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the Board member. (Government Code 1098)

Disclosures excepted from this prohibition are those made to law enforcement officials or to the joint legislative audit committee when reporting on improper governmental activities. (Government Code 1098)

Legal Reference:

EDUCATION CODE

35010 Power of governing board to adopt rules for its own governance 35146 Closed session

EVIDENCE CODE

1040 Privilege for official information

GOVERNMENT CODE

1098 Public officials and employees re confidential information

3549.1 Meeting and negotiating in public educational employment

6250-6270 Inspection of public records

54950-54963 Brown Act, especially:

54956.8 Open meeting laws

54956.9 Closed meeting for pending litigation

54957 Closed session; "employee" defined; exclusion of witnesses

54957.1 Subsequent public report and rollcall vote; employee matters in closed session

54957.5 Public records

54957.6 Closed session; representatives with employee organization

54957.7 Reasons for closed session

54963 Confidential information in closed session

ATTORNEY GENERAL OPINIONS

80 Ops.Cal.Atty.Gen. 231 (1997)

Management Resources:

CSBA PUBLICATIONS

Page 2 of 3 All Rights Reserved by PGUSD. Adopted: May 27, 1999

Revised October 22, 2009

Board Bylaws Bylaw #9011

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION

Professional Governance Standards, November 2000 Maximizing School Board Leadership, 1996 WEB SITES

CSBA: http://www.csba.org

(3/88 6/98) 11/02

ORGANIZATION

Annual Organizational Meeting

The Board shall hold an annual organizational meeting within the time limits prescribed by law. (Education Code 35143) The Superintendent shall serve as Executive Secretary to the Board.

At this meeting the Board shall:

- 1. Elect a President and a Vice-President/Clerk from its members
- 2. Authorize signatures
- 3. Develop a schedule of regular meetings for the year
- 4. Designate Board representatives to standing and other committees
- 5. Develop a Board calendar

Meeting Procedures

The rules contained in the current issue of Roberts Rules of Order Newly Revised (RONR) shall be used to determine parliamentary procedures.

Election of Officers

The Board shall each year elect one of its members to be President and one to be Vice President/Clerk. Each is elected to serve a one-year term.

Nomination Process

The Superintendent, serving as Secretary to the Board, shall initiate the nomination process in October, by sending to each Board member a form on which the Board member indicates his/her interest in serving in one of the elected positions. The Superintendent compiles the information and sends a copy to each Board member prior to the December Organizational meeting. Nominations and the election of each office are made at the annual organizational meeting.

Vacancies

If any vacancy occurs in the position of President or Vice-President/Clerk, the Board shall elect, by a majority vote of the total membership constituting the Board of Trustees, a new President or Vice-President/Clerk from its membership at the first regular or special meeting following the vacancy.

Legal Reference:

EDUCATION CODE

5017 Term of office

35143 Annual organizational meeting date, and notice

35145 Public meetings

GOVERNMENT CODE

54953 Meetings to be open and public; attendance

ATTORNEY GENERAL OPINIONS

68 OPS. CAL. ATTY. GEN. 65 (1985)

59 OPS. CAL. ATTY. GEN. 619, 621-622 (1976)

9/92

Board Bylaws Bylaw #9110

TERMS OF OFFICE

The Governing Board of the Pacific Grove Unified School District shall consist of five members elected at large whose terms shall be staggered so that as nearly as practicable, one half of the members shall be elected in each even-numbered year.

The term of office for members elected in regular elections shall be four years, commencing on the first Friday in December next succeeding their election.

Regularly elected Board member terms expire four years after their initial election on the first Friday in December following the election of new members.

Board members elected to complete a term vacated by a regularly elected Board member may be elected to a term of less than four years.

A member whose term has expired shall continue to discharge the duties of the office until his/her successor has qualified by taking the oath of office.

Reference: **Education Code** 5000-5033 33000.5 35010 35012 35107

Government Code

1302

1303

1360

Page 1 of 1. Revised: July 24, 2017 Adopted: July 16, 1998

PRESIDENT

The Governing Board shall elect a president from among its members to provide leadership on behalf of the Board and the educational community it serves.

The Board President shall preside at all Governing Board meetings. He/she shall:

- 1. Call the meeting to order at the appointed time
- 2. Announce the business to come before the Board in its proper order
- 3. Enforce the Board's policies relating to the conduct of meetings and help ensure compliance with applicable requirements of the Brown Act
- 4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference
- 5. Explain what the effect of a motion would be if it is not clear to every member
- 6. Restrict discussion to the question when a motion is before the Board
- 7. Rule on parliamentary procedure, referring questions of procedure to the designated parliamentarian
- 8. Put motions to a vote, and state clearly the results of the vote
- 9. Be responsible for the orderly conduct of all Board meetings

The Board President shall have all the rights of any member of the Board, including the right to move, second, discuss, and vote on all questions before the Board.

The President shall perform other duties in accordance with law and Board policy including, but not limited to:

- 1. Sign all instruments, acts, and orders necessary to carry out state requirements and the will of the Board
- 2. Consult with the Superintendent (or designee) and the Vice-President/Clerk on the preparation of the Board's agendas
- 3. Work with the Superintendent to ensure that Board members have

Page 1 of 3 Adopted: July 16, 1998 Revised March 4, 2004; October 22, 2009

Board Bylaws Bylaw #9121

PRESIDENT

necessary materials and information

- 4. Appoint and disband all Board committees, subject to Board approval
- 5. Call such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law
- 6. Confer with the Superintendent or designee on crucial matters which may occur between Board meetings
- 7. Share informational mail with other Board members
- 8. Establish a seating assignment of trustees and staff for regular trustee meetings
- 9. Assign trustees to graduation ceremonies with consideration given to individual trustee requests, and when relatives or close family friends are graduating
- 10. Act as a spokesperson for trustees at special ceremonies (such as students, employee resolutions, school dedications, etc.) and clarification of trustee direction
- 11. Represent the district as governance spokesperson, in conjunction with the Superintendent
- 12. Assign trustees to special visitations to other Districts as deemed appropriate by the trustees
- 13. Be an ex-officio member of all committees
- 14. Appoint Parliamentarian

If the Board President resigns, the Vice-President/Clerk shall perform the President's duties until a new president is elected at the first regular or special meeting following the vacancy. If the Board President is absent or disabled, the Vice-President/Clerk shall perform the President's duties. When both the President and Vice-President/Clerk are absent or disabled, the Secretary shall convene the meeting and ask the Board to select a President-Pro Tem to perform the President's duties.

Legal Reference:

EDUCATION CODE

35022 President of the board

35143 Annual organizational meetings; dates and notice

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

Page 2 of 3
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Board Bylaws Bylaw #9121

PRESIDENT

Management Resources:

CSBA PUBLICATIONS

Board Presidents' Handbook, revised 2002

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

CSBA: http://www.csba.org

(7/84 9/89) 7/03

Board Bylaws Bylaw #9122

SECRETARY

The Governing Board shall appoint the Superintendent to serve as secretary to the Board. The secretary to the Board shall be responsible for maintaining an accurate and complete record of all Board proceedings and shall:

- 1. Prepare, distribute and maintain the Board agenda
- 2. Record, distribute and maintain the Board minutes
- 3. Maintain Board records and documents
- 4. Prepare, issue, and serve all orders of the Board
- 5. Prepare for each Board member a written notice of all regular, adjourned, and special Board meetings, together with the agenda and appropriate material for the meeting
- 6. Send written notice of all Board meetings to news media within the District and to organizations that have requested such notice in writing
- 7. Post and distribute notices and agendas as required by law or as directed by the Board
- 8. Prepare the unadopted minutes of each Board meeting and forward these to each Board member prior to each regular meeting
- 9. Sign the minutes of the Board meetings following their approval
- 10. Conduct official correspondence of the Board
- 11. Sign and execute official papers and contracts as authorized by the Board
- 12. Assist the Board President in development of Board meeting agendas
- 13. Perform all other duties as required by the Board

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Adopted: July 16, 1998 Revised October 22, 2009

Board Bylaws Bylaw #9122

Adopted: July 16, 1998

Revised October 22, 2009

SECRETARY

Legal Reference:
EDUCATION CODE
35025 Secretary and bookkeeper
35143 Annual organizational meetings dates and notice
35250 Duty to keep certain records and reports
GOVERNMENT CODE
54950-54963 Ralph M. Brown Act

Board Bylaws Bylaw #9123

VICE-PRESIDENT/ CLERK

At the annual organizational meeting, the Governing Board shall elect a Vice-President/Clerk from its own membership.

The duties of the Vice-President/Clerk shall be to:

- 1. Serve as presiding officer in the absence of the president and, in such case, shall exercise all powers and bear all responsibilities of the President
- 2. Maintain such other records or reports as required by law
- 3. Attend Board agenda meetings as necessary
- 4. Sign documents on behalf of the district as directed by the Board
- 5. Perform any other duties assigned by the Board

Legal Reference:

EDUCATION CODE

17593 Repair and supervision of property (duty of district clerk)

35038 Appointment of clerk by county superintendent of schools

35039 Dismissal of clerk

35121 Appointment of clerk in certain city and high school districts

35143 Annual organizational meetings

35250 Duty to keep certain records and reports

38113 Duty of clerk (re provision of school supplies)

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

CSBA: http://www.csba.org

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Board Bylaws Bylaw #9123

VICE-PRESIDENT/ CLERK

(7/84 9/88) 7/03

Board Bylaws Bylaw #9124

ATTORNEY

The Governing Board recognizes the complex legal environment in which districts operate and desires reliable, high-quality legal advice at reasonable rates. In order to meet the district's legal needs, the Board may contract with MCOE counsel, attorneys in private practice, or appoint legal counsel as a district employee or independent contractor. The Board also supports pursuing collaborative legal efforts with other agencies and districts as appropriate. (EC 35204-05)

Duties of Legal Counsel

The district's legal counsel may: (Education Code 35041.5)

- 1. Render legal advice to the Board and the Superintendent or designee
- 2. Serve the Board and the Superintendent or designee in the preparation and conduct of district litigation and administrative proceedings
- 3. Render advice on school bond and tax increase measures and prepare the necessary forms for the voting of these measures
- 4. Perform other administrative duties as assigned by the Board and Superintendent or designee

Contacting Legal Counsel

At his/her discretion, the Board president or Superintendent may confer with district legal counsel subject to any limits or parameters established by the Board. In addition, the Superintendent or Board president may contact district legal counsel to provide the Board with legal information or advice when so directed by a majority of the Board.

Individual Board members other than the Board president may not seek advice from district legal counsel on matters of district business unless so authorized by a majority of the Board.

Legal Reference:
EDUCATION CODE
35041 Administrative adviser
35041.5 Legal counsel
35161 Powers and duties of governing board
35200-35214 Liabilities, especially:
35204 Contract with attorney in private practice
35205 Contract for legal services
GOVERNMENT CODE
814-895.8 Liability of public entities and public employees
995-996.6 Defense of public employees
26520 Legal services to school districts

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Board Bylaws Bylaw #9124

ATTORNEY

53060 Special services and advice

Management Resources: CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2007 Maximizing School Board Leadership: Boardsmanship, 1996

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Selecting and Working with a School Attorney: A Guide for School Boards, 1997

WEB SITES

CSBA: http://www.csba.org

California Council of School Attorneys:

http://www.csba.org/LegislationAndLegal/Legal/CaliforniaCouncilOfSchoolAttorneys.aspx

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

State Bar of California: http://www.calbar.ca.gov

(6/91 12/92) 7/08

Page 2 of 2 Adopted: July 16, 1998 All Rights Reserved by PGUSD. Revised: March 4, 2004, Nov. 5, 2009

Board Bylaws Bylaw #9130

BOARD COMMITTEES

The Governing Board may establish Board committees as necessary. The Board shall determine the duties of the committee at the time of its appointment. Unless specifically authorized by the Board to act on its behalf, Board committees shall act in an advisory capacity. When its duties have been completed, the committee shall be dissolved.

Board committees shall provide public notice of their meetings and conduct these meetings in accordance with state open meeting laws.

Meetings of advisory committees or standing committees for which an agenda is posted at least 72 hours in advance of the meeting pursuant to Government Code 54954.2, shall be considered, for purposes of the Brown Act, as regular meetings of the Board. (Government Code 54954)

Sessions of a Board committee, consisting of members of the public, employees, and students, formed to interview candidates for District Superintendent and to make recommendation to the Board, are not required to be open to the public.

Board advisory committees composed solely of less than a quorum of the members of the Board are not subject to open meeting laws unless they are standing committees that have a continuing subject matter jurisdiction or a meeting schedule established by the Board. (Government Code 54952)

Standing committees with a continuing subject matter jurisdiction include but are not limited to those responsible for providing advice on budgets, audits, contracts and personnel matters at the Board's request.

When a majority of the members of the Board attend an open and noticed meeting of a standing committee, the Board members who are not members of the standing committee shall attend only as observers. (Government Code 54952.2)

The Superintendent or designee may serve as an advisor to any committee at the discretion of the Board.

Whenever so charged, committees may actively seek input and participation by parents/guardians, staff, community and students and may consult with local public boards and agencies.

When a Board committee composed exclusively of Board members has provided for public comment on an item at a public meeting before or during the committee's consideration of the item, the Board is not obliged to provide for public comment on the item at a subsequent Board meeting. Public comment shall be afforded, however, if the Board determines that the item has been substantially changed since it was heard by the committee. (Government Code 54954.3)

Legal Reference: **EDUCATION CODE** 35010 Control of District; prescription and enforcement of rules 35024 Executive committee

Adopted: July 16, 1998 Page 1 of 2

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Reviewed September 5, 2002; October 22, 2009 CSBA: 2/99

Board Bylaws Bylaw #9130

BOARD COMMITTEES

35160 Authority of governing boards 35160.1 Broad authority of school Districts

GOVERNMENT CODE

54952 Legislative body, definition

54952.2 Definition of meeting

54954 Time and place of regular meetings; special meetings; emergencies

54954.3 Opportunity for public to address legislative body

ATTORNEY GENERAL OPINIONS

81 Ops.Cal.Atty.Gen. 156 (1998)

80 Ops.Cal.Atty.Gen. 308 (1997)

79 Ops.Cal.Atty.Gen. 69 (1996)

Page 1 of 2 Adopted: July 16, 1998 All Rights Reserved by PGUSD. Reviewed September 5, 2002; October 22, 2009

CSBA: 2/99

Organization Bylaw #9140

BOARD REPRESENTATION

The Governing Board may appoint any of its members to serve as its representatives on District committees or advisory committees of other public agencies or organizations. Due to open meeting law requirements, a majority of the Board shall not be appointed to serve on the same committee.

When making such appointments, the Board shall clearly specify, on a case-by-case basis, what authority and responsibilities are involved. Board representatives shall not grant District support or endorsement for any activity without prior Board approval.

If a committee discusses a topic on which the Board has taken a position, the Board member may express that position as a representative of the Board. When contributing individual ideas or opinions on other topics, he/she shall make it clear that he/she is speaking as an individual, not on behalf of the Board.

Legal Reference:
EDUCATION CODE
4000-4014 County committees on school District organization
35020-35046 School District officers and agents (power of governing board to employ or appoint)
35160 Authority of governing boards
GOVERNMENT CODE
54952.2 Meetings

Page 1 of 1 Adopted: July 16, 1998
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CSBA: 10/95

Board Bylaws Bylaw #9150

STUDENT BOARD MEMBERS

The Board believes it is important to seek out and consider students' ideas, viewpoints and reactions to the educational program. In order to provide student input and involvement, the Board shall include one student Board member from the high school.

The term of the student Board member shall be one calendar year, commencing on May 1. The student Board member shall have the right to attend all Board meetings except closed sessions.

Student Board members shall be seated with regular Board members and be recognized at meetings as full members. They may participate in questioning witnesses and discussing issues and shall receive all materials presented to Board members except those related to closed sessions.

The Student Board member may cast preferential votes on all matters except those subject to closed session discussion. Preferential votes shall be cast with the official Board vote and shall not affect the final numerical outcome of a vote. Preferential votes shall be recorded in the Board meeting minutes.

The Student Board member may make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3.

Student Board members may be reimbursed for mileage but shall not receive compensation for attendance at Board meetings.

Legal Reference: **EDUCATION CODE** 33000.5 Appointment of student members to State Board of Education 35012 Board members; number, election and terms; pupil members **GOVERNMENT CODE** 3540-3549.3 Meeting and Negotiating in Public Educational Employment

(12/90 12/92) 3/93

Board Bylaws

Board Exhibit #9150

STUDENT BOARD MEMBER

STUDENT BOARD MEMBER GUIDELINES

Duties of Student Board Member

The duties of the student Board member include the following:

- 1. To provide continuing input for Board deliberations
- 2. To strengthen communications between the Board and District students
- 3. To represent all students and facilitate the discussion of all sides of issues. This duty does not preclude the student Board member from stating his/her individual opinion

Selection and Term

The President of the ASB or a member of the Executive Council may serve as the student Board member. The term of office shall be May 1 through April 30.

Vacancy

If the position of student Board member becomes vacant, or if the ASB President cannot attend, then any member of the Executive Council will assume the student Board member position.

Board Materials/Information

The Superintendent or designee's office shall provide the student Board member with full and complete agendas and copies of any materials received by the Board except for those materials covered in closed session and any other confidential materials. The Superintendent's office shall serve as the "home office" for the student Board member, where he/she may make use of secretarial facilities and receive advice and/or information upon request.

Page 1 of 3 Issued: 7/1998; All Rights Reserved by PGUSD. Revised 4/2002, 11/2006 Reviewed October 22, 2009

CSBA: 3/93

Board Bylaws

Board Exhibit #9150

STUDENT BOARD MEMBER

RESOLUTION

Resolution #795 Student Board Member Motions

WHEREAS: The Governing Board of the Pacific Grove Unified School District, Monterey County, California includes one student Board member;

AND WHEREAS: California Education Code 35012 provides that the Board may authorize its student member(s) to make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3;

THEREFORE BE IT RESOLVED: That the Board hereby authorizes its student member(s) to make motions as specified above.

Passed and Adopted on <u>November 16, 2006</u> by the Governing Board of the <u>Pacific Grove Unified School District</u>, by the following vote:

Noes: 0
Absent: none

(Beth Shammas)
President, Governing Board

(Patrick Perry)
Secretary to the Board

5

Ayes:

CSBA: 3/93 Reviewed October 22, 2009

BOARD MEMBERS

Limits of Board Members Authority

The Governing Board recognizes that the Board is the unit of authority over the district and that a Board member has no individual authority. Board members shall hold the education of students above any partisan principle, group interest, or personal interest. The Board member cannot do business with the District served, nor should the Board member have an interest in any contract with the school District.

Individual Board members do not have the authority to resolve complaints. Any Board member approached directly by a person with a complaint should refer the complainant to the Superintendent or designee so that the problem may receive proper consideration and be handled through the appropriate district process.

Unless agreed to by the Board as a whole, individual members of the Board shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee. Individual Board members shall submit requests for information to the Superintendent. Board members shall refer Board-related correspondence to the Superintendent for forwarding to the Board or for placement on the Board's agenda, as appropriate.

Obligations of Board Members

Board members shall hold the education of all children and youth above any partisan principle, group interest, or personal interest.

Board members shall understand their role and the programs offered by the District. They shall study all agenda materials before the meeting, participate in the discussion of items that come before the Board, vote on motions and resolutions, and abstain only for compelling reasons.

Board members shall refer Board-related correspondence to the Superintendent or designee for forwarding to the Board or for placement on the Board's agenda.

Board members and persons elected to the Board are responsible for complying with the requirements of the state's open meeting laws. (GC 54952.1)

A Board member shall not use his/her position on the Board to influence school district personnel in matters concerning their child/ren.

The Superintendent or designee shall provide a copy of the state's open meeting laws (Brown Act) to each Board member and to anyone who is elected to the Board but has not yet assumed office.

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Board Bylaws Bylaw #9200

BOARD MEMBERS

Legal Reference: EDUCATION CODE 200-262 4 Prohibition

200-262.4 Prohibition of discrimination

7054 Use of district property

35010 Control of district; prescription and enforcement of rules

35100-35351 Governing boards, especially:

35160-35184 Powers and duties

35291 Rules

35292 Visits to schools (Board members)

51101 Rights of parents/guardians

GOVERNMENT CODE

54950-54962 The Ralph M. Brown Act, especially:

54952.1 Member of a legislative body of a local agency

54952.7 Copies of chapter to members of legislative body

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

CSBA: http://www.csba.org

(2/94 3/04) 7/06

Revised Nov 5, 2009

GOVERNING BOARD ELECTIONS

Any person is eligible to be a Governing Board member, without further qualifications, if he/she is 18 years of age or older, a citizen of the state, a resident of the school District, a registered voter and not legally disqualified from holding civil office. (Education Code 35107)

A District employee elected to the Board shall resign his/her position before being sworn in or shall have his/her employment automatically terminated upon being sworn into office. (Education Code 35107)

Whenever possible, the Board shall consolidate Board elections with the local municipal or statewide primary or general election. Board election procedures shall be conducted in accordance with state and federal law.

Campaign Conduct

In order to help protect the public's trust in the electoral process as well as the public's confidence in the Board and district, the Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code 20440.

Statement of Qualifications

The District shall assume no part of the cost of printing, handling, translating or mailing candidate statements filed pursuant to Elections Code 13307.

On the 125th day prior to the day fixed for the general district election, the Board secretary or his/her designee shall deliver a notice, bearing the secretary's signature and district seal, to the county elections official describing both of the following: (Elections Code 10509)

- 1. The elective offices of the district to be filled at the general election and which offices, if any, are for the balance of an unexpired term
- 2. Whether the district or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

Tie Votes in Board Member Elections

Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the Board, the Board shall immediately notify the candidates who received the tie votes of the time and place where lots shall be cast to determine the winner. (Education Code 5016)

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office, county board of education

5000-5033 Elections

5220-5231 Elections

5300-5304 General provisions (conduct of elections)

5320-5329 Order and call of elections

5340-5345 Consolidation of elections

5360-5363 Election notice

GOVERNING BOARD ELECTIONS

5380 Compensation (of election officer)

5390 Qualifications of voters

5420-5426 Cost of elections

5440-5442 Miscellaneous provisions

7054 Use of district property

35107 Eligibility; school district employees

35177 Campaign expenditures or contributions

35239 Compensation of governing board member of districts with less than 70 ADA

ELECTIONS CODE

1302 Local elections, school district election

2201 Grounds for cancellation

4000-4004 Elections conducted wholly by mail

10400-10418 Consolidation of elections

10509 Notice of election by secretary

10600-10604 School district elections

13307 Candidate's statement

13309 Candidate's statement, indigency

20440 Code of Fair Campaign Practices

GOVERNMENT CODE

1021 Conviction of crime

1097 Illegal participation in public contract

12940 Nondiscrimination, Fair Employment and Housing Act

81000-91014 Political Reform Act

PENAL CODE

68 Bribes

74 Acceptance of gratuity

424 Embezzlement and falsification of accounts by public officers

661 Removal for neglect or violation of official duty

CALIFORNIA CONSTITUTION

Article 2, Section 2 Voters, qualifications

Article 7, Section 7 Conflicting offices

Article 7, Section 8 Disqualification from office

COURT DECISIONS

Randall v. Sorrell, (2006) 126 S.Ct. 2479

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 49 (2002)

83 Ops.Cal.Atty.Gen. 181 (2000)

81 Ops.Cal.Atty.Gen. 98 (1998)

69 Ops.Cal.Atty.Gen. 290 (1986)

Management Resources:

WEB SITES

California Secretary of State's Office: http://www.ss.ca.gov Fair Political Practices Commission: http://www.fppc.ca.gov Institute for Local Self Government: http://www.islg.org

(2/98 3/01) 11/06

Board Bylaws Bylaw #9222

RESIGNATION

A Governing Board member who wishes to resign may do so by filing a written resignation with the Monterey County Superintendent of Schools. (EC 5090)

A copy shall be given to the Board secretary.

The written resignation is effective when filed, except when a deferred effective date is specified in the resignation. (Education Code 5090)

A Board member may not defer the effective date of his/her resignation for more than 60 days after filing. (Education Code 5091)

A written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable upon being filed. (Education Code 5090)

Upon resignation, the Board member may continue to exercise all his/her powers, save that of voting for a successor, until the effective date of resignation. (Education Code 35178)

When leaving office, the Board member is required to file a financial disclosure statement within 30 days. (CSBA Exhibit #9270 offers further direction.)

Due to the conflict of interest requirements, Board Members wishing to seek employment in the District must resign prior to submitting their application for employment.

Legal Reference:
EDUCATION CODE
5090 Definition (vacancy)
5091 Special Election
35178 Resignation with deferred effective date

Page 1 of 1. Adopted: July 16, 1998
All Rights Reserved by PGUSD. Revised: March 4, 2004, Reviewed Nov 5, 2009

CSBA: 9/89

FILLING VACANCIES

Events Causing a Vacancy

A vacancy on the Governing Board may occur by a failure to elect or for any of the following events:

- 1. The death of an incumbent (Government Code 1770)
- 2. The adjudication pursuant to a quo warran to proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)
- 3. A Board member's resignation (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090)

A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent.

- 4. A Board member's removal from office, including recall (Government Code 1770; Elections Code 11384)
- 5. A Board member's ceasing to be an inhabitant of the state or resident of the district (Government Code 1770)
- 6. A Board member's absence from the state beyond the period allowed by law without the permission required by law (Government Code 1770)

No Board member shall be absent from the state for more than 60 days, except in any of the following situations: (Government Code 1064)

- a. Upon business of the school district with the approval of the Board
- b. With the consent of the Board for an additional period not to exceed a total absence of 90 days
- c. For federal military deployment not to exceed six months as a member of the armed forces of the United States or the California National Guard

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a

Page 1 of 4 Adopted: July 16, 1998
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FILLING VACANCIES

reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members, as necessary to enable the Board to conduct business and discharge its responsibilities.

- d. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board for an additional period not to exceed 30 days
- 7. A Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by sickness or when absent from the state with the permission required by law (Government Code 1770)
- 8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties (Government Code 1770)
- 9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed (Government Code 1770)
- 10. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)
- 11. The making of an order vacating a Board member's office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond (Government Code 1770)
- 12. A Board member's commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; in this event, the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)

Timelines for Filling a Vacancy

When a vacancy occurs, the Board shall take the following action, as appropriate:

- 1. When a vacancy occurs less than four months before the end of a Board member's term, the Board shall take no action. (Education Code 5093)
- 2. When a vacancy occurs four or more months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated. (Education Code 5091)

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FILLING VACANCIES

3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

Provisional Appointments

When the special election is not required, the Board may make a provisional appointment. (Education Code 5091, 5093)

OPTION 1:

In order to draw from the largest possible number of candidates, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

OPTION 2:

The Board shall accept nominations for Board membership at a public meeting and shall select the provisional appointee from among these nominees by a majority vote.

In order to serve on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

The notice shall contain: (Education Code 5092)

- 1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
- 2. The full name of the appointee
- 3. The date of appointment
- 4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent of Schools within 30 days of the provisional appointment, it shall become an effective appointment

Board Bylaws Bylaw #9223

FILLING VACANCIES

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

Legal Reference:

EDUCATION CODE

5000-5033 Elections

5090-5095 Vacancies

5200-5208 Districts governed by boards of education

5300-5304 Elections

5320-5329 Order and call of election

5340-5345 Consolidation of elections

5360-5363 Election notice

5420-5426 Cost of elections

5440-5442 Miscellaneous provisions, elections

35107 Eligibility of board members

35178 Resignation with deferred effective date

ELECTIONS CODE

10600-10604 School district elections

11381-11386 Candidates for recall

GOVERNMENT CODE

1064 Absence from state

1770 Vacancies: definition

3060-3075 Removal other than by impeachment

6061 One time

54950-54963 The Ralph M. Brown Act

ATTORNEY GENERAL OPINIONS

58 Ops.Cal.Atty.Gen. 888 (1975)

Management Resources:

WEB SITES

CSBA: http://www.csba.org

California State Attorney General's Office, Quo Warran to Applications:

http://caag.state.ca.us/opinions/quo.htm

(6/94 6/96) 11/04

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OATH OR AFFIRMATION

When entering upon the duties of their office, all Governing Board members shall take the oath or affirmation required by law. (Constitution of the State of California, Article 20, Section 3) A board member, the Superintendent or an authorized designee may administer this oath: _____, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. Signature of Governing Board Member Mailing Address Taken and subscribed before me this ______day of ________, 20___ Signature of Person Administering Oath If appointed, date of Board action: Office previously held by: (Name of outgoing Board member or "Re-elected" The Board Secretary shall send the original and one copy to the Superintendent of Schools of the Monterey County Office of Education. Reference: EC 60: GC 1360-1363, 3100; CONSTITUTION OF THE STATE OF CALIFORNIA Article 20, Section 3 Oath of Office.

Adopted: July $\overline{16, 1998}$ Page 1 of 1. Reviewed Nov 5, 2009

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CSBA: 9/91

Board Bylaws Bylaw #9230

ORIENTATION

Board Candidate Orientation

The Governing Board desires to provide Board candidates with orientation that will enable them to understand the responsibilities and expectations of Board membership. The Superintendent or designee shall provide all candidates with general information about school programs, district operations, and Board responsibilities. He/she may also provide candidates with information about the election process, including, but not limited to, information about campaign conduct and ballot statement information.

The Board shall convene a meeting to provide an orientation and information to incoming Board members to assist them in understanding the Board's functions, policies, procedures, protocols, and agreed-upon standards of conduct. Incoming Board members shall receive the district's policy manual and other materials related to the district and Board member responsibilities.

Upon their election, incoming Board members shall be provided a copy of the Brown Act and informed that, pursuant to Government Code 54952.1, they must conform to the Act's requirements as if they had already assumed office.

The Superintendent may provide incoming Board members with additional background and information regarding the district's vision and goals, operations, and current challenges in areas that include, but are not be limited to, student achievement, curriculum, finance, facilities, policy, human resources, and collective bargaining.

Incoming members are encouraged to attend Board meetings and review agenda materials available to the public in order to become familiar with current issues facing the district. Incoming members also may, at district expense and with approval of the Board, attend workshops and conferences relevant to their individual needs or to the needs of the Board as a whole or the district.

Legal Reference:

EDUCATION CODE

33360 Department of Education and statewide association of school district boards; annual workshops

33362-33363 Reimbursement of expenses; board member or member-elect ELECTIONS CODE

13307 Candidate's statement

20440 Code of Fair Campaign Practices

GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act, especially:

54952.1 Member of a legislative body

54952.7 Copies of Brown Act to board members

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Board Bylaws Bylaw #9230

ORIENTATION

Management Resources:

CSBA PUBLICATIONS

School Board Leadership, 2007

The Brown Act: School Boards and Open Meeting Laws, rev. 2007

Guide to Effective Meetings, 2007

Professional Governance Standards, 2000

Maximizing School Board Leadership, 1996

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Becoming a Better Board Member: A Guide to Effective School Board Service,

2006

WEB SITES

CSBA: http://www.csba.org

Fair Political Practices Commission: http://www.fppc.ca.gov National School Boards Association: http://www.nsba.org

(9/89 6/94) 7/08

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Revised Nov 5, 2009

Board Bylaws Bylaw #9240

BOARD DEVELOPMENT

Citizens elected to the Governing Board are entrusted with the responsibility of governing District schools. The Board recognizes that its members need training that helps them understand their responsibilities, stay abreast of new developments in education, and develop boardsmanship skills.

All Board members may attend conferences for the purpose of Board development. Board business shall not be discussed at conferences.

Board members may report to the Board, orally or in writing, as soon as possible on the inservice activities they attend.

Funds for Board development may be budgeted annually.

Reference: EC 33360; GC 54950-962, 54952.2.

CSBA 6/94

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Adopted: July 16, 1998

Reviewed Nov. 5, 2009

REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS

Remuneration

Each member of the Governing Board is entitled to receive remuneration for their attendance at board meetings. For a District with 1,000 - 10,000 students, the maximum monthly compensation is \$240.00 per month (Ed Code 35120 #5).

Board members are not required to accept payment for meetings attended, but rather have the option to receive remuneration. After being sworn in as a Board member, they would complete the necessary paperwork to inform the Business Office of their intention. At any time, the Board member may change his/her decision regarding remuneration.

A Board member will receive the full amount if he or she attends all board meetings within the month. If they are unable to attend a meeting, he/she will receive remuneration equal to the percentage of meetings attended unless otherwise authorized by board action. (Education Code 1090, 35120). Members may be remunerated for meetings they missed when the Board, by resolution, finds that they were performing designated services for the District at the time of the meeting or that they were absent because of illness, jury duty, or a hardship deemed acceptable by the Board. (Education Code 1090, 35120)

Attendance at a meeting is defined as being present for the complete meeting or for a majority of the meeting time.

Expenses for Board Member Functions

Board members shall have the option of receiving a cash advance for per diem expenses or being reimbursed for all expenses incurred in attending meetings or making trips on official District business when outside the boundaries of Santa Cruz and Monterey Counties, and when so authorized in advance by the Board. (Education Code 35044)

The rate of reimbursement shall be the same rate specified for District personnel.

Health and Welfare Benefits

Board members and their dependents may, at their own expense, participate in the health and welfare benefits program provided for District employees.

Benefits for Retired Board Members

Board members retiring from the Board after serving at least one term, may continue the health and welfare benefits program at their own expense if coverage is in effect at the time of their retirement. (Government Code 53201)

Page 1 of 2. Adopted: May 3, 2001 All Rights Reserved by PGUSD. Revised: March 4, 2004; October 1, 2009

CSBA: 11/00

Board Bylaws Bylaw #9250

REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS

Legal Reference:

EDUCATION CODE

1090 Compensation for members and mileage allowance

33362 Reimbursement of expenses (Department of Education and CSBA workshops)

35012 Board members; number, election and term

35044 Payment of traveling expenses of representatives of board

35120 Compensation (services as member of governing board)

35172 Promotional activities

44038 Cash deposits for transportation purchased on credit

GOVERNMENT CODE

20322 Elective officers; election to become member 53200-53209 Group insurance UNITED STATES CODE, TITLE 26 403(b) Tax-sheltered annuities COURT DECISIONS

Horning v. Hollister School District, (1992) 11 Cal.App.4th 1598

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 124 (2000)

Page 2 of 2. Adopted: May 3, 2001 All Rights Reserved by PGUSD. Revised: March 4, 2004; October 1, 2009

CSBA: 11/00

Board Bylaws Bylaw #9250E

REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS

Board Member Intention to Request Remuneration

Board Bylaw states that Board members are entitled to receive remuneration for their attendance at School Board meetings. After being sworn in as a Board member, they would complete the necessary paperwork to inform the Business Office of their intention. Board member may change his/her decision regarding remuneration at any time.

Per Ed Code 35120 (5), a district the size of Pacific Grove allows for a compensation of \$240 per month. A Board member will receive the full amount if he or she attends all board meetings within the month. If they are unable to attend a meeting, he/she will receive remuneration equal to the percentage of meetings attended unless otherwise authorized by Board action.

Board members wanting to receive remuneration and submitting it to the Superintendent.	tion shall indicate their intention by completing thi	S
Print Name	Date	
Signature	_	

Page 1 of 1 Issued: October 1, 2009

Board Bylaws Bylaw #9260

LEGAL PROTECTION

Liability Insurance

The Governing Board shall provide insurance necessary to protect Board members and employees while acting within the scope of their office or employment in accordance with Education Code 35208.

Protection Against Liability

No Board member shall be liable for harm caused by his/her act or omission when acting within the scope of district responsibilities. The act or omission must be in conformity with federal, state and local laws and made in furtherance of an effort to control, discipline, expel or suspend a student, or maintain order or control in the classroom or school. (20 USC 6736)

The protection against liability shall not apply when: (20 USC 6736)

- 1. The Board member acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to the harmed person's right to safety
- 2. The Board member caused harm by operating a motor vehicle
- 3. The Board member was not properly licensed, if required, by the State for such activities
- 4. The Board member was found by a court to have violated a federal or state civil rights law
- 5. The Board member was under the influence of alcohol or any drug at the time of the misconduct
- 6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the Board member has been convicted in a court
- 7. The misconduct involved a sexual offense for which the Board member has been convicted in a court

Legal Reference:

EDUCATION CODE

17029.5 Contract funding; board liability

35208 Liability insurance

35214 Liability insurance

GOVERNMENT CODE

815.3 Intentional torts

820-823 Tort Claims Act

825.6 Indemnification of public entity

1090-1098 Conflicts of interest, prohibitions applicable to specified officers

54950-54963 The Ralph M. Brown Act

87100-89503 Conflicts of interest

UNITED STATES CODE. TITLE 18

16 Crime of violence defined

UNITED STATES CODE, TITLE 20

6731-6738 Teacher Protection Act

Page 1 of 1. Adopted: July 16, 1998
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Board Bylaws Bylaw #9260

LEGAL PROTECTION

COURT DECISIONS

Caldwell v. Montoya (Paramount Unified School District) 10 Cal 4th 972 (1995) (3/88 10/95) 7/03

Board Bylaws Bylaw #9270

CONFLICT OF INTEREST CODE

Mandated Action

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. Accordingly, no Board member, district employee, or other person in a designated position shall participate in the making of any decision for the district when the decision will or may be affected by his/her financial, family, or other personal interest or consideration.

(cf. 9005 – Role of Board/Powers and Responsibilities – Governance Standards)

Even if a prohibited conflict of interest does not exist, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

The Board shall adopt for the district a conflict of interest code that incorporates the provisions of 2 CCR 18730 by reference, specifies the district's designated positions, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the district's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body. (Government Code 87303)

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

(cf. 9320 – Meetings and Notices – Scheduling and Posting)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall,

Board Bylaws Bylaw #9270

CONFLICT OF INTEREST CODE

Mandated Action

within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date of leaving office or district employment. (Government Code 87302, 87302.6)

(cf. 4017.2 – All Personnel – Resignation) (cf. 9222 – Board Members – Resignation)

Conflict of Interest under the Political Reform Act

A Board member, designated employee, or other person in a designated position shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the Board member, designated employee, or other person in a designated position, his/her immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A Board member, designated employee, or other person in a designated position makes a governmental decision when he/she, acting within the authority of his/her office or position, authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before a district official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

However, a Board member shall participate in the making of a contract in which he/she has a financial interest if his/her participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

Additional Requirements for Boards that Manage Public Investments

Any Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18707)

- 1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
- 2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

Page 2 of 9 Adopted: May 27, 1999 All Rights Reserved by PGUSD. Revised September 22, 2016

Board Bylaws Bylaw #9270

CONFLICT OF INTEREST CODE

Mandated Action

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion and deliberations of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. He/she shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

(cf. 9321 – Meetings and Notices – Closed Session Purposes and Agendas) (cf. 9321.1 – Meetings and Notices – Closed Session Action and Reports)

Conflict of Interest under Government Code 1090 - Financial Interest in a Contract

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board or on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest in a contract made by the Board, the contract is void. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract in which he/she has only a "remote interest," as specified in Government Code 1091, if the interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member or district official to enter into a contract. (Government Code 1091)

A Board member shall not be considered to be financially interested in a contract in which he/she has only a "remote interest," as specified in Government Code 1091, if the interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member or district official to enter into the contract. (Government Code 1091)

Board Bylaws Bylaw #9270

CONFLICT OF INTEREST CODE

Mandated Action

In addition, a Board member shall not be considered to be financially interested in a contract in which his/her interest is a "noninterest" as defined in Government Code 1091.5. Noninterest includes a Board member's interest in being reimbursed for his/her actual and necessary expenses incurred in the performance of his/her official duties, in the employment of his/her spouse/registered domestic partner who has been a district employee for at least one year prior to the Board member's election or appointment, or in any other applicable circumstance specified in Government Code 1091.5.

Common Law Doctrine Against Conflict of Interest

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

Incompatible Offices and Activities

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation except when: (Government Code 89506)

- 1. The travel is in connection with a speech given by a Board member or designated employee, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States.
- 2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

Gifts of travel exempted from the gift limitation, as described in items #1 and #2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest/Form 700 as required by law.

Board Bylaws Bylaw #9270

CONFLICT OF INTEREST CODE

Mandated Action

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

- 1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession, unless the sole or predominant activity of the business, trade, or profession is making speeches.
- 2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes.

APPENDIX

DESIGNATED POSITIONS/DISCLOSURE CATEGORIES

It has been determined that persons occupying the following positions manage public investments and shall file a full statement of economic interests pursuant to Government Code 87200:

Governing Board Members Superintendent of Schools

1. Persons occupying the following positions are designated employees in Category 1:

Assistant/Associate Superintendent

Designated persons in this category must report:

- a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries or of any land owned or used by the district.
- b. Investments or business positions in or income from sources which:
 - (1) Are engaged in the acquisition or disposal of real property within the district
 - (2) Are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district or

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(3) Manufacture or sell supplies, books, machinery or equipment of the type used by the district

2. Persons occupying the following positions are designated employees in Category 2:

Director
Principal
Assistant Principal
Maintenance and Operations Director
Program Coordinator
Project Specialist
Supervisor

Designated persons in this category must report investments or business positions in or income from sources which:

- a. Are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs, or
- b. Manufacture or sell supplies, books, machinery or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.
- 3. Full Disclosure: Because it has been determined that the district's Board members and/or Superintendent "manage public investments," they and other persons designated for "full disclosure" shall disclose, in accordance with Government Code 87200:
 - a. Interests in real property located entirely partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
 - b. Investments, business positions, and source of income, including gifts, loans, and travel payments.
- 4. Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18700.3)

a. Approve a rate, rule or regulation

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- b. Adopt or enforce a law
- c. Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization or entitlement
- d. Authorize the district to enter into, modify or renew a contract that requires district approval
- e. Grant district approval to a contract or contract specifications which require district approval and in which the district is a party
- f. Grant district approval to a plan, design, report, study or similar item
- g. Adopt or grant district approval of district policies, standards or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18704, subsections (a) and (b), or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's Conflict of Interest Code. (2 CCR 18700.3)

A current copy of Regulation 18730 for multi county agencies is available at http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter7/Article2/18730.pdf

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office

35107 School district employees

35230-35240 Corrupt practices

35233 Prohibitions applicable to members of governing boards

41000-41003 Moneys received by school districts

41015 Investments

FAMILY CODE

297.5 Rights, protections and benefits of registered domestic partners

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91014 Political Reform Act of 1974, especially:

82011 Code reviewing body

82019 Definition of designated employee

82028 Definition of gifts

82030 Definition of income

82033 Definition of interest in real property

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82034 Definition of investment

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

89506 Ethics: travel

91000-91014 Enforcement

PENAL CODE

85-88 Bribes

REVENUE AND TAXATION CODE

203 Taxable and exempt property - colleges

CODE OF REGULATIONS, TITLE 2

18110-18997 Regulations of the Fair Political Practices Commission, especially:

18700-18707 General prohibitions

18722-18740 Disclosure of interests

18750.1-18756 Conflict of interest codes

COURT DECISIONS

McGee v. Balfour Beatty Construction, LLC, (2016) 247 Cal.App.4th 235

Davis v. Fresno Unified School District, (2015) 237 Cal.App.4th 261

Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

92 Ops.Cal.Atty.Gen. 26 (2009)

92 Ops.Cal.Atty.Gen. 19 (2009)

89 Ops.Cal.Atty.Gen. 217 (2006)

86 Ops.Cal.Atty.Gen. 138 (2003) 85 Ops.Cal.Atty.Gen. 60 (2002)

65 Ops. Car. Atty. Gen. 60 (2002)

82 Ops.Cal.Atty.Gen. 83 (1999)

81 Ops.Cal.Atty.Gen. 327 (1998) 80 Ops.Cal.Atty.Gen. 320 (1997)

69 Ops.Cal.Atty.Gen. 255 (1986)

68 Ops.Cal.Atty.Gen. 171 (1985)

65 Ops.Cal.Atty.Gen. 606 (1982)

63 Ops.Cal.Atty.Gen. 868 (1980)

Management Resources:

WEB SITES

Fair Political Practices Commission: http://www.fppc.ca.gov

CSBA: http://www.csba.org

Institute of Local Government: http://www.ca-ilg.org

CSBA PUBLICATIONS

Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010

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CONFLICT OF INTEREST CODE

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FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict of Interest Rules, 2005

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

(11/99 11/09) 5/16

CODE OF ETHICS

This Code of Ethics expresses the personal ideals, which the Governing Board believes should guide each school Board member's activities.

In all actions as a school Board member, the member's first commitment is to the well being of all students in the District. His/her primary responsibility is to each and every student in the District.

Board members also have other major commitments to:

The Community. Each Board member is responsible to all residents of the District and not solely to those who elected him/her; nor solely to any organization to which he/she may belong, or which may have supported his/her election.

Individuals. Each Board member has a direct concern for every individual in the community. As an integral part of his/her duties, he/she represents the authority and responsibility of government. This authority must be exercised with as much care and concern for the least influential as for the most influential member of the community.

Employees. The Board member's actions may affect the capability of District employees to practice their trade or profession and should encourage their increasing competence and professional growth.

Laws, Policies. Each Board member must be aware of, and comply with, the constitutions of State and Nation, the Education Code of the State of California, other laws pertaining to public education, and the established policies of the District.

Decision-making. Each Board member is obliged by law to participate in decisions pertaining to education in the District. As an elected representative of the people, the Board member can neither relinquish nor delegate this responsibility to any other individual or group.

Individual Feelings and Philosophy. Every individual Board member has something to contribute to society.

Understanding and acting upon the foregoing premises, each Board member shall:

- 1. Consider his/her position on the Board as a public trust and not use it for private advantage or personal gain
- 2. Remember that the basic functions of the Board are to establish the policies by which District schools are administered and to select the Superintendent and staff who will implement those policies
- 3. Be constantly aware that he/she has no legal authority except when acting as a member of the Board. Board members shall present their concerns and concepts through the process of Board

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CODE OF ETHICS

debate. If in the minority of any decision, they shall abide by and support the majority decision. When in the majority, they shall respect divergent opinions

- 4. Recognize that the deliberations of the Board in closed session may be released or discussed in public only with Board approval
- 5. Encourage ideas and opinions from the residents of the District and endeavor to incorporate community views into the deliberations and decisions of the Board
- 6. Devote sufficient time, thought, and study to proposed actions so as to be able to base decisions upon all available facts and vote in accordance with honest convictions, unswayed by partisan bias of any kind
- 7. Promote and participate actively in a concerted program of timely exchange of information with all District residents, parents, employees and students
- 8. Make use of opportunities to enlarge his/her potential as a Board member through participation in educational conferences, workshops and training sessions made available by local, state and national agencies

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CSBA: 9/89

Board Bylaws Bylaw #9300

GOVERNANCE

Basic Policy

It is the intent of the Governing Board that members shall act as a unit, that meetings shall be conducted so as to facilitate the efficient transaction of business and to provide for orderly communication to the public.

All acts of the Board shall be official only when members are sitting as a Board in regular or special session. This does not preclude the appointment of Board representatives to attend certain functions and to act on behalf of the Board as instructed (such as making statements of dedication when new school facilities are being dedicated); nor does it preclude the establishment of special Board committees of not more than two members, who shall have limited duties and shall serve for a limited time, as instructed. Board representatives and special Board committees may be appointed by the President only with concurrence of a majority vote of the total membership constituting the Governing Board at any regular or special meeting.

Board Policies and Bylaws

The Governing Board has the power of establishing its own procedures within the parameters of law. (Education Code 35010)

The formulation and adoption of written Board policies shall constitute the basic method by which the Board shall exercise its leadership in the governance of the school District. This right shall be retained solely by the Board. The study and evaluation of reports concerning the execution of its policies shall constitute the basic method by which the Board shall exercise its accountability for the governance of the schools.

The implementation of policies is an administrative task to be performed by the Superintendent or designee who shall be held responsible for the effective administration and supervision of the entire school system.

All actions of the Board shall be taken only in official Board meetings called, scheduled and conducted according to these bylaws and the statutes of the state.

Legal Reference:

EDUCATION CODE

- 35010 Control of District; prescription and enforcement of rules
- 35140 Time and place of meetings
- 35143 Annual organizational meetings dates and notices
- 35144 Special meetings
- 35145 Public meetings
- 35146 Closed sessions
- 35160 Authority of governing boards
- 35163 Official actions, minutes and journal
- 35164 Vote requirements

BOARD POLICIES, BYLAWS AND REGULATIONS

Policy Manual

The Governing Board recognizes the importance of adopting policies that reflect the district's vision and maintaining a policy manual that is up-to-date and reflects the mandates of law.

The Superintendent or designee shall maintain a district policy manual for the purpose of communicating to all interested stakeholders the policies, regulations and bylaws within which district schools will operate. The Board encourages members of the public to acquaint themselves with the district's policy manual.

The Superintendent or designee shall ensure that the community, Board members and all district employees have access to the policy manual. A public copy of the manual shall be maintained in the district office and at each school site. These copies shall be maintained electronically and by paper copy.

The Superintendent or designee shall establish procedures for distributing to all authorized policy manual holders copies of new or revised policies, bylaws and regulations as they are adopted.

Authorized policy holders are as follows:

Superintendent Office One per school Assistant Superintendent Office Personnel Office Board Member

Policy books will be updated on a regular basis throughout the year. For consistency, the Superintendent's Administrative Assistant will complete the update process.

Policies

The Governing Board shall adopt written policies to convey its expectations for actions that will be taken in the district, clarify roles and responsibilities of the Board and Superintendent, and communicate Board philosophy and positions to the students, staff, parents/guardians and the community. Board policies are binding on the district to the extent that they do not conflict with federal or state law and are consistent with the district's collective bargaining agreements.

The Board shall review certain policies annually, as required by Education Code 35160.5. If no revisions are deemed necessary, the Board minutes shall nevertheless indicate that the review was conducted. Other policies shall be monitored and reviewed as specified in the policy itself or as needed to reflect changes in law or district circumstances.

Policy Development and Adoption Process

The district's policy development process shall include the following basic steps:

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BOARD POLICIES, BYLAWS AND REGULATIONS

1. The Board and/or Superintendent or designee shall identify the need for a new policy or revision of an existing policy. The need may arise from a change in law, a new district vision or goals, educational research or trends, or a change in the superintendency or Board membership. The need may also occur as a result of an incident that has arisen in the district or a recommendation or request from staff or other interested persons.

- 2. As needed, the Superintendent or designee shall gather fiscal and other data, staff and public input, related district policies, sample policies from other organizations or agencies, and other useful information to fully inform the Board about the issue.
- 3. The Board may hold discussions during a public Board meeting to gain an understanding of the issue and provide initial direction to the Superintendent or designee. The discussion may include, but not be limited to, how the proposed policy may affect student learning, community expectations, staff recommendations, fiscal impact, as well as the policy's impact on governance and operational efficiency.
- 4. The Board or Superintendent may request that legal counsel review the draft policy as appropriate.
- 5. The Superintendent or designee shall develop and present a draft policy for a first reading at a public Board meeting. At its second reading, the Board may take action on the proposed policy. The Board may waive the second reading or may require an additional reading if necessary.

Only policies formally adopted by a majority vote of the Board shall constitute official Board policy.

The District's policy development process may be revised or expanded as needed based on the issue being considered, the need for more information, or to provide greater opportunities for consultation and public input.

Policies shall become effective upon Board adoption or at a future date designated by the Board at the time of adoption.

Board Bylaws

The Board shall prescribe and enforce rules for its own government consistent with state law and regulations. (Education Code 35010)

Bylaws governing Board operations may be developed, adopted, and amended following the same procedures as those used for the adoption or amendment of Board policy.

Administrative Regulations

The Superintendent or designee shall be responsible for developing and enforcing administrative regulations for the operation of the district. Administrative regulations shall be consistent with law

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BOARD POLICIES, BYLAWS AND REGULATIONS

and Board policy and shall be designed to promote the achievement of district goals and objectives. Administrative regulations may describe specific actions to be taken, roles and responsibilities of staff, timelines, and/or other necessary provisions. The Superintendent or designee also may develop procedures manuals, handbooks, or other guides to carry out the intent of Board policy.

When Board policies are amended, the Superintendent or designee shall review corresponding regulations to ensure that they conform to the intent of the revised policy. In case of conflict between administrative regulation and Board policy, policy shall prevail.

The Board may review and/or approve regulations for the purpose of ensuring conformity with the intent of Board policy.

Monitoring and Evaluation

At the time a policy is adopted, the Board and Superintendent or designee shall determine whether an evaluation of the policy should be scheduled and, if so, shall agree upon a timeline and measures for evaluating the effectiveness of the policy in achieving its purpose.

As necessary, the Superintendent or designee shall notify staff, parents/guardians, students, and other stakeholders whenever a policy that affects them is adopted or revised. He/she may determine the appropriate communications strategy depending on the issue.

Suspension of Policies

Policies, bylaws and administrative regulations may be suspended for a specific purpose and limited time by majority vote.

Suspension of any policy, bylaw or administrative regulation shall undergo the following consideration:

- 1. Policies, bylaws or administrative regulations shall be reviewed on their own merits rather than the circumstances of the moment.
- 2. The Board shall decide whether the policy, bylaw or administrative regulation still reflects the intent of the Board and the law. If so, the suspension will be denied and the policy, bylaw or administrative regulation reaffirmed in the minutes.

Superintendent's Authority

The Superintendent may suspend all or part of any policy, bylaw or administrative regulation when it conflicts with state or federal law or regulations. The Superintendent shall report the suspension to the Board. Suspension shall be valid until the policy, bylaw or administrative regulation is rescinded, amended or reaffirmed.

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BOARD POLICIES, BYLAWS AND REGULATIONS

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35160 Authority of governing boards

35160.5 Annual review of school district policies

35163 Official actions, minutes and journal

35164 Vote requirements

Management Resources:

CSBA PUBLICATIONS

Targeting Student Learning: The School Board's Role as Policymaker, 2005

Maximizing School Board Leadership: Policy, 1996

WEB SITES

CSBA, Policy Services, including Policy Update Service, Governance and Management Using Technology (GAMUT OnlineTM), Policy Audit Program, Individual District Policy Workshops,

Agenda Online, and Manual Maintenance: http://www.csba.org/ps

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

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Revised Nov. 12, 2009

Board Bylaws Bylaw #9314

SUSPENSION OF POLICIES, BYLAWS AND REGULATIONS

Policies, bylaws and administrative regulations may be suspended for a specific purpose and limited time by majority vote.

Suspension of any policy, bylaw or administrative regulation shall undergo the following consideration:

- 1. Policies, bylaws or administrative regulations shall be reviewed on their own merits rather than the circumstances of the moment.
- 2. The Board of Education shall decide whether the policy, bylaw or administrative regulation still reflects the intent of the Board and the law. If so, the suspension will be denied and the policy, bylaw or administrative regulation reaffirmed in the minutes.

Superintendent's Authority

The Superintendent or designee may suspend all or part of any policy, bylaw or administrative regulation when it conflicts with state or federal law or regulations. The Superintendent or designee shall report the suspension to the Board. Suspension shall be valid until the policy; bylaw or administrative regulation is rescinded, amended or reaffirmed.

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules 35163 Official actions, minutes and journal 35164 Vote requirements CSBA Date -

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Board Bylaws Bylaw #9320

MEETINGS AND NOTICES

Meetings of the Governing Board are conducted for the purpose of accomplishing District business.

A Board meeting exists whenever a majority of its members gather at the same time and place to hear, discuss or deliberate upon any item within the subject matter jurisdiction of the Board or District. (Government Code 54952.2)

In accordance with state open meeting laws, the Board shall hold its meetings in public and shall conduct closed sessions during these meetings only to discuss confidential matters specified by law. To encourage community involvement in the schools, meetings shall provide opportunities for questions and comments by members of the public and shall be conducted in accordance with law and Board-adopted bylaws.

Except as otherwise authorized by law direct communication, personal intermediaries, and technological devices shall not be used by a majority of Board members to develop a collective concurrence as to an action that members will take on any item of District business. (Government Code 54952.2)

In order to help ensure participation in the meeting by disabled individuals, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

Meeting notices and agendas shall specify that individuals who require special accommodation, including but not limited to an American sign language interpreter, accessible seating or documentation in accessible formats, should contact the Superintendent or designee at least two days before the meeting date. (Government Code 54954.2)

Regular Meetings

The Board shall schedule regular meeting(s) each month on the first and third Thursdays at 7:00 p.m. on the dates and in the locations as adopted by the Board at its annual organizational meeting.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

Each agenda shall also list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

Special Meetings (requiring 24 hour posting)

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. (Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the

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MEETINGS AND NOTICES

meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed; no other business shall be considered at these meetings. (Education Code 35144; Government Code 54956)

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

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

Special Meetings (requiring 72 hour posting)

At least 72 hours' public notice shall be given for any retreats, study sessions or training sessions held by the Board. All such meetings shall be held within District boundaries and action items shall not be included.

Emergency Meetings

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

An emergency situation means either of the following: (Government Code 54956.5)

- 1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board.
- 2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board.

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

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54956.5)

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

A majority vote by the Board may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned by 10:00 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and may be adjourned to a later date.

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

Teleconferencing

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means, through either audio, video or both. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within District boundaries. (Government Code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

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MEETINGS AND NOTICES

Study Sessions, Retreats, Public Forums, and Discussion Meetings

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.

Other Gatherings

Attendance by a majority of the Board members at any of the following events is not subject to state open meeting laws provided that a majority of the Board members do not discuss specific District business among themselves other than as part of the scheduled program: (Government Code 54952.2)

- 1. A conference or similar public gathering that involves a discussion of issues of general interest to the public or to school board members
- 2. An open, publicized meeting organized by a person or organization other than the District to address a topic of local community concern
- 3. An open and noticed meeting of another body of the district
- 4. An open and noticed meeting of a legislative body of another local agency
- 5. A purely social or ceremonial occasion
- 6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

Individual contacts or conversations between a Board member and any other person are not subject to open meeting laws. (Government Code 54952.2)

Location of Meetings

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to disabled persons or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

Meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

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MEETINGS AND NOTICES

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party

- 2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
- 3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
- 4. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
- 5. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
- 6. Attend conferences on nonadversarial collective bargaining techniques
- 7. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district
- 8. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in items 1 - 8 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

Legal Reference:

EDUCATION CODE

35140 Time and place of meetings

35143 Annual organizational meeting, date, and notice

35144 Special meeting

35145 Public meetings

35145.5 Agenda; public participation; regulations

35146 Closed sessions

35147 Open meeting law exceptions and applications

GOVERNMENT CODE

11135 State programs and activities, discrimination

Board Bylaws Bylaw #9320

MEETINGS AND NOTICES

54950-54963 The Ralph M. Brown Act, especially:

54953 Meetings to be open and public; attendance

54954 Time and place of regular meetings

54954.1 Mailed notices

54954.2 Agenda posting requirements, board actions

54956 Special meetings; call; notice

54956.5 Emergency meetings

54961 Prohibition on use of certain facilities

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective communications

36.303 Auxiliary aids and services

COURT DECISIONS

Wolfe v. City of Fremont, (2006) 144 Cal. App. 544

216 Sutter Bay Associates v. County of Sutter, (1997) 58 Cal.App. 4th 860

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 218 (2005)

84 Ops.Cal.Atty.Gen. 181 (2001)

84 Ops.Cal.Atty.Gen. 30 (2001)

79 Ops.Cal.Atty.Gen. 69 (1996)

78 Ops.Cal.Atty.Gen. 327 (1995)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2006

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

WEB SITES

CSBA, Agenda Online:

http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx

California Attorney General's Office: http://www.caag.state.ca.us

(11/02 7/06) 3/08

Board Bylaws Bylaw #9321

CLOSED SESSION PURPOSES AND AGENDAS

The Governing Board may hold closed sessions only for purposes identified in law. The Board may hold a closed session at any time during a regular or special meeting and during emergency meetings in accordance with law. (Government Code 54956.5, 54957.7, 54962)

The agenda shall contain a brief general description of all closed session items to be discussed. (Government Code 54954.2)

The Board shall disclose in open meeting the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. (Government Code 54957.7)

No agenda, notice, announcement or report required by the Brown Act need identify any victim or alleged victim of tortuous sexual conduct or child abuse unless the identity of the person has been publicly disclosed. (Government Code 54961)

In accordance with law, a Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

Personnel Matters

The Board may hold closed sessions to consider the appointment, employment, evaluation of performance, discipline or dismissal of an employee, or to hear complaints or charges against an employee unless the employee requests an open session. These sessions shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957)

The Board may also hold closed sessions to hear complaints or charges brought against an employee by another person, unless the employee requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

Agenda items related to public employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal or release require no additional information. (Government Code 54954.5)

The Board may hold closed sessions to discuss a District employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957. 10)

Board Bylaws Bylaw #9321

CLOSED SESSION PURPOSES AND AGENDAS

Negotiations/Collective Bargaining

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the Brown Act: (Government Code 3549. 1)

- 1. Any meeting and negotiating discussion between the District and a recognized or certified employee organization
- 2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
- 3. Any hearing, meeting or investigation conducted by a fact finder or arbitrator
- 4. Any executive (closed) session of the District or between the District and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives

Closed sessions shall be for the purpose of reviewing the Board's position and instructing the Board's designated representative. Closed session meetings may take place prior to and during consultations and discussions with representatives of employee organizations and un-represented employees. (Government Code 54957.6)

The Board may meet in closed session with the Board's designated representative regarding employee salaries, salary schedules or compensation paid in the form of fringe benefits of its represented and un-represented employees. These closed sessions may include discussions of the District's available funds and funding priorities, but only insofar as they relate to providing instructions to the District's designated representative. (Government Code 54957.6)

For represented employees, the Board may also meet in closed session to hear any other matter within the statutorily provided scope of representation. (Government Code 54957.6)

For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more un-represented employees. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator or a mediator who has intervened in these proceedings. (Government Code 54957.6)

Agenda items related to negotiations shall specify the name of the District's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the un-represented employee who is the subject of the negotiations. (Government Code 54954.5)

Matters Related to Students

Board Bylaws Bylaw #9321

CLOSED SESSION PURPOSES AND AGENDAS

The Board shall meet in closed session to consider a suspension, disciplinary action, or any other action, except expulsion, against a student when a public hearing on the matter would violate student privacy rights. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. (Education Code 35146, 48912, 4907349079)

The Board shall meet in closed session to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing," "grade change appeal" or "inter-District attendance request," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

Security Matters

The Board may meet in closed session with the Attorney General, district attorney, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or to the public's right of access to public services or public facilities. (Government Code 54957)

The Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the Board members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present. (Government Code 54956.5)

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult. (Government Code 54954.5)

Conference with Real Property Negotiator

The Board may meet in closed session with the Board's real property negotiator prior to the purchase, sale, exchange or lease of real property by or for the District in order to grant its negotiator the authority regarding the price and terms of the property. (Government Code 54956.8)

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s), the property under negotiation and specify the person(s) with whom the negotiator may

Bylaw #9321 Board Bylaws

CLOSED SESSION PURPOSES AND AGENDAS

negotiate. (Government Code 54956.8) For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the District negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

Pending Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding pending litigation when a discussion of the matter in open session would prejudice the Board's position in the case. For this purpose, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation is considered "pending" when any of the following circumstances exist:

- 1. Litigation to which the Board is a party has been initiated formally. (Government Code 54956.9[a])
- A point has been reached where, in the Board's opinion based on the advice of legal counsel 2. and on the existing facts and circumstances, there is a significant exposure to litigation against the District, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9[b])
- 3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9[c])

"Existing facts and circumstances" authorizing a closed session pursuant to Government Code 54956.9(b) as described in #2 above are limited to the following: (Government Code 54956.9)

- 1 Facts and circumstances that might result in litigation against the District but which the District believes are not yet known to potential plaintiffs and which do not need to be disclosed.
- 2. Facts and circumstances including, but not limited to, an accident, disaster, incident or transactional occurrence which might result in litigation against the District, which are already known to potential plaintiffs, and which must be publicly disclosed before the closed session or specified on the agenda.

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3. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

- 4. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
- 5. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the District official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection.

The above record does not need to identify an alleged victim of tortuous sexual conduct or anyone making a threat on their behalf or identify an employee who is the alleged perpetrator of any unlawful or tortuous conduct, unless the identity of this person has been publicly disclosed.

Before holding a closed session pursuant to this section, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9(a), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the District's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to "pending litigation" shall be described as a conference with legal counsel regarding "Existing Litigation" or "Anticipated Litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties and case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the District expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information pursuant to Items #2-5 above (Government Code 54954.5, Government Code 54956.9(b)(3)(B-E))

JPA/Self-Insurance Liability Claims

The Board may meet in closed session to discuss a claim against a joint powers authority formed for the purpose of insurance pooling or self-insurance authority of which it is a member, for the payment of tort liability losses, public liability losses or workers' compensation liability. (Government Code 54956.95)

When the board of the joint powers agency has so authorized and upon advice of district legal

Board Bylaws Bylaw #9321

CLOSED SESSION PURPOSES AND AGENDAS

counsel, the Board may meet in closed session in order to receive, discuss and take action concerning information obtained in a closed session of the joint powers agency. During the district's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

The Board member may also disclose the confidential JPA information to district legal counsel in order to obtain advice on whether the matter has direct financial or liability implications for the district. (Government Code 54956.96)

Closed session agenda items related to "Conference Involving a Joint Powers Agency" shall specify the closed session description used by the joint powers agency and the name of the district representative on the joint powers agency board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

Review of Audit Report from Bureau of State Audits

Upon receipt of a confidential final draft audit report from the Bureau of State Audits, the Board may meet in closed session to discuss its response to that report. After public release of the report from the Bureau of State Audits, any Board meeting to discuss the report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

Closed session agenda items related to an audit by the Bureau of State Audits shall state "Audit by Bureau of State Audits." (Government Code 54954.5)

Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that the Education Code requires closed session for this purpose in order to maintain the confidentiality of the assessment under review.

Legal Reference:
EDUCATION CODE
35145 Public meetings
35146 Closed session (re student suspension)
44929.21 Districts with ADA of 250 or more

Bylaw #9321 Board Bylaws

CLOSED SESSION PURPOSES AND AGENDAS

48918 Rules governing expulsion procedures; hearings and notice

49073 Release of directory information

49076 Access to records by persons without written parental consent

49079 Notification to teacher re: students whose actions are grounds for suspension or expulsion

60617 Meetings of governing board

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

6250-6268 California Public Records Act

54950-54963 The Ralph M. Brown Act

COURT DECISIONS

Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners (2003) 107 Cal.App.4th 860

Bell v. Vista Unified School District (2001) 82 Cal.App. 4th 672

Fischer v. Los Angeles Unified School District (1999) 70 Cal.App. 4th 87

Furtado v. Sierra Community College District (1998) 68 Cal. App. 4th 876

Roberts v. City of Palmdale (1993) 5 Cal.4th 363

Sacramento Newspaper Guild v. Sacramento County Board of Supervisors (1968) 263 Cal.App. 2d 41

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86 Ops.Cal.Atty.Gen. 210 (2003)

78 Ops.Cal.Atty.Gen. 218 (1995)

59 Ops.Cal.Atty.Gen. 532 (1976)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2003

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, 2002

CALIFORNIA CITY ATTORNEY PUBLICATIONS

Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000

WEB SITES

CSBA: http://www.csba.org

California Attorney General's Office: http://www.caag.state.ca.us

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Page 7 of 7 Adopted: May 3, 2001 Revised September 5, 2002; Nov. 12, 2009

Bylaw #9321.1 Board Bylaws

CLOSED SESSION ACTIONS AND REPORTS

No matters other than those announced in open session shall be acted upon during the closed session. (Government Code 54957.7)

The Board shall reconvene in open session before adjourning and report closed session actions, the votes or abstentions thereon, and other disclosures required by Government Code 54957.1. These disclosures may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing them. (GC 54957.7)

Personnel Matters

The Board shall report any personnel action taken and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall identify the title of the position. However, the report of a dismissal or nonrenewal of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, have been exhausted. (Government Code 54957.1)

Negotiations/Collective Bargaining

Final action on the proposed compensation of one or more unrepresented employees shall not be taken during the closed session. (GC 54957.6)

Approval of an agreement concluding closed session labor negotiations with represented employees shall be reported after the agreement is final and has been accepted or ratified by the other party. This report shall identify the item approved and the other party or parties to the negotiation. (GC 54957.1)

Student Matters

Actions related to student matters shall be taken in open session and shall be a matter of public record. No information shall be released in violation of student privacy rights provided in law. (Education Code 35146, 48918; 20 USC 1232))

In an expulsion action, the student's name shall not be disclosed, but the cause for the expulsion shall be disclosed in open session.

Real Estate Negotiations

Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final. If the Board renders the agreement final, it shall report that approval, the votes or abstentions thereon, and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party, the Superintendent or designee shall disclose the fact of that approval and the substance of the agreement upon inquiry by any

Adopted: July 16, 1998 Page 1 of 2. Reviewed November 12, 2009

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Board Bylaws Bylaw #9321.1

CLOSED SESSION ACTIONS AND REPORTS

person, as soon as the other party or its agent has informed the district of its approval. (Government Code 54957.1)

Pending Litigation

The Board shall report the following actions related to pending litigation, and the votes or abstentions thereon, at the public meeting during which the closed session is held: (Government Code 54957.1)

- 1. Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.
- 2. Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that directions to initiate or intervene in the action have been given and that details will be disclosed to inquiring parties after the lawsuit is commenced unless doing so would jeopardize the district's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.
- 3. Acceptance of a signed offer from the other party or parties which finalizes the settlement of pending litigation. This report shall state the substance of the agreement.

If approval is given to legal counsel to settle pending litigation and if final approval rests with the other party or with the court, the district shall report the fact of approval, the substance of the agreement and the vote and abstentions thereon to persons who inquire once the settlement is final. (Government Code 54957.1)

JPA/Self-Insurance Claims

The Board shall report the disposition of joint powers authority or self-insurance claims and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall include the name of the claimant(s), the name of the agency claimed against, the substance of the claim and the monetary settlement agreed upon by the claimant. (Government Code 54957.1)

Review of Assessment Instruments

At the public meeting during which the Board holds a closed session to review student assessment instruments, the Board shall confirm that this review was made. Any actions related to the review shall be taken in open session without revealing any proprietary or confidential information and shall be a matter of public record.

Reference: EC 35145-146, 48918, 49073-079, 60617;

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CSBA: 2/98

Board Bylaws Bylaw #9321.1

CLOSED SESSION ACTIONS AND REPORTS

GC 54950-962; US CODE, TITLE 20 1232; CODE OF FED REGS< TITLE 34 99.1-99.8; 80 Ops.Cal Atty Gen 85 (1997)

CSBA: 2/98

AGENDA/ MEETING MATERIALS

Agenda Content

Governing Board meeting agendas shall reflect the District's vision and the goals and the Board's focus on student learning.

Each agenda shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. However, the agenda need not provide an opportunity for public comment when the agenda item has previously been considered at an open meeting of a committee comprised exclusively of Board members, provided that members of the public were afforded an opportunity to comment on the item at that meeting and that the item has not been substantially changed since the committee considered it. (Government Code 54954.3)

The agenda for a regular Board meeting shall also provide members of the public an opportunity to provide comment on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5, Government Code 54954.3)

Each agenda for a regular meeting shall list the address designated by the Superintendent or designee for public inspection of documents related to an open session item that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

The agenda shall include information regarding how, when, and to whom a request should be made if an individual requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting. (Government Code 54954.2)

Agenda Preparation

The Board president and the Superintendent, as Secretary to the Board, shall work together to develop the agenda for each regular and special meeting.

Any Board member or member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a future regular meeting. The request shall be submitted in writing to the Superintendent or designee with supporting documents and information, if any, at least one week before the meeting date at which the item has been scheduled to be considered. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

The Board president and Superintendent shall decide whether a request is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, before placing the item on the agenda, the Board president and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation..

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Board Bylaws Bylaw #9322

AGENDA/ MEETING MATERIALS

If the Board president and Superintendent deny a request from a Board member, or a member of the public, to place an item on the agenda, the Board member may request the Board to take action to determine whether the item shall be placed on the agenda.

The Board president and Superintendent shall also decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to Board vote or an information item that does not require immediate action.

Consent Items

In order to promote efficient meetings, the Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature or items for which no Board discussion is anticipated and for which the Superintendent recommends approval. When any Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a regular agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item that has not been previously considered. (Government Code 54954.3)

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code <u>53635.7</u>) (cf. 9323.2 - Actions by the Board)

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

Agenda Dissemination to Board Members

At least 72 hours before each regular meeting, each Board member shall be provided a copy of the agenda and agenda packet, including the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, and others; and other available documents pertinent to the meeting.

When special meetings are called, Board members shall receive, at least 24 hours prior to the meeting, notice of the business to be transacted. (Government Code 54956)

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to ask questions and/or request additional information on agenda items. However, a majority of Board members shall not, outside of the noticed meeting, directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.

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AGENDA/ MEETING MATERIALS

Agenda Dissemination to Members of the Public

Any agenda and related materials distributed to the Board shall be made available to the public upon request without delay. Only those documents which are disclosable public records under the Public Records Act and which relate to an agenda item scheduled for the open session portion of a regular meeting shall be made available to the public. (Government Code 54957.5)

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code <u>54954.2</u>)

In addition, the Superintendent or designee shall post the agenda on the homepage of the district web site. The posted agenda shall be accessible through a prominent direct link to the current agenda or to the district's agenda management platform in accordance with Government Code <u>54954.2</u>. When the district utilizes an integrated agenda management platform, the link to that platform shall take the user directly to the web site with the district's agendas, and the current agenda shall be the first available. (Government Code <u>54954.2</u>)

If a document which related to an open session agenda item of a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at a designated location at the same time the document is distributed to a majority of the Board. (Government Code 54957.5)

The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code <u>54954.1</u>)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or designee, not to exceed the cost of providing the service.

Any document prepared by the district or the Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code 54957.5)

Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code <u>54954.1</u>)

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Board Bylaws Bylaw #9322

AGENDA/ MEETING MATERIALS

Legal Reference:

EDUCATION CODE

35144 Special meetings

35145 Public meetings

35145.5 Right of public to place matters on agenda

GOVERNMENT CODE

6250-6270 Public Records Act

53635.7 Separate item of business

54954.1 Mailed agenda of meeting

54954.2 Agenda posting requirements; board actions

54954.3 Opportunity for public to address legislative body

54954.5 Closed session item descriptions

54956.5 Emergency meetings

54957.5 Public records

54960.2 Challenging Board actions; cease and desist

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective communications

36.303 Auxiliary aids and services

COURT DECISIONS

Mooney v. Garcia (2012) 207 Cal.App.4th 229

Caldwell v. Roseville Joint Union HSD, 2007 U.S. Dist. LEXIS 66318

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99 Ops.Cal.Atty.Gen. 11 (2016)

78 Ops.Cal.Atty.Gen. 327 (1995)

MANAGEMENT RESOURCES:

CSBA PUBLICATIONS

Call to Order: A Blueprint for Great Board Meetings, 2015

The Brown Act: School Boards and Open Meeting Laws, rev. 2017

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, rev.

2003

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Board Bylaws

Regulation Implementing Bylaw #9322

AGENDA/ MEETING MATERIALS

Agenda Content

Governing Board meeting agendas shall reflect the District's vision and the goals and the Board's focus on student learning.

The Administration of the District will ensure that the agenda of each meeting of the Board will state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session as is required in Government Code 54954.2

At regular Board meetings, there shall be a place on the agenda to provide members of the public the opportunity to address the Board any matter that is within the jurisdiction of the Board. In addition, members of the public shall be provided with an opportunity to comment on any agenda item before or during the Board's consideration of the item unless the agenda item has previously been considered at an open meeting of a committee comprised exclusively of Board members or at a previous meeting of the Board, provided that members of the public were afforded an opportunity to comment on the item at that meeting and that the item has not been substantially changed since the committee or the Board previously considered it. (Government Code 54954.3)

Each Board agenda and agenda related documents provided to the Board in advance of the meeting, with the exception of documents related to closed session agenda items, shall be posted on the District's website for the public to access, inspect, and download. In addition, the Superintendent or designee shall indicate on each agenda a place for the public to inspect open session agenda related documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

Individuals who require disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent or designee 5 days in advance of the meeting to request the accommodation or modification. The Superintendent or designee will ensure that this information is also included on each agenda. (Government Code 54954.2)

Agenda Preparation

The Board president and the Superintendent, as Secretary to the Board, shall work together to develop the agenda for each regular and special meeting.

Board member may request at a Board meeting or by contacting the Superintendent or Board president that an item be placed on a future Board meeting agenda. If the Board president and Superintendent deny a request from a Board member to place an item on the agenda, the Board member may request the Board to take action to determine whether the item shall be placed on the agenda.

Any member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a future regular meeting. The request shall be submitted in writing to the

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AGENDA/ MEETING MATERIALS

Superintendent or designee with all supporting documents and information, if any, at least one (1) week before the meeting date at which the item has been scheduled to be considered. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

The Board president and Superintendent shall decide whether a request is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board will not be placed on the agenda. Before placing the item on the agenda, the Board president and Superintendent shall determine if the item is merely a request for information and, if so, the requestor shall be contacted to determine if providing the requested information resolves the matter. If the issue is covered by an existing policy or administrative regulation, the appropriate process under the policy or regulation will be followed.

The Board president and Superintendent shall also decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to Board vote or an information item that does not require immediate action.

Consent Items

Consent items shall be items of a routine nature or items for which no Board discussion is anticipated and for which the Superintendent recommends approval. Any Board action that involves borrowing \$100,000 or more shall be not be included on the consent agenda. (Government Code <u>53635.7</u>) (cf. 9323.2 - Actions by the Board)

Agenda Dissemination to Board Members

At least 72 hours before each regular meeting, each Board member shall be provided a copy of the agenda and agenda packet, including the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, and others; and other available documents pertinent to the meeting.

The Superintendent or designee will be available to confer with individual members of the Board who may ask clarifying questions and/or request additional information on agenda items.

Agenda Dissemination to Members of the Public

The Administration shall ensure that any agenda and related materials distributed to the Board shall be made available to the public upon request without delay. Only those documents which are disclosable public records under the Public Records Act and which relate to an agenda item scheduled for the open session portion of a regular meeting shall be made available to the public. (Government Code 54957.5) If a document which related to an open session agenda item of a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at a designated location at the same time the document is distributed to a majority of the Board. (Government Code 54957.5)

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Board Bylaws

Regulation Implementing Bylaw #9322

AGENDA/ MEETING MATERIALS

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee of current U.S. mail postage.

Any document prepared by the district or the Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code 54957.5)

Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

Legal Reference:

EDUCATION CODE

35144 Special meetings

35145 Public meetings

35145.5 Right of public to place matters on agenda

GOVERNMENT CODE

6250-6270 Public Records Act

53635.7 Separate item of business

54954.1 Mailed agenda of meeting

54954.2 Agenda posting requirements; board actions

54954.3 Opportunity for public to address legislative body

54954.5 Closed session item descriptions

54956.5 Emergency meetings

54957.5 Public records

54960.2 Challenging Board actions; cease and desist

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective communications

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Board Bylaws

Regulation Implementing Bylaw #9322

AGENDA/ MEETING MATERIALS

36.303 Auxiliary aids and services
COURT DECISIONS
Mooney v. Garcia (2012) 207 Cal.App.4th 229
Caldwell v. Roseville Joint Union HSD, 2007 U.S. Dist. LEXIS 66318
ATTORNEY GENERAL OPINIONS
99 Ops.Cal.Atty.Gen. 11 (2016)
78 Ops.Cal.Atty.Gen. 327 (1995)

MANAGEMENT RESOURCES:

CSBA PUBLICATIONS

Call to Order: A Blueprint for Great Board Meetings, 2015

The Brown Act: School Boards and Open Meeting Laws, rev. 2017

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, rev.

2003

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MEETING CONDUCT

Meeting Procedures

All Governing Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with Board bylaws and posted and distributed in accordance the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned by 10:00 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and may be adjourned to a later date.

Quorum

A majority of the number of filled positions on the Board constitutes a quorum. (Education Code 5095, 35165)

Unless otherwise provided by law, affirmative votes by a majority of all the membership of the Board are required to approve any action under consideration, regardless of the number of members present. (Education Code 35164)

If a vacancy exists on the Board, whenever any provisions of the Education Code require unanimous action of all or a specific number of the members, the vacant position(s) shall be not be counted for purposes of determining the total membership constituting the Board. (Education Code 35165)

Abstentions

The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, his/her abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

Public Participation

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting. (GC 54953.3)

In order to conduct District business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures: (EC 35145.5)

1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Board's consideration of the item. (Education Code 35145.5, Government Code 54954.3)

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MEETING CONDUCT

2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Education Code 35145.5, Government Code 54954.2)

- 3. Without taking action, Board members or District staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, a Board or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities. (Government Code 54954.2)
 - Furthermore, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)
- 4. The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard it, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)
- 5. A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.
 - Individual speakers shall be allowed three minutes to address the Board on each agenda or non-agenda item. The Board shall limit the total time for public input on each item to 20 minutes. With Board consent, the president may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The president may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add. (GC 54954.3)
- 6. The Board president may rule on the appropriateness of a topic. If the topic would be more suitably addressed at a later time, the president may indicate the time and place when it should be presented.

The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts or omissions. (Government Code 54954.3) In addition, the Board may not prohibit public criticism of District employees.

Whenever a member of the public initiates specific complaints or charges against an employee, the Board president shall inform the complainant that in order to protect the employee's right to adequate notice before a hearing of such complaints and charges, and

MEETING CONDUCT

also to preserve the ability of the Board to legally consider the complaints or charges in any subsequent evaluation of the employee, it is the policy of the Board to hear such complaints or charges in closed session unless otherwise requested by the employee pursuant to Government Code 54957. The Board president shall also encourage the complainant to file a complaint using the appropriate district complaint procedure.

7. The Board president shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group shall be grounds for the chair to terminate the privilege of addressing the Board.

The Board may remove disruptive individuals and order the room cleared if necessary; in this case, members of the media not participating in the disturbance shall be allowed to remain, and individual(s) not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. When such disruptive conduct occurs, the Superintendent or designee shall contact local law enforcement. (GC 54957.9) (EC 32210).

8. The goal of the Board is to have decisions made by consensus. If consensus is not possible, then decisions will be made by majority vote. Both majority and minority positions may be reported or recorded.

Recording by the Public

The Superintendent or designee shall designate locations from which members of the public may broadcast, photograph or tape record open meetings without causing a distraction. (GC 54953.5)

If the Board finds that noise, illumination or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)

Legal Reference:

EDUCATION CODE

5095 Powers of remaining board members and new appointees

32210 Willful disturbance of public school or meeting a misdemeanor

35010 Prescription and enforcement of rules

35145.5 Agenda; public participation; regulations

35163 Official actions, minutes and journal

35164 Vote requirements

35165 Effect of vacancies upon majority and unanimous votes by seven member board

GOVERNMENT CODE

54953.5 Audio or video tape recording of proceedings

54953.6 Broadcasting of proceedings

54954.2 Agenda; posting; action on other matters

54954.3 Opportunity for public to address legislative body; regulations

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Board Bylaws Bylaw #9323

MEETING CONDUCT

54957 Closed sessions

54957.9 Disorderly conduct of general public during meeting; clearing of room

PENAL CODE

403 Disruption of assembly or meeting

COURT DECISIONS

McMahon v. Albany Unified School District, (2002) 104 Cal. App. 4th 1275

Rubin v. City of Burbank, (2002) 101 Cal. App. 4th 1194

Baca v. Moreno Valley Unified School District, (1996) 936 F.Supp. 719

ATTORNEY GENERAL OPINIONS

76 Ops.Cal.Atty.Gen. 281 (1993)

66 Ops.Cal.Atty.Gen. 336 (1983)

63 Ops.Cal.Atty.Gen. 215 (1980)

61 Ops.Cal.Atty.Gen. 243, 253 (1978)

55 Ops.Cal.Atty.Gen. 26 (1972)

59 Ops.Cal.Atty.Gen. 532 (1976)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2005

Board Presidents' Handbook, rev. 2002

Maximizing School Board Governance: Boardsmanship

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

WEB SITES

CSBA: http://www.csba.org

California Attorney General's Office: http://www.caag.state.ca.us

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Bylaw #9323.1 Board Bylaws

ORDER OF BUSINESS

Unless altered by the presiding officer, with the consent of the Board, the Order of Business at all Board business meetings shall be as follows:

- A. Call to Order
- B. Roll Call
- C. Adoption of Agenda
- D. **Closed Session**
- E. Reconvene in Open Session
- F. Pledge of Allegiance
- G. Written Communication
- H. **Board Member Comments**
- I. Superintendent's Report
- **Public Comment** J.
- K. Presentations/ Recognitions/ Honors
- Consent Agenda L.
- Action/Discussion M.
- Information/Discussion N.
- O. Adjournment

Board members shall receive from the Superintendent agenda materials at least 24 hours prior to the time of the meeting. Accompanying the agenda shall be supporting data intended to inform the Board so that members may examine and objectively evaluate before taking action.

Agenda

- The President, on taking the chair, shall call the members to order on appearance of a 1. quorum.
- 2. Agendas for regular meetings must contain a "brief, general description" of the item of business to be transacted or discussed. Details shall be provided by supporting data. The Superintendent shall recommend indicated Board action.
- 3. To facilitate action on certain agenda items, the consent agenda procedure will be used. Items listed under consent are considered to be routine and/or may have been discussed at a previous Board meeting. Examples of items are Board minutes, certificated and classified assignment orders, out of county activities, warrants, purchase order transactions and revolving cash information. In addition, items receiving Board agreement during the first review (Information Discussion) may be placed on consent agenda.

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Bylaw #9323.2 Board Bylaws

ACTIONS BY THE BOARD

The Governing Board shall act by a majority vote of all of the membership constituting the Board. unless otherwise required by law. (Education Code 35164)

An "action" by the Governing Board means: (Government Code 54952.6)

- 1. A collective decision by a majority of the Board members
- 2. A collective commitment or promise by a majority of the members to make a positive or negative decision
- 3. A vote by a majority of the members when sitting as the Board upon a motion, proposal, resolution, order or ordinance

When required by law, action shall instead require a two-thirds, four-fifths, or unanimous vote of either the Board or Board members present at the meeting.

The Board may take action in a regular meeting on a subject not listed on the published agenda only when it publicly identifies the item to be acted upon in conjunction with one of the following circumstances: (Government Code 54954.2)

- 1. The Board, by majority vote of its members, determines that the action responds to an emergency situation.
- 2. The Board determines, either by a two-thirds majority vote of the members present at the meeting or, if less than two-thirds of the members are present, by a unanimous vote of all members present, that the need to take immediate action came to the district's attention after the posting of the agenda.
- 3. The matter was properly posted for a previous meeting occurring not more than five days earlier and was continued to the meeting at which action is being taken.

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

Challenging Board Actions

Any demand by the district attorney's office or any interested person to correct a Board action shall be presented to the Board in writing within 90 days of the date when the action was taken. Such demand shall allege a violation of any of the following: (Government Code 54960.1)

- 1. Government Code 54953, regarding open meeting and teleconferencing
- Government Code 54954.5, regarding closed session item descriptions 2.

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Board Bylaws Bylaw #9323.2

ACTIONS BY THE BOARD

- 3. Government Code 54954.6, regarding new or increased tax assessments
- 4. Government Code 54956, regarding special meetings
- 5. Government Code 54956.5, regarding emergency meetings

If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place.

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation. (Government Code 54960.1)

Within 30 days of receiving the demand, the Board shall either cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct. If the Board decides to not cure or correct the challenged action, the demanding party shall be informed in writing of that decision. (Government Code 54960.1)

If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action. (Government Code 54960.1)

Legal Reference:

EDUCATION CODE

15266 School construction bonds

17466 Declaration of intent to sell or lease real property

17481 Lease of property with residence for nondistrict purposes

17510-17511 Resolution requiring unanimous vote of all members constituting board

17546 Private sale of personal property

17556-17561 Dedication of real property

17582 District deferred maintenance fund

17583 Deferred maintenance fund: transfer of excess local funds

35144 Special meeting

35145 Public meetings

35164 Majority vote of all members constituting board for board action

35165 Vacancies, effect on majority and unanimous vote

48660 Establishment of community day schools

48661 School site restrictions for community day schools

CODE OF CIVIL PROCEDURE

1245.240 Eminent domain vote requirement

1245.245 Eminent domain, resolution adopting different use

GOVERNMENT CODE

53094 Authority to render zoning ordinance inapplicable

53097 Compliance with ordinances

53097.3 Charter school ordinances

53724 Parcel tax resolution requirements

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Board Bylaws Bylaw #9323.2

ACTIONS BY THE BOARD

53790-53792 Exceeding the budget

53820-53833 Temporary borrowing

53850-53858 Temporary borrowing

54950 Meetings: declaration; intent; sovereignty

54952.6 Action taken, definition

54953 Meetings to be open and public; attendance; secret ballots

54953.5 Right to record proceedings; conditions

54954.2 Agenda posting requirements; board actions

54954.5 Closed session item descriptions

54954.6 New or increased taxes or assessments; hearings; notice

54956 Special meetings; call; notice

54956.5 Emergency meetings in emergency situations

54960 Action to prevent violations

54960.1 Challenge of governing board actions

54960.5 Costs and attorney fees

65352.2 Coordination with planning agency

PUBLIC CONTRACT CODE

3400 Bid specifications

20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder

20113 Emergencies, award of contracts without bids

COURT DECISIONS

Bell v. Vista Unified School District, (2002) 82 Cal. App. 4th 672

Boyle v. City of Redondo Beach, (1999) 70 Cal. App. 4th 1109

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 1999

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies,, California Attorney General's Office, 2002

CALIFORNIA CITY ATTORNEY PUBLICATIONS

Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000

WEB SITES

CSBA: http://www.csba.org

California Attorney General's Office: http://www.caag.state.ca.us

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Board Bylaws Exhibit #9323.2

ACTIONS REQUIRING MORE THAN A MAJORITY VOTE

Actions Requiring a Two-Thirds Vote of the Board:

- 1. Resolution declaring intention to sell or lease real property (EC 17466)
- 2. Resolution declaring intent of Governing Board to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556 (Education Code 17557)
- 3. Resolution authorizing and directing the Board president to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 17559)
- 4. Lease for up to three months of school property which has a residence on it and which cannot be developed for District purposes because funds are unavailable (Education Code 17481)
- Temporary borrowing before receipt of fiscal income, if implemented pursuant to 5. Government Code 53820-53833 (Government Code 53821)
- 6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, ordering city or county zoning ordinances inapplicable to a proposed use of the property by the district (Government Code 53094)
- 7. Resolution to transfer excess local funds from a deferred maintenance fund when state funds are insufficient to match local funds being held in the deferred maintenance fund (Education Code 17582, 17583)
- 8. For Districts with an ADA of 2,500 or less seeking to add a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)
- 9. For Districts desiring to operate a community day school on an existing school site to serve grades K-6 (and no higher grades), certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)
- Resolution of intent to issue general obligation bonds with the approval of 55% of the 10. voters of the District (Education Code 15266)
- 11. Resolution of intent to issue bonds within a school facilities improvement district with the approval of 55 percent of the voters of the school facilities improvement district (Education Code 15266)
- 12. Resolution to place a parcel tax on the ballot (Government Code

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Board Bylaws Exhibit #9323.2

ACTIONS REQUIRING MORE THAN A MAJORITY VOTE

53724)

Resolution of necessity to proceed with an eminent domain action and, if the Board desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting:

- 1. Determination that there is a need to take immediate action and that the need for action came to the district's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)
- Determination that a closed session is necessary during an emergency 2. meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)

Actions Requiring a Four-Fifths Vote of the Board:

- 1. The expenditure and transfer of necessary funds and use of District property or personnel to meet a national or local emergency created by war, military, naval or air attack or sabotage, or to provide for adequate national or local defense (Government Code 53790-53792)
- 2. Adoption of a resolution, between July 15 and August 30, to borrow funds of up to 25% of the estimated income and revenue to be received by the District during the fiscal year from apportionments based on ADA for the preceding year (Government Code 53822-53824)
- 3. Declaration of an emergency in order to authorize the district to include a particular brand name or product in a bid specification (Public Contract Code 3400)

Actions Requiring a Unanimous Vote of the Board:

1. Resolution authorizing and prescribing the terms of a community lease for extraction of gas

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Board Bylaws Exhibit #9323.2

ACTIONS REQUIRING MORE THAN A MAJORITY VOTE

(Education Code 17510-17511)

2. Waiver of the competitive bid process pursuant to Public Contract Code 20111 when the Board determines that an emergency exists and upon approval of the County Superintendent of Schools Contract Code 20113)

Actions Requiring a Unanimous Vote of the Board Members Present at the Meeting:

Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500. Disposal of surplus property in the local dump or donation to a charitable organization requires the unanimous vote of the Board members present to establish that the value of such property would not defray the cost of its sale. (Education Code 17546)

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting:

That the need to take immediate action came to the District's attention after the posting of the agenda. If less than two-thirds of the members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)

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Board Bylaws Bylaw #9324

BOARD MINUTES AND RECORDINGS

The Governing Board recognizes that maintaining accurate minutes of Board meetings provides a record of Board actions for use by district staff and the public. Accurate minutes also help foster public trust that Board actions are occurring in public in accordance with law.

The secretary of the Board shall keep minutes and record all official Board actions. The Board's minutes shall be public records and shall be made available to the public upon request. (Education Code 35145, 35163)

Minutes shall indicate the point on the agenda at which Board members arrive and depart, unless the member is present at time of roll call and remains continuously in the meeting until after adjournment.

The Superintendent or designee shall distribute a copy of the "unapproved" minutes of the previous meeting(s) with the agenda for the next regular meeting. At the next meeting, the Board shall approve the minutes as circulated or with necessary amendments.

In order to ensure that the minutes are focused on Board action, the minutes shall include only a brief summary of the Board's discussion, but shall not include a verbatim record of the Board's discussion on each agenda topic or the names of Board members who made specific points during the discussion.

The minutes shall include the specific language of each motion, the names of members who made and seconded the motion, and the individual votes of each member, unless the action was unanimous. When a roll call vote is taken, the names and votes of each member shall be listed. Motions or resolutions shall be recorded as having passed or failed. Board resolutions shall be numbered consecutively from the beginning of each fiscal year.

The minutes shall reflect the names of those individuals who have chosen to identify themselves during the meeting's public comment period as well as the topics they address.

The minutes shall record which members are present and whether a member is not present for part of the meeting due to late arrival and/or early departure.

Any minutes or recordings kept for Board meetings held in closed session shall be kept separately from the minutes or recordings of regular and special meetings. Minutes or recordings of closed sessions are not public records. (Government Code 54957.2)

Minutes may include a summary of any Board members particular comments, if he/she so requests.

A copy of documents or reports discussed by the Board shall be attached, when feasible, to the official copy of the minutes.

Official Board minutes and recordings shall be stored in a secure and fire proof location and shall be retained in accordance with law.

Board Bylaws Bylaw #9324

BOARD MINUTES AND RECORDINGS

Recording of Votes

Motions or resolutions shall be recorded as having passed or failed. Individual votes shall be recorded and unanimous votes shall be recorded 5 to 0.

Recording or Broadcasting of Meetings

The district may tape, film, or broadcast any open Board meeting. The Board president shall announce that a recording or broadcasting is being made at the beginning of the meeting and, as practicable, the recorder or camera shall be placed in plain view of meeting participants.

Any district recording may be erased or destroyed 30 days after the meeting. Recordings made during a meeting are public records and, upon request, shall be made available for inspection by members of the public on a district recorder without charge. (Government Code 54953.5)

Legal Reference:

EDUCATION CODE

35145 Public meetings

35163 Official actions, minutes and journals

35164 Vote requirements

GOVERNMENT CODE

54952.2 Meeting defined

54953.5 Audio or video recording of proceedings

54953.6 Broadcasting of proceedings

54957.2 Closed sessions; clerk; minute book

54960 Violations and remedies

PENAL CODE

632 Unlawful to intentionally record a confidential communication without consent

Adopted: July 16, 1998

Revised Nov. 12, 2009

CODE OF REGULATIONS, TITLE 5

16020-16027 Classification and retention of records

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2007

Guide to Effective Meetings, rev. 2007

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Board Bylaws Bylaw #9324

BOARD MINUTES AND RECORDINGS

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

CSBA: http://www.csba.org

(9/89 2/94) 7/08

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Board Bylaws Bylaw #9400

BOARD SELF-EVALUATION

Effective and efficient Board operations are an integral part of creating a successful educational program.

The Governing Board shall annually conduct a self-evaluation in order to demonstrate accountability to the community and ensure that district governance effectively supports student achievement and the attainment of the district's vision and goals.

The evaluation may address any areas of Board responsibility, including but not limited to Board performance in relation to vision setting, curriculum, personnel, finance, policy, collective bargaining and community relations. The evaluation also may address objectives related to Board meeting operations, relationships among Board members, relationship with the Superintendent, understanding of Board and Superintendent roles and responsibilities, communication skills, or other boardsmanship skills.

The Board shall be evaluated as a whole. Individual Board members also are encouraged to use the evaluation process as an opportunity to privately assess their own personal performance.

Each year the Board, with assistance from the Superintendent, shall determine an evaluation method or instrument that measures a reasonable number of previously identified performance objectives. Videotape of a Board meeting may be used as an evaluation tool only with the consent of all Board members.

Any discussion of the Board's self-evaluation shall be conducted in open session. At the request of the Board, a facilitator may be used to assist with the evaluation process. The Board may invite the Superintendent or others to provide input into the evaluation process.

Following the evaluation, the Board shall develop strategies for strengthening Board performance and shall establish priorities and objectives for the following year's evaluation.

Legal Reference:
GOVERNMENT CODE
54950-54963 Brown Act; board self-evaluations not covered

Management Resources: CSBA PUBLICATIONS Professional Governance Standards, 2000 Maximizing School Board Leadership, 1996 WEB SITES CSBA: http://www.csba.org

(9/88) 3/02

Board Bylaws Bylaw #9400

Adopted: July 16, 1998

Revised Nov. 12, 2009