Meeting Norms
1. Maintain a focus on what is best for our students.
2. Show respect (never dismiss/devalue others).
3. Be willing to compromise.
4. Disagree (when necessary) agreeably.
5. Make a commitment to effective deliberation, each one listening with an open mind while others are allowed to express their points of view.
6. Participate by building on the thoughts of a fellow Board member.
7. Make a commitment to open communication and honesty; no surprises.
8. Commit the time necessary to govern effectively.
10. Maintain confidentiality (which leads to the building of trust).
11. Look upon history as lessons learned; focus on the present and the future.

I. OPEN SESSION
A) CONVENE TO OPEN SESSION
B) ROLL CALL
C) APPROVAL OF AGENDA
D) PERSONS TO ADDRESS THE COMMITTEE ON MATTERS NOT ON THE AGENDA
Board practice limits each speaker to no more than three (3) minutes. The Brown Act limits Board ability to discuss or act on items which are not on the agenda; therefore, such items may be referred to staff for comment or for consideration on a future agenda.

E) REVIEW AND ACTION
1. Review and Approve 3.2.2020 Board Policy Committee Minutes

F) REVIEW AND DISCUSSION
1. Board Policy Committee Membership 2020-2021
2. AUSD Board Policies and Administrative Regulations:
   a. Board Policy and Administrative Regulation 6020 (Parent Involvement)
   b. Board Policy and Administrative Regulation 1250 (Visitors/Outsiders)
   c. BP Committee Priorities/Identification of BP/ARs for review for 2020-2021
      i. Board Policy and Administrative Regulation 5020 (Parents Rights and Responsibilities)
      ii. Board Policy and Administrative Regulation 5113 (Absences and Excuses)
      iii. Board Policy and Administrative Regulation 5113.1 (Chronic Absence and Truancy)
      iv. Board Policy and Administrative Regulation 5121 (Grades/Evaluation of Student Achievement)
      v. Board Policy and Administrative Regulation 5131.4 (Student Disturbances)
vi. Board Policy and Administrative Regulation 5141.31 (Immunizations)

vii. Board Policy and Administrative Regulation 5141.4 (Child Abuse Prevention and Reporting)

viii. Board Policy and Administrative Regulation 5145.2 (Freedom of Speech/Expression)

ix. Board Policy and Administrative Regulation 5148.2 (Before/After School Programs)

x. Board Policy 6111 (School Calendar)

xi. Board Policy and Administrative Regulation 6153 (School Sponsored Field Trips)

xii. Board Policy and Administrative Regulation 6171 (Title I Programs)

G) STAFF REPORT

H) AGENDA ITEMS/MATTERS INTRODUCED BY THE COMMITTEE

II. ADJOURNMENT 6:00 p.m.
Meeting Minutes  
March 2, 2020  
AUSD Board Policy Committee

Members Present:  
1. Marie Williams  
2. Darren McNally  
3. Stephen Naiff  
4. Kim Trutane  
5. Veronica Michael

The meeting was called to order at 5:05 pm

Approval of Agenda  
Kim motioned to approve the meeting agenda.  
Stephen seconded the motion.  
The motion passed unanimously.

Persons to Address the Committee on Matters not on the Agenda  
None.

Review and Action  
Approve Minutes of 2.3.2020  
Stephen motioned to approve the minutes.  
Kim seconded the motion.  
The motion passed unanimously.

Board Policy Committee Bylaws Annual Review  
The committee discussed making the following changes to Board Policy Committee bylaws:  
  ● Article I Name and Purpose: Replace “Monitor the Implementation” with “Ensure revised board policies are available to staff and the public.”  
  ● Article II Membership: Replace “The members of the Board Policy Committee shall be appointed by the Albany Unified School District Governing Board. The Committee shall be composed of Board Members, Student Board Member, Teachers, Parents, and District Office Administration” with “The composition of the committee will be drawn from Board Members, high school students, teachers, parents, community members and administrators.”
• **Article III. Board Policy Committee (Section 1):** Add: “A member of the BP committee will have the responsibility of ensuring revised and approved board policies are posted to the District website and submitted to Gamut.”

• **Article III. Board Policy Committee (Section 3):** Replace “A quorum will consist of a simple majority (51%) of the Board Policy Committee. A quorum of the Board Policy Committee must be present to vote on action items” with “A quorum will consist of at least one representative from three of the aforementioned stakeholder groups.”

• **Article III. Board Policy Committee (Section 6):** Replace “The Board Policy Committee shall be chaired by the District’s Director of Curriculum, Instruction and Assessment. In the event the Director of Curriculum, Instruction, and Assessment is absent, the Director of Curriculum, Instruction, and Assessment will appoint a Chairperson pro-tem” with “The BP Committee shall be chaired by Supt or Supt’s Designee.”

Stephen motioned to approve the board bylaws.
Veronica seconded the motion.
The motion passed unanimously.

*Board Policy 5145.3 Non Discrimination/Harrassment*
Veronica motioned to approve Board Policy 5145.3.
Clementina seconded the motion.
The motion passed unanimously.

**Review and Discussion**
The committee discussed Board Policy and Administrative Regulation 6020.

**Agenda Items/Matters introduced by the Committee**
None

**Adjournment**
Kim motioned to adjourn the meeting.
Veronica seconded the motion.
The motion passed unanimously.

The committee adjourned at 6:14 pm.
The Governing Board recognizes that parents/guardians are their children's first and most influential teachers and that sustained parent/guardian involvement in the education of their children contributes greatly to student achievement and a positive school environment. The Superintendent or designee shall consult with staff and parents/guardians and family members in the development of meaningful opportunities for them to be involved in district and school activities at all grade levels; advisory, decision-making, and advocacy roles; and activities to support learning at home.

(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)
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.

(cf. 5020 - Parent Rights and Responsibilities)

The district's local control and accountability plan shall include goals and strategies for parent/guardian involvement, including district efforts to seek parent/guardian input in district and school site decision making and to promote parent/guardian participation in programs for English learners, foster youth, students eligible for free and reduced-price meals, and students with disabilities. (Education Code 42238.02, 52060)

(cf. 5145.6—Parental Notifications)

(cf. 0460—Local Control and Accountability Plan)

The Superintendent or designee shall regularly evaluate and report to the Board on the effectiveness of the district's parent/guardian and family engagement involvement efforts, including, but not limited to, input from parents/guardians, family members, and school staff on the adequacy of parent-involvement opportunities and on barriers that may inhibit parent/guardian participation.

(cf. 0500—Accountability)

Title I Schools

***Note: The following section is for use by districts that receive Title I funds. 20 USC 6318 mandates that such districts develop, jointly with parents/guardians and family members of participating students, policy which establishes expectations and objectives for meaningful parent/guardian and family involvement and describes how the district will address specified components. See the accompanying administrative regulation for the required components and optional strategies for addressing each component.***

***Note: State law (Education Code 11503) also mandates procedures to 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 Title I parent/guardian and family engagement involvement program.***—(Education Code 11503)

The Superintendent or designee shall involve parents/guardians and family members in establishing district expectations and objectives for meaningful parent/guardian and family engagement in schools supported by Title I funding, developing strategies that describe how the district will carry out each activity listed in 20 USC 6318, as contained in the accompanying administrative regulation, and implementing and evaluating such programs, activities, and procedures. As appropriate, the Superintendent or designee shall conduct outreach to all parents/guardians and family members. (Education Code 11503; 20 USC 6318)
When the district's Title I, Part A allocation exceeds the amount specified in 20 USC 6318, the Board shall reserve at least one percent of the funding to implement parent/guardian and family engagement activities. 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. (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 and family members of participating students in decisions regarding how the district's Title I funds will be allotted for parent/guardian and family engagement involvement activities and shall ensure that priority is given to schools in high poverty areas in accordance with law. (20 USC 6318, 6631)

Expenditures of such funds shall be consistent with the activities specified in this policy and shall include at least one of the following: (20 USC 6318)

1. Support for schools and nonprofit organizations in providing professional development for district and school staff regarding parent/guardian and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents/guardians and family members

2. Support for programs that reach parents/guardians and family members at home, in the community, and at school

3. Dissemination of information on best practices focused on parent/guardian and family engagement

(cf. 6171 - Title I Programs)

***Note: The following paragraph is for use by districts that receive more than $500,000 in Title I, Part A funding. Pursuant to 20 USC 6318, the Governing Board must reserve at least one percent of the district's Title I funding to carry out parent/guardian and family engagement activities, provided that one percent of the allocation received by the district totals more than $5,000. As amended by P.L. 114-95, 20 USC 6318 requires that at least 90 percent of the reserved funds must be distributed to eligible schools, with priority given to "high-need schools" as defined in 20 USC 6631.***

(cf. 3100 - Budget)

***Note: As amended by P.L. 114-95, 20 USC 6318 identifies allowable uses of the Title I funds reserved for parent/guardian and family engagement, as provided below. These uses are consistent with the activities that must be addressed in the district's parent/guardian and family engagement policy, as described in the accompanying administrative regulation.***
engagement, especially best practices for increasing the engagement of economically disadvantaged parents/guardians and family members

4. Collaboration with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement

5. Any other activities and strategies that the district determines are appropriate and consistent with this policy

The Superintendent or designee shall ensure that each school receiving Title I funds develops a school-level parent/guardian and family engagement involvement policy in accordance with 20 USC 6318.

Non-Title I Schools

***Note: The following section is for use by districts that do not receive any Title I funds or that have one or more individual schools that do not receive Title I funds. Education Code 11504 mandates the Board to adopt a policy on parent/guardian involvement, applicable to each school that does not receive Title I funds, that is consistent with the purposes and goals in Education Code 11502. See the accompanying administrative regulation for information about these goals and sample strategies for addressing each goal.***

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)

Legal Reference:
EDUCATION CODE
11500-11506 Programs to encourage parent involvement
48985 Notices in languages other than English
51101 Parent rights and responsibilities
52060-52077 Local control and accountability plan
54444.1-54444.2 Parent advisory councils, services to migrant children
56190-56194 Community advisory committee, special education
64001 School Single plan for student achievement, consolidated application programs
LABOR CODE
230.8 Time off to visit child's school
CODE OF REGULATIONS, TITLE 5
18275 Child care and development programs, parent involvement and education
UNITED STATES CODE, TITLE 20
6311 State plan
6311 Parental notice of teacher qualifications and student achievement
6312 Local educational agency plan
6314 Schoolwide programs
6316 School improvement
6318 Parent and family engagement involvement
6631 Teacher and school leader incentive program, purposes and definitions

CODE OF FEDERAL REGULATIONS, TITLE 28
35.104 Definitions, auxiliary aids and services
35.160 Communications

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION CSBA PUBLICATIONS
Title I School-Level Parental Involvement Policy
Parent Involvement: Development of Effective and Legally Compliant Policies, Governance and Policy Services Policy Briefs, August 2006
STATE BOARD OF EDUCATION POLICIES
89-01 Parent Involvement in the Education of Their Children, rev. 1994
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS NON REGULATORY GUIDANCE
Parental Involvement: Title I, Part A, Non-Regulatory Guidance, 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

ALBANY UNIFIED SCHOOL DISTRICT
adopted: November 28, 2006 Albany, California
***Note: The following administrative regulation contains parent/guardian and family engagement strategies that meet legal requirements applicable to districts and schools receiving federal Title I funds and those that do not receive Title I funds. The district should use and adapt the section(s) applicable to its circumstances. If desired, the district may develop one set of strategies applicable to all schools, provided that all the provisions required by law for both types of schools are included.***

District Strategies for Title I Schools

***Note: The following section is for use by districts that receive Title I, Part A, funds. 20 USC 6318, as amended by the Every Student Succeeds Act (P.L. 114-95), mandates that such districts develop a policy that describes the means by which the district will address the components specified in items #1-6 below. Under each required component below are optional strategies for addressing the component, which should be modified to reflect the specific strategies jointly developed by the district and the parents/guardians and family members of participating students. In the state's Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that the district has identified such strategies.***

To ensure that parents/guardians and family members of students participating in Title I programs are provided with opportunities to be involved in their children's education, the district Superintendent or designee shall:

***Note: Pursuant to 20 USC 6318, districts must involve parents/guardians and family members in the development of the Title I local educational agency (LEA) plan described in 20 USC 6312; also see BP 6171 - Title I Programs. In California, all the requirements of the LEA plan are addressed in an addendum to the local control and accountability plan (LCAP). See BP 0460 - Local Control and Accountability Plan for further information about the development of the LCAP, including requirements for consultation with parents/guardians and other stakeholders and for the establishment of a parent advisory committee and English learner parent advisory committee.***

1. Involve parents/guardians and family members of participating students in the joint development of a district plan that meets the requirements of 20 USC 6312 and in the development of school support and improvement plans the Title I local educational agency (LEA) plan pursuant to 20 USC 6311. (20 USC 6318)
The Superintendent or designee may:

a. In accordance with Education Code 52063, establish a district-level parent advisory committee and, as applicable, an English learner parent advisory committee to review and comment on the plan in accordance with the review schedule established by the Governing Board improvement pursuant to 20 USC 6316 (20 USC 6318)

b. Invite input on the plan from other district committees and school site councils

(cf. 0420 - School Plans/Site Councils 6171 – Title I Programs)

(cf. 1220 - Citizen Advisory Committees)

c. Communicate with parents/guardians through the district newsletter, web site, or other methods regarding the plan and the opportunity to provide input

d. Provide copies of working drafts of the plan to parents/guardians in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand

e. Ensure that there is an opportunity at a public Board meeting for public comment on the plan prior to the Board's approval of the plan or revisions to the plan

f. Ensure that school-level policies on parent/guardian and family engagement address the role of school site councils and other parents/guardians as appropriate in the development and review of school plans

2. Provide coordination, technical assistance, and other support necessary to assist and build the capacity of Title I schools in planning and implementing effective parent/guardian and family engagement involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations or individuals with expertise in effectively engaging parents/guardians and family members in education.

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

***Note: (20 USC 6318 mandates that the district's policy or regulation include items #2a-f below. The district may expand these items to describe methods the district will use to carry out each activity.***)

———The Superintendent or designee shall: (20 USC 6318)
a. Assist parents/guardians in understanding such topics as the challenging state's academic content standards and academic achievement standards, state and local academic assessments, the requirements of Title I, and how to monitor a child's progress and work with educators to improve the achievement of their children

(cf. 6011 - Academic Standards)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)

b. Provide parents/guardians with materials and training, such as literacy training and using technology (including education about the harms of copyright piracy), as appropriate, to help them work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parent involvement

c. With the assistance of parents/guardians, educate teachers, specialized instructional support student service personnel, principals and other school leaders, and other staff, with the assistance of parents/guardians, in the value and utility of parent/guardian contributions and in how to reach out to, communicate with, and work with parents/guardians as equal partners, implement and coordinate parent/guardian programs, and build ties between parents/guardians and the schools

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

d. To the extent feasible and appropriate, coordinate and integrate parent/guardian involvement programs and activities with other federal, state, and local programs, including Head Start, Reading First, Early Reading First, Even Start, Home Instruction Programs for Preschool Youngsters, Parents as Teachers Program, public preschool, and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents/guardians in more fully participating in their children's education

e. Ensure that information related to school and parent/guardian programs, meetings, and other activities is sent to the parents/guardians of participating students in a format and, to the extent practicable, in a language the parents/guardians can understand

f. Provide other such reasonable support for parent/guardian involvement activities as parents/guardians may request

***Note: Although not mandated to be included in the district's policy or regulation, item #2g reflects a legal requirement in 20 USC 6318(g) to inform parents/guardians about the existence of parent information and resource centers in the state that work with Title I schools, districts, and parents/guardians. See the management resources in the accompanying Board policy for resources that can help districts locate the centers closest to them.***
Inform parents/guardians and parent organizations of the existence and purpose of parent information and resource centers in the state that provide training, information, and support to parents/guardians of participating students

***Note: Items #2a-t below are optional and should be revised to reflect district practice. Items #2a-h are authorized, but not required, by 20 USC 6318.***

In addition, the Superintendent or designee may:

a. Involve parents/guardians in the development of training for teachers, principals, and other educators to improve the effectiveness of such training

b. Provide necessary literacy training, using Title I funds if the district has exhausted all other reasonably available sources of funding for such training

c. Pay reasonable and necessary expenses associated with parent/guardian involvement activities, including transportation and child care costs, to enable parents/guardians to participate in school-related meetings and training sessions

d. Train parents/guardians to enhance the involvement of other parents/guardians

e. Arrange school meetings at a variety of times or, when parents/guardians are unable to attend such conferences, conduct in-home conferences between parents/guardians and teachers or other educators who work directly with participating students, in order to maximize parent/guardian involvement and participation

f. Adopt and implement model approaches to improving parent/guardian involvement

g. Establish a districtwide parent advisory council to provide advice on all matters related to parent/guardian involvement in Title I programs

h. Develop appropriate roles for community-based organizations and businesses in parent/guardian involvement activities

i. Make referrals to community agencies and organizations that offer literacy training, parent/guardian education programs, and/or other services that help to improve the conditions of parents/guardians and families

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

j. Provide a master calendar of district activities and district meetings

k. Provide information about opportunities for parent/guardian and family engagement through the district newsletter, web site, or other written or electronic means

l. Engage parent-teacher organizations to actively seek out and involve parents/guardians
through regular communication updates and information sessions

(cf. 1230 - School-Connected Organizations)

m. To the extent practicable, provide translation services at school sites and at meetings involving parents/guardians and family members as needed

n. Provide training and information to members of district and school site councils and advisory committees to help them fulfill their functions

o. Provide ongoing district-level workshops to assist school site staff, parents/guardians, and family members in planning and implementing improvement strategies, and seek their input in developing the workshops

p. Provide training for the principal or designee of each participating school regarding Title I requirements for parent/guardian and family engagement, leadership strategies, and communication skills to assist him/her in facilitating the planning and implementation of related activities

q. Regularly evaluate the effectiveness of staff development activities related to parent/guardian and family engagement

r. Include expectations for parent/guardian outreach and involvement in staff job descriptions and evaluations

(cf. 4115 - Evaluation/Supervision)
(cf. 4215 - Evaluation/Supervision)
(cf. 4315 - Evaluation/Supervision)

s. Assign district personnel to serve as a liaison to the schools regarding Title I parent/guardian and family engagement issues

t. Provide information to schools about the indicators and assessment tools that will be used to monitor progress

3. To the extent feasible and appropriate, coordinate and integrate Title I parent/guardian and family engagement involvement strategies with parent/guardian and family engagement strategies of other relevant federal, state, and local Head Start, Reading First, Early Reading-First, Even Start, Home Instruction Program for Preschool Youngsters, Parents as Teachers Program, public preschool, and other programs and ensure consistency with federal, state, and local laws.

(cf. 20 USC 6318)

The Superintendent or designee may:

a. Identify overlapping or similar program requirements
b. Involve district and school site representatives from other programs to assist in identifying specific population needs

c. Schedule joint meetings with representatives from related programs and share data and information across programs

d. Develop a cohesive, coordinated plan focused on student needs and shared goals

4. Conduct, with meaningful involvement of parents/guardians and family members, an annual evaluation of the content and effectiveness of the parent/guardian and family engagement policy in improving the academic quality of the schools served by Title I, including:

   (20 USC 6318)

    — The Superintendent or designee shall:

   a. Ensure that the evaluation include the identification of:

   a. Barriers to greater participation in parent/guardian and family engagement activities, with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background

   b. The needs of parents/guardians and family members, so they can better assist with their children's learning and engage with school personnel and teachers

   c. Strategies to support successful school and family interactions

(cf. 0500 - Accountability)

***Note: Although it is not mandated to be included in the district's policy or regulation, the following paragraph reflects a legal requirement of Education Code 11503 pertaining to Use the evaluation of the district's results to design strategies for more effective parent/guardian involvement efforts.***

and, if necessary, to recommend changes in the parent involvement policy (20 USC 6318)
The Superintendent or designee shall:

c. Assess the district's progress in meeting annual objectives for the parent involvement program, notify parents/guardians of this review and assessment through regular school communications mechanisms, and shall provide a copy of the assessment to parents/guardians upon their request. (Education Code 11503)

The Superintendent or designee may:

a. Use a variety of methods, such as focus groups, surveys, and workshops, to evaluate the satisfaction of parents/guardians and staff with the quality and frequency of district communications

b. Gather and monitor data regarding the number of parents/guardians and family members participating in district activities and the types of activities in which they are engaged

c. Recommend to the Board measures to evaluate the impact of the district's parent/guardian and family engagement efforts on student achievement

5. Use the findings of the evaluation conducted pursuant to item #4 above to design evidence-based strategies for more effective parent/guardian and family involvement and, if necessary, to revise the parent/guardian and family engagement policy (20 USC 6318)

6. Involve parents/guardians in the activities of schools served by Title I, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents/guardians or family members served by the district to adequately represent the needs of the population served by the district for the purposes of developing, revising, and reviewing the parent/guardian and family engagement policy (20 USC 6318)

The Superintendent or designee may:

a. Include information about school activities in district communications to parents/guardians and family members

b. To the extent practicable, assist schools with translation services or other accommodations needed to encourage participation of parents/guardians and family members

c. Establish processes to encourage parent/guardian input regarding their expectations and concerns for their children

***Note: Pursuant to 20 USC 6318, the district's parent/guardian and family engagement policy must be incorporated into the district's Title I LEA plan. In California, all the requirements of the LEA plan are addressed in an addendum to the local control and accountability plan (LCAP). See BP 0460 - Local Control and Accountability Plan.***

The district's Board policy and administrative regulation containing parent/guardian and family engagement involvement strategies shall be incorporated into the district's local control and
accountability plan in accordance with 20 USC 6312 and shall be LEA plan and distributed to parents/guardians of students participating in Title I programs. (20 USC 6318)

(cf. 5145.6 - Parental Notifications)

School-Level Policies for Title I Schools

***Note: The following section is for use by districts that receive federal Title I, Part A funds. 20 USC 6318, as amended by P.L. 114-95, mandates that each individual school receiving Title I funds have a written parent/guardian and family engagement policy, developed jointly with and agreed upon by parents/guardians and family members of participating students, that describes the means for carrying out the requirements of 20 USC 6318(c) through (f), reflected in items #1-8 below. The following section lists the required components but does not include specific strategies which should be added by each school. Schools may also use a template available on the web site of the California Department of Education, Title I School-Level Parental Involvement Policy, to develop the school-level policy.***

At each school receiving Title I funds, a written policy on parent/guardian and family engagement involvement shall be developed jointly with the and agreed upon by parents/guardians and family members 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/guardian involvement

***Note: As provided in item #3 below, 20 USC 6318 requires parent/guardian involvement in the development of the comprehensive plan required by 20 USC 6314 for schoolwide programs. Under state law (Education Code 64001), this plan must be incorporated into the school plan for student achievement covering all categorical programs in the state's consolidated application; see AR 6171 - Title I Programs and BP/AR 0420 - School Plans/Site Councils for further information about the development of this plan.***

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 school's parent/guardian and family engagement 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 achievement levels of the challenging state academic standards proficiency levels students are expected to meet (cf. 5121 - Grades/Evaluation of Student Achievement) (cf. 5123 - Promotion/Acceleration/Retention)

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 schoolwide 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

***Note: 20 USC 6318 requires Title I schools to develop a school-parent compact as provided in item #6 below. U.S. Department of Education non-regulatory guidance, Parental Involvement: Title I, Part A, provides a sample template that schools may use in the development of the school-parent compact.***

6.6.- 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 (cf. 0520.1 - High Priority Schools Grant Program)

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 challenging 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

(cf. 1240 - Volunteer Assistance) (cf. 5020 - Parent Rights and Responsibilities) (cf. 5113 - Absences and Excuses)
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

(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

(4) Regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand

7. Build the capacity of the school and parents/guardians for strong parent involvement by implementing the required activities described in items #2 in the section "District Strategies for Title I Schools" above.

8. To the extent practicable, provide full opportunities for the informed participation of parents/guardians and family members (including parents/guardians and family members with limited English proficiency, parents/guardians and family members with disabilities, and parents/guardians and family members 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/guardian and family engagement policy shall be made available to the local community. Parents and distributed to parents/guardians shall be notified of the policy 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)

***Note: The following paragraph is optional. Education Code 64001 requires that the school plan for student achievement covering the categorical programs in the state's consolidated application, including Title I schoolwide programs, be annually reviewed by the school site council and submitted to the Board for approval; see BP/AR 0420 - School Plans/Site Councils.***

Each school receiving Title I funds shall annually evaluate the effectiveness of its parent/guardian and family engagement 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 school's policy principal or designee, jointly with parents/guardians of participating students, shall be periodically updated to meet the changing needs of parents/guardians and the school. (20 USC 6318)

District Strategies for Non-Title I Schools

***Note: The following section is for use by districts that do not receive any Title I funds or that have one or more individual schools that do not receive Title I funds. Education Code 11504 mandates the Board to adopt a policy on parent/guardian involvement, applicable to each school that does not receive Title I funds, that is consistent with the purposes and goals in Education Code 11502 as reflected in items #1-5 below. Subitems under items #1-5 are optional strategies for carrying out the legal requirement and should be revised to reflect district practice.***

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)

   The Superintendent or designee may:
   
   a. Provide or make referrals to literacy training and/or parent education programs designed to improve the skills of parents/guardians and enhance their ability to support their children's education
   
   b. Provide information, in parent handbooks and through other appropriate means, regarding academic expectations and resources to assist with the subject matter
   
   c. Provide parents/guardians with information about students' class assignments and homework assignments

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)

   The Superintendent or designee may:
   
   a. Provide parents/guardians with information regarding ways to create an effective study environment for their children at home and to encourage good study habits
   
   b. Encourage parents/guardians to monitor their children's school attendance, homework completion, and television viewing
c. Encourage parents/guardians to volunteer in their child's classroom and to participate in school advisory committees.

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)

The Superintendent or designee may:

   a. Ensure that teachers provide frequent reports to parents/guardians on their children's progress and hold parent-teacher conferences at least once per year with parents/guardians of elementary school students.

   b. Provide opportunities for parents/guardians to observe classroom activities and to volunteer in their child's classroom.

   c. Provide information about parent/guardian and family engagement involvement opportunities through district, school, and/or class newsletters, the district's website, and other written or electronic communications.

   d. To the extent practicable, provide notices and information to parents/guardians in a format and language they can understand.

   e. Develop mechanisms to encourage parent/guardian input on district and school issues.

   f. Identify barriers to parent/guardian and family participation in school activities, including parents/guardians and family members who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background.

   g. Encourage greater parent/guardian participation by adjusting meeting schedules to accommodate parent/guardian needs and, to the extent practicable, by providing translation or interpreter services, transportation, and/or child care.

4. Train teachers and administrators to communicate effectively with parents/guardians (Education Code 11502, 11504)

The Superintendent or designee may:

   a. Provide staff development to assist staff in strengthening two-way communications with parents/guardians, including parents/guardians who have limited English proficiency or limited literacy.

   b. Invite input from parents/guardians regarding the content of staff development activities pertaining to home-school communications.
5. Integrate parent/guardian and family engagement involvement programs into school plans for academic accountability

The Superintendent or designee may:

a. Include parent/guardian and family engagement involvement strategies in school reform or school improvement initiatives

b. Involve parents/guardians and family members in school planning processes

(8/06) 10/17
Regulation — ALBANY UNIFIED SCHOOL DISTRICT
approved: May 19, 2009 — Albany, California
The Governing Board believes that it is important for Education encourages parents/guardians and community members to take an active interest in the issues affecting district schools and students. Therefore, the Board encourages interested parents/guardians and members of the community to visit the schools and participate in the educational program.

(cf. 1240 - Volunteer Assistance)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

***Note: In Reeves v. Rocklin Unified School District, a California Court of Appeal affirmed districts' authority to establish reasonable regulations for student safety and protection against disruptions on school campuses. ***

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

(cf. 6116 - Classroom Interruptions)

***Note: Penal Code 627.2 requires "outsiders" to register upon entering school grounds during school hours, and Penal Code 627.1 lists individuals who are not "outsiders" for this purpose; see the accompanying administrative regulation. Education Code 32212 authorizes the Governing Board to adopt policy to control classroom interruptions consistent with local circumstances (see AR 6116 - Classroom Interruptions) and Education Code 35160 authorizes the Board to act in any manner not inconsistent with law. Therefore, it appears that a district has the authority to require all visitors, including parents/guardians as well as those not defined as "outsiders" in Penal Code 627.1, to register upon entering school campus and to comply with other reasonable requirements. ***

***Note: Pursuant to Penal Code 627.1, media representatives are not "outsiders." However, the Attorney General has opined (95 Ops.Cal.Atty.Gen. 509 (1996)) that the Board may restrict media representatives' access in the same manner as access by the general public may be limited.
(e.g., registration or accompaniment by a staff member when on school grounds). Therefore, if a district has developed a policy requiring all visitors or outsiders to register upon entering school grounds, then media may be subject to the same requirements; see BP 1112 - Media Relations. ***

***Note: The following options may be revised to reflect district practice. Option 1 requires anyone who is not a student or staff member to register. Option 2 requires registration only for individuals who are not listed in Penal Code 627.1 (i.e., individuals who are "outsiders").***

OPTION 1: Any person who is not a student or staff member To ensure the safety of students and staff and avoid potential disruptions, all visitors shall register immediately upon entering any school building or grounds when school is in session.

OPTION 2: All outsiders, as defined in law and administrative regulation, shall register immediately upon entering any school building or grounds when school is in session. (Penal Code 627.2)

(cf. 1112 - Media Relations)

***Note: The remainder for purposes of this policy may be used by all districts.***

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

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

***Note: Pursuant to Education Code 35160, the Board is responsible for maintaining order in schools under its jurisdiction. Therefore, in accordance with law, the district may authorize school administrators to direct disruptive individuals to leave school grounds; see AR 3515.2 - Disruptions. Penal Code 626.7 provides that a person who is directed to leave the campus and fails to leave, or later reenters without following the school's posted registration requirements, may be guilty of a misdemeanor.***

***Note: The following optional paragraph should be modified to reflect district practice.***

(cf. 5144 - Discipline)

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.

(cf. 1312.1 - Complaints Concerning District Employees)
Presence of Sex Offender on Campus

***Note: Pursuant to Penal Code 626.81, registered sex offenders are prohibited from school buildings and grounds except for lawful business and with written permission. As amended by SB 326 (Ch. 279, Statutes of 2013), Penal Code 626.81 requires that the written permission indicate the date(s) for which permission is granted. It also authorizes the principal to grant permission to a registered sex offender who is not the parent/guardian of a student at the school to volunteer at the school, provided that the principal notify the parent/guardian of each student at the school; see AR 1240-Volunteer Assistance.***

***Note: In addition, pursuant to Education Code 49091.10 and 51101, parents/guardians, including those who are required to register as sex offenders, have a prescribed right to be involved in the education of their children. Thus, the district must adopt measures that are effective in maintaining a safe school environment while avoiding a violation of the statutory rights of such parents/guardians.***

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.

The principal shall indicate on the written permission the date(s) and times for which permission has been granted. (Penal Code 626.81)

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
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
ATTORNEY GENERAL OPINIONS

(7/10 3/12) 12/14
Policy ALBANY UNIFIED SCHOOL DISTRICT
adopted: June 3, 2009 Albany, California
revised: August 28, 2012
The Superintendent or designee shall post at every entrance to each school and school grounds a notice describing visitor registration requirements, school hours or hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements. (Education Code 32211; Penal Code 627.6)

Outsiders shall register upon entering school premises during school hours. Any person other than the following is considered an outsider: (Evidence Code 1070; Penal Code 627.1, 627.2)

1. A student of the school, unless currently under suspension
2. A parent/guardian of a student of the school
3. A Governing Board member or district employee
4. A public employee whose employment requires being on school grounds, or any person who is on school grounds at the school's request
5. A representative of a school employee organization who is engaged in activities related to the representation of school employees
6. An elected public official

7. A publisher, editor, reporter, or other person connected with or employed by a newspaper, magazine, other periodical publication, press association or wire service, radio station, or television station

(cf. 1112 - Media Relations)

Registration Procedure

***Note: Registration items listed below are those required by Penal Code 627.3 when "outsiders" register at a school. Pursuant to Education Code 32212 which authorizes districts to adopt a policy to control classroom interruptions, any district choosing Option 1 in the accompanying Board policy may also use the following list. When a district choosing Option 1 wishes to require the same information of all visitors, "outsider" should be changed to "visitor" in the following section.***

In order to register, an outsider visitor 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

Principal's Denial of Registration Authority

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

***Note: Pursuant to Penal Code 627.4, the following section applies to districts that choose Option 2 in the accompanying Board policy. However, pursuant to Education Code 32212, districts that choose Option 1 also may use the section, if consistent with their local circumstances. When a district choosing Option 1 wishes to use this section, "outsider" should be changed to "visitor" throughout the following section.***

The principal or designee may refuse to register any outsider visitor if he/she reasonably concludes that the individual visitor'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 any outsider's registration if he/she has a reasonable basis for concluding that the individual'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)

(cf. 3515.2 -- Disruptions)
(cf. 3515.3 - District Police/Security Department)

When an outsider fails
2. The principal or designee may request that a visitor who has failed to register, or when the principal or designee denies or revokes an outsider's registration privileges, the principal or designee may request that the individual have been denied or revoked, promptly leave school grounds. When an outsider is directed to leave, the principal or designee shall inform the visitor that if he/she reenters the school within seven days he/she may be guilty of a misdemeanor subject to a fine and/or imprisonment. (Penal Code 627.7)

3. No visitor may confer with a student in school without the approval of the principal or designee. No pupil shall be permitted to bring a child visitor to school without prior approval of the principal. No child shall be permitted to visit a school unless accompanied by his parent or guardian or accompanied by the parent of a child in the school.

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)

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)

(6/96 10/96) 7/10

Regulation—ALBANY UNIFIED SCHOOL DISTRICT
approved: June 3, 2009—Albany, California
Nondiscrimination/Harassment

Note: The following mandated administrative regulation provides measures that may be implemented by a district to comply with state and federal laws and regulations prohibiting unlawful discrimination at school or in school-sponsored or school-related activities, including discriminatory harassment, intimidation, and bullying, of any student based on his/her actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected category or association with a person or group with one or more of these actual or perceived characteristics. Federal and state law also prohibit retaliation against those who engage in activity to protect civil rights.

Note: 5 CCR 4621 mandates the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying. In addition, 34 CFR 106.8 and other federal regulations mandate districts that receive federal financial assistance to adopt procedures for the "prompt and equitable" resolution of student and employee discrimination complaints, including the designation of one or more responsible employees to ensure district compliance with federal laws and regulations governing the district's educational programs.

Note: During the Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for investigating complaints. The U.S. Department of Education's (USDOE) Office for Civil Rights (OCR) is the agency responsible for the administrative enforcement of federal antidiscrimination laws and regulations in programs and activities that receive federal financial assistance from the department. In reviewing a district's discrimination policies and procedures, OCR will examine whether the district has identified the employee(s) responsible for coordinating compliance with federal civil rights laws, including the investigation of complaints.

Note: The following paragraphs identify the employee(s) designated to coordinate the district's efforts to comply with state and federal civil rights laws (e.g. Title IX and Section 504 coordinators), including the investigation and resolution of discrimination complaints under AR 1312.3 - Uniform Complaint Procedures. Note also that a district may designate more than one employee to coordinate compliance and/or receive and investigate complaints, although each employee designated as a coordinator/compliance officer must be properly trained.

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with applicable 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(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)
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:

Note: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, CDE is required to ensure that the district posts its nondiscrimination policies in all schools, offices, staff lounges, and student government meeting rooms. In addition, federal regulations enforced by OCR require the district to notify students, parents/guardians, and employees of its policies prohibiting discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.7 and 28 CFR 35.107), and age (34 CFR 110.25) and of related complaint procedures.

Note: Item #1 below may be revised to specify the means by which the district publicizes its nondiscrimination policies and complaint procedures.

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 by 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.

Note: Education Code 221.6 requires districts and public schools to post on their web sites information related to Title IX (20 USC 1681-1688). A comprehensive list of rights based on the federal regulations implementing Title IX can be found in Education Code 221.8. A district that does not maintain a web site may comply by posting the information below on the web site of its county office of education. A school without a web site may comply by posting the information on the web site of the district or county office of education.

2. Post in a prominent and conspicuous location on the district and school web sites information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.61)

a. The name and contact information of the district's Title IX coordinator, including the phone number and email address
b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)

c. A description of how to file a complaint of noncompliance with Title IX in accordance with AR 1312.3 - Uniform Complaint Procedures, which shall include:

(1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations

(2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site

(3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office

Note: In its October 2010 Dear Colleague Letter: Harassment and Bullying, OCR identifies training of the school community as one of the key measures for minimizing discriminatory and harassing behavior in school. Item #4 below may be modified to reflect district practice.

4. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

(cf. 5145.6 - Parental Notifications)

Note: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires school districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. OCR has interpreted this to require that, whenever information is provided to parents/guardians, districts must notify limited-English-proficient (LEP) parents/guardians in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's 2002 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. Under the Guidance, a recipient of federal funds has an obligation to provide language assistance to LEP individuals based on balancing four factors: (1) the number or proportion of LEP individuals likely to encounter the program, (2) the frequency with which LEP individuals come in contact with the program, (3) the nature and importance of the services provided by the program, and (4) the resources available to the recipient. State law is more specific than federal law: Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.
5. The Superintendent or designee shall ensure that students and parents/guardians, including those 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 school 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.

6. 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 details of guidelines the district may use to provide a discrimination-free environment for all district students, including transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

7. 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)

Note: Item #8 below may be revised to reflect district practice. In some situations, the district may need to provide assistance to a student to protect him/her from harassment or bullying. Each situation will need to be analyzed to determine the most appropriate course of action to meet the needs of the student, based on the circumstances involved.

8. 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 from threatened or potentially discriminatory behavior and ensure their privacy rights.

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

(cf. 5131.5 - Vandalism and Graffiti)

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond

3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination

4. Consistent with laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment
5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that he/she knew was not true

Note: Education Code 234.1 requires that districts adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying. Such a process, which is required to be consistent with the uniform complaint procedures specified in 5 CCR 4600-4670, must include (1) a requirement that school personnel who witness an act take immediate steps to intervene when safe to do so, (2) a timeline for investigating and resolving complaints, (3) an appeal process, and (4) translation of forms when required by Education Code 48985. In addition, federal regulations require districts to adopt procedures providing for the prompt and equitable resolution of complaints of discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.7 and 28 CFR 35.107), and age (34 CFR 110.25). OCR guidance on federal civil rights requirements notes that districts may have a responsibility to respond to notice of discrimination whether or not a formal complaint is filed. In addition, districts may have an obligation to respond to notice of sexual harassment of students which occurs off school grounds or outside school-sponsored or school-related programs or activities, since the sexual harassment may still create a hostile environment at school. This principle would also apply to harassment on other bases, such as race, gender, or disability.

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.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom 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. (Education Code 234.1)

Note: Though a formal complaint must be in writing pursuant to 5 CCR 4600, the district's obligation to provide a safe school environment for its students overrides the need to comply with
formalities. Thus, once the district receives notice of an incident, whether verbally or in writing, it is good practice to begin the investigation of the report and to take steps to stop any prohibited conduct and address any effect on students. The following paragraph reflects such practice and is consistent with OCR recommendation.

When a verbal report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, he/she shall make a note of the report and encourage the student or parent/guardian to file the complaint in writing, pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Once notified verbally or in writing, the principal or compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Transgender and Gender-Nonconforming Students

Note: The following section may be modified to reflect district practice. Pursuant to Education Code 221.5, a district is required to permit a student to use facilities and participate in sex-segregated school programs and activities consistent with the student's gender identity, regardless of the gender listed on his/her educational records. Because Education Code 221.5 affords transgender students these rights, districts in California are not impacted by the February 22, 2017 action of the USDOE and U.S. Department of Justice to rescind earlier federal guidance which had indicated that, under Title IX, students must be allowed to use sex-segregated facilities in accordance with their gender identity. In implementing state law, districts may review recommended practices in the USDOE's Office of Elementary and Secondary Education's Examples of Policies and Emerging Practices for Supporting Transgender Students. For more information on the rights of transgender students, see CSBA's Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination.

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense of his/her gender, 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.

Transgender student means a student whose gender identity is different from the gender he/she was assigned at birth.

Regardless of whether they are sexual in nature, acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or
offensive educational environment are prohibited. Examples of the 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 a name and the pronouns consistent with his/her gender identity

2. Disciplining or disparaging a student or excluding him/her from participating in activities for behavior or appearance that is consistent with his/her gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable

3. Blocking a student's entry to the restroom that corresponds to his/her gender identity

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, without the student's consent

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.

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:

Note: Timelines included in items #1-2 below may be modified to reflect district practice.

1. Right to privacy: A student's transgender or gender-nonconforming status is his/her private information and the district shall 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 any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student's transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee 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 administrative regulation, 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 school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender-nonconformity status or gender identity or gender expression 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 - Access to District Records)

(cf. 3580 - District Records)

2. Determining a Student's Gender Identity: The compliance officer shall accept the student's assertion of his/her gender identity and begin to treat the student consistent with his/her gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.

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 and develop strategies for ensuring that the student's access to education programs and activities is maintained. 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 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 can 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 arrangements for the student 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: When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intramural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an 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.

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

(cf. 7110 - Facilities Master Plan)

Note: 5 CCR 432 requires the legal name, sex, date of birth, etc., of a student to be maintained as part of the student's "mandatory permanent student records" but does not prohibit keeping of other records, such as a student's preferred name, as part of the student's "permitted student records."

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 with proper documentation. 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. Such preferred name may be added to the student's record and official documents as permitted by law.

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

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 by district personnel in the use of the student's name and/or consistent pronouns will, in general, 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 - Dress Code)

(9/16 5/17) 5/18
The Governing Board of Education recognizes that parents/guardians of district students have certain rights as well as responsibilities related to the education of their children.

***Note: Pursuant to Education Code 51101, each Board is mandated to adopt policy, jointly-developed with parents/guardians, that outlines how parents/guardians, school staff and students may share the responsibility for continuing the intellectual, physical, emotional and social development and well-being of students at each school site. Such policy must include the following components: (1) the means by which the school and parents/guardians may help students achieve academic and other standards of the school; (2) a description of the school's responsibility 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; and (3) the manner in which parents/guardians may support the learning environment of their children, including, but not limited to, the responsibilities as detailed in the accompanying administrative regulation.***

***Note: As added by SB 1595 (Ch. 1037, Statutes of 2002), Education Code 51101.1 specifies that parents/guardians who are not fluent in English must be able to exercise all rights pursuant to Education Code 51101 and grants additional rights for parents/guardians of English learners. See the accompanying administrative regulation.***

***Note: The district should revise the following section to reflect local policy developed in conjunction with parents/guardians.***

The Board believes that the education of the district's students is a shared responsibility. The Superintendent or designee shall work with parents/guardians, including parents/guardians of English learners, 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.

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)

(cf. 5022 - Student and Family Privacy Rights)
(cf. 6020 - Parent Involvement)

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.

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

The Superintendent or designee shall ensure that parents/guardians receive notification regarding their rights in accordance with law.

(cf. 5145.6 - Parental Notifications)

***Note: As added by SB 1595 (Ch. 1037, Statutes of 2002), Education Code 51101.1 requires the district to take all reasonable steps to ensure that parents/guardians of English language learners are notified in English and in their home language pursuant to Education Code 48985. Education Code 48985 provides that when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students must also be written in the primary language and may be answered by the parent/guardian in either language.***

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)

***Note: Education Code 51101.1, as added by SB 1595 (Ch. 1037, Statutes of 2002), encourages those districts with a substantial number of English learners to establish parent centers with personnel who can communicate with the parents/guardians and to encourage their participation in the district's educational programs.***

Legal Reference:
EDUCATION CODE
33126 School accountability report card
35291 Disciplinary rules-
48070.5 Promotion and retention of students
48985 Notice to parent in language other than English
49091.10-49091.19 Parental review of curriculum and instruction
49602 Confidentiality of pupil information-
51100-51102 Parent/guardian rights
51513 Personal beliefs
60510 Disposal of surplus instructional materials
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

Policy ALBANY UNIFIED SCHOOL DISTRICT
adopted: October 6, 2009 Albany, California(2/99) 11/02
Parent/Guardian Rights

***Note: Education Code 49091.10-49091.19 and Education Code 51100-51102 delineate explicit rights of parents/guardians regarding the education of their children. Some of these rights may be addressed in other policies and regulations. However, districts may choose to adopt this separate section on parent/guardian rights in order to compile these provisions in one location as provided in the following optional section.***

***Note: Pursuant to Education Code 51101, the rights provided for in that law may not conflict with a valid restraining order, protective order or order for custody or visitation issued by a court. See BP 5021 - Noncustodial Parents.***

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 requesting 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 a parent/guardian, 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)

(cf. 6116 - Classroom Interruptions)

2. To meet, within a reasonable time of their request, with their child's teacher(s) and the principal (Education Code 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 (Education Code 51101)
4. To be notified on a timely basis if their child is absent from school without permission (Education Code 51101)

(cf. 5113 - Absences and Excuses)

5. To receive the results of their child's performance and the school's performance on standardized tests and statewide tests (Education Code 51101)

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)

(cf. 0500 - Accountability)
(cf. 0510 - School Accountability Report Card)
(cf. 6162.51 - State Academic Achievement Tests)
(cf. 0520.1 - High Priority Schools Grant Program)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)
(cf. 6174 - Education for English Language Learners)

6. To request a particular school for their child and to receive a response from the district (Education Code 51101)

(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5117 - Interdistrict Attendance)

7. To have a school environment for their child that is safe and supportive of learning (Education Code 51101)

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 5131 - Conduct)
(cf. 5137 - Positive School Climate)
(cf. 5142 - Safety)

***Note: 20 USC 1232h, the Protection of Pupil Rights Act (PPRA), mandates that any district receiving funds from a program administered by the U.S. Department of Education adopt a policy regarding, among other things, the right of parents to inspect instructional materials. See BP/AR 5022 - Student and Family Privacy Rights for language implementing this mandate.***

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, audio and video recordings, tapes and software. (Education Code
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)

(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)

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)

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6020 - Parent Involvement)

10. For parents/guardians of English learners, to support their child's advancement toward literacy (Education Code 51101.1)

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)

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

11. 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)

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)

12. To have access to the school records of their child (Education Code 51101)

(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)

13. To receive information concerning the academic performance standards, proficiencies or skills their child is expected to accomplish (Education Code 51101)
14. 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)

(cf. 1250 - Visitors/Outsiders)
(cf. 5132 - Dress and Grooming)
(cf. 5144 - Discipline)
(cf. 5145.6 - Parental Notifications)

15. 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 appeal such a decision (Education Code 51101)

(cf. 5123 - Promotion/Acceleration/Retention)

16. To receive information about any psychological testing the school does involving their child and to deny permission to give the test (Education Code 51101)

(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)

***Note: 20 USC 1232h grants a parent/guardian the right to refuse to allow his/her child to participate in a survey requesting personal information or information for marketing purposes. See AR 5022 - Student and Family Privacy Rights.***

17. 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 (Education Code 49091.18; 20 USC 1232h)

(cf. 5022 - Student and Family Privacy Rights)

18. 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
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)

19. 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)

20. To provide informed, written parental consent before their child is tested 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. (Education Code 49091.12)

Parent Responsibilities

***Note: Education Code 51101 mandates that the policy adopted by the district include items #1-7 below.***

Parents/guardians may support the learning environment of their child by: (Education Code 51101)

1. Monitoring attendance and punctuality of their child
2. Ensuring that homework is completed and turned in on time
3. Encouraging their child to participate in extracurricular and cocurricular activities
4. Monitoring and regulating the television/electronic media viewed by their child
5. Working with their child at home in learning activities that extend the classroom learning

6. Volunteering in their child's classroom(s) or for other school activities
(c.f. 1240 - Volunteer Assistance)

7. Participating in decisions related to the education of their own child or the total school program as appropriate

Regulation—ALBANY UNIFIED SCHOOL DISTRICT
approved: October 6, 2009—Albany, California
The Governing Board believes that regular attendance plays an important role in student achievement. The Board shall work with parents to ensure that students attend school regularly. Parents/guardians and students to ensure compliance with attendance laws and may use appropriate legal means to correct excessive absence or truancy and develop appropriate strategies. The Superintendent shall report to the Board the overall attendance trends and the success of strategies employed.

(cf. 5112.1 - Exemptions from Attendance)
(cf. 5112.2 - Exclusions from Attendance)
(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6154 - Homework/Makeup Work)

Excused Absences

Absence from school shall be excused only for health reasons, family emergencies, and justifiable personal reasons, as permitted by law, Board policy, and administrative regulation. (Education Code 48205)
Inasmuch 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.

At the beginning of each academic year, notifications shall be sent to the parents/guardians of all students, and to all students in grades 7 through 12, informing them 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)

(cf. 5145.6 - Parental Notifications)

Students shall not be absent from school without their parents/guardians' knowledge or consent. **Note: The following paragraph is optional. Pursuant to Education Code 46014, the Governing Board may allow students to be absent for religious exercises or instruction. If the Board allows such absences, it must first adopt a resolution permitting an excused absence for this purpose. The Board is also mandated to adopt regulations governing students' attendance at such exercises or instruction and the reporting of these absences; see accompanying administrative regulation.**

except in cases of medical emergency or confidential medical appointment.

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to law and administrative regulations. (Education Code 46014)

Effect of Absences on Grades/Credit

If a student's absence is excused under Education Code 48205, he/she shall be allowed to complete any missed assignment or test that can be reasonably given, as determined by the teacher of that class. The student shall be given full credit for the assignment or test if he/she satisfactorily completes the assignment or test within a reasonable period of time. (Education Code 48205)

A student's grades may be affected by excessive unexcused absences in accordance with Board policy.

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6154 - Homework/Makeup Work)

Inasmuch as school attendance and class participation are integral to students' learning experiences, parents/guardians and students shall be encouraged to schedule medical and other appointments during non-school hours.

***Note: Pursuant to Education Code 46010.1 and the California Supreme Court in American Academy of Pediatrics et al v. Lungren et al. (1997), minor students do not need parent/guardian
consent to obtain confidential medical services, and schools are authorized to excuse a student from school to obtain such services.***

Students shall 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.

***Note: 5 CCR 421 requires the Board to approve reasonable methods for verifying student absences due to illness or quarantine. See the accompanying administrative regulation for examples of methods of verification.***

The Board shall, by resolution entered into its minutes, approve reasonable methods that may be used to verify student absences due to illness or quarantine. (5 CCR 421)

Legal Reference:
EDUCATION CODE
1740 Employment of personnel to supervise attendance (county superintendent)
2550-2558.6 Computation of revenue limits
37201 School month
37223 Weekend classes
41601 Reports of average daily attendance
42238-42250.1 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 permit; excused absence; entertainment or allied industries
48240-48246 Supervisors of attendance
48260-48273 Truants
48292 Filing complaint against parent
48320-48324 School attendance review boards
48340-48341 Improvement of student attendance
48980 Parental notifications
49067 Unexcused absences as cause of failing grade
49701 Provisions of the interstate compact on educational opportunities for military children
ELECTIONS CODE
12302 Student participation on precinct boards
FAMILY CODE
6920-6929 Consent by minor for medical treatment
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
COURT DECISIONS

Management Resources:
CSBA PUBLICATIONS
Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010
WEB SITES
CSBA: http://www.csba.org

adopted: October 6, 2009—Albany, California
revised: September 27, 2012
Excused Absences

***Note: Items #1-14 below reflect absences that are authorized by law to be considered as excused absences for purposes of enforcing the compulsory state attendance laws. Pursuant to Education Code 48205, absences specified in items #1-10 are considered absences in computing average daily attendance and do not generate state apportionment payments.***

Subject to any applicable limitation, condition, or other requirement specified in law, a student's absence shall be excused for any of the following reasons:

1. Personal illness (Education Code 48205)

2. Quarantine under the direction of a county or city health officer (Education Code 48205) (cf. 5112.2 - Exclusions from Attendance)

3. Medical, dental, optometrical, or chiropractic appointment (Education Code 48205)

4. Attendance at funeral services for a member of the student's immediate family (Education Code 48205)

Such absence, which shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state. (Education Code 48205)

Immediate family shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister, or any relative living in the student's immediate household. (Education Code 45194, 48205)

5. Jury duty in the manner provided by law (Education Code 48205)

***Note: Pursuant to (Education Code 48205)

6. absence due to the illness or medical appointment during school hours of a student's child is counted as an excused absence. As amended by AB 2289 (Ch. 942, Statutes of 2018), Education Code 48205 prohibits the district from requiring a physician's note for such absences.
See the section "Method of Verification" below.***

6. Illness or medical appointment of a child to whom the student is the custodial parent (Education Code 48205) (cf. 5146 - Married/Pregnant/Parenting Students)

7. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including, but not limited to: (Education Code 48205)
   a. Appearance in court
   b. Attendance at a funeral service
   c. Observation of a religious holiday or ceremony of his/her religion
   d. Attendance at religious retreats for no more than four hours per semester
   e. Attendance at an employment conference
   f. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization

8. Service as a member of a precinct board for an election pursuant to Elections Code 12302 (Education Code 48205) (cf. 6142.3 - Civic Education)

9. To spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code 49701, 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 48205)

   Such absence shall be granted for a period of time to be determined at the discretion of the Superintendent or designee. (Education Code 48205) (cf. 6173.2 - Education of Children of Military Families)

10. Attendance at a naturalization ceremony to become a United States citizen (Education Code 48205)

***Note: Item #11 below should be included only if the Governing Board has adopted a resolution permitting absences for religious instruction or exercises. See the accompanying Board policy. If these absences are allowed, Education Code 46014 mandates that the Board adopt regulations governing students' attendance at religious exercises or instruction and the reporting of such absences. These regulations should include all of item #11 below and may be
1140. Participation in religious exercises or to receive moral and religious instruction at the student's place of worship or other suitable place away from in accordance with District policy (Education Code 46014)

a. In such instances, the student shall attend at least the minimum school day. (Education Code 46014)

b. The student shall be excused for this purpose on no more than four days per school month.

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

***Note: Education Code 46014 provides that absence for participation in religious instruction or exercises will not be considered an absence for state apportionment purposes if the student attends school for at least the minimum school day and is not absent for this purpose on more than four days per school month. Pursuant to Education Code 46112, 46113, 46117, and 46141, unless otherwise provided by law, the minimum school day is generally 180 minutes for kindergarten, 230 minutes for grades 1-3, and 240 minutes for grades 4-12. For further information, see AR 6112 - School Day.***

Absence for student participation in religious exercises or instruction shall not be considered an absence for the purpose of computing average daily attendance if the student attends at least the minimum school day as specified in AR 6112 - School Day, and is not excused from school for this purpose on more than four days per school month. (Education Code 46014)

(cf. 6112 - School Day)

12. 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)

13. 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)

***Note: As amended by AB 2289, Education Code 48205 clarifies that, in addition to the excused absences described in Education Code 48205 and 48225.5, students may be excused for other reasons at the discretion of school administrators.***
14. Other reasons authorized at the discretion of the principal or designee based on the student's specific circumstances (Education Code 48205, 48260)

***Note: AB 2289 amended Education Code 48205 to revise the definition of "immediate family" as provided in the following paragraph.***

For the purpose of the absences described above, immediate family means the student's parent/guardian, brother or sister, grandparent, or any other relative living in the student's household. (Education Code 48205)

Method of Verification

***Note: Education Code 48205, as amended by AB 2289, prohibits the district from requiring a physician's note for absences due to the illness or medical appointment of the student's child. However, the district is authorized to require verification of other absences. The following section should be revised to reflect district-adopted methods of verification and to specify employee(s) assigned to verify absences. 5 CCR 420-421 provide guidelines for verifying absences due to illness; quarantine; medical, dental, or eye appointments; or attendance at a funeral service of a member of a student's immediate family. 5 CCR 421 authorizes a student's absence to be verified by a school or public health nurse, attendance supervisor, physician, principal, teacher, or any other qualified district employee assigned to make such verification.***

Student absence to care for a child for whom the student is the custodial parent shall not require a physician's note. (Education Code 48205)

For other absences, the student shall, upon returning to school following the absence, present a satisfactory explanation verifying the reason for the absence. Absences shall be verified by the student's parent/guardian, other person having charge or control of the student, or the student if age 18 or older. (Education Code 46012; 5 CCR 306)

When an absence is planned, the principal or designee shall be notified prior to the date of the absence when possible.

The following methods may be used to verify student absences:

1. Written note, fax, voicemail or email, or voice mail from parent/guardian or parent representative.

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(s) of absence

e. Reason for absence

(cf. 5113.11 - Attendance Supervision)

3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. The employee shall document the verification and include the information specified in item #2 above.

4. Physician's verification.

***Note: The following optional paragraph provides a means of verifying an excuse for confidential medical services without inquiring into the nature of the medical services.***

a. When excusing students for confidential medical services or verifying such appointments, district staff shall not ask the purpose of such appointments but may request a note from a medical office to confirm the time of the appointment.

***Note: The following optional paragraph provides that, after absences for illness on multiple occasions, the student may be required to bring a note from a physician to verify the illness. If a student does not have access to medical services in order to obtain such verification, the district may assist the student in obtaining the medical consultation if it is required.***

b. When a student has had 10 absences in the school year for illness verified by methods listed in #1-3 above, any further absences for illness shall be verified by a physician.

Regulation — ALBANY UNIFIED SCHOOL DISTRICT
reviewed: October 6, 2009 — Albany, California
revised: September 11, 2012
revised: March 28, 2013

b. If a student shows a pattern of chronic absenteeism due to illness, district staff may require physician verification of any further student absences.

(cf. 5113.1 - Chronic Absence and Truancy)

Parental Notifications

At the beginning of each school year, the Superintendent or designee shall:
***Note: The requirement in item #1 below is for use by districts whose board has adopted a resolution permitting an excused absence for religious instruction or exercises. See the accompanying Board policy and item #11 in the section "Excused Absences" above.***

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)

***Note: The requirement in item #2 applies to all districts. Districts that maintain only elementary grades should delete the reference to students in grades 7-12.***

2. Notify students in grades 7-12 and the parents/guardians of all students enrolled in the district 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 a 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. Such notice shall include the full text of Education Code 48205. (Education Code 48980)

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5145.6 - Parental Notifications)
(cf. 6154 - Homework/Makeup Work)

(11/11  3/17)  12/18
The Governing Board believes that absenteeism, whatever the cause, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The Board desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the district.

(cf. 5113 - Absences and Excuses)  
(cf. 5113.11 - Attendance Supervision)
attendance, chronic absence, and truancy rates districtwide, for each school, and disaggregated for each numerically significant student subgroup as defined in Education Code 52052. Such data shall be used in the development of annual goals and specific actions for student attendance and engagement to be included in the district's local control and accountability plan and other applicable school and district plans.

(cf. 0400 - Comprehensive Plans)
(cf. 0420 - School Plans/Site Councils)
(cf. 0450 - Comprehensive Safety Plan)
To improve student attendance, the (cf. 0460 - Local Control and Accountability Plan)
(cf. 0500 - Accountability)

The Superintendent or designee shall develop implement positive steps to identify the reasons for a student's unexcused absences and to help resolve the problems caused by truancy. Such strategies shall focus on prevention of attendance problems, which and early intervention. Prevention strategies may include, but are not limited to, efforts to provide a safe and positive school environment, relevant and engaging learning experiences, and school activities that help develop students' feelings of connectedness with the school, school-based health services, and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance. Early intervention strategies may include, but not be limited to, communication with parents/guardians, attendance contracts and the use of student-study teams. The Superintendent or designee also shall develop annually report to the Board the success of the strategies that enable early outreach to students as soon as they show signs of poor attendance implemented.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5113 - Absences and Excuses)
(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5126 - Awards for Achievement)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5141.6 - School Health Services)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5147 - Dropout Prevention)
(cf. 5149 - At-Risk Students)
(cf. 6164.5 - Student Success Teams)
(cf.

***Note: 6176—Weekend/Saturday Classes)

In developing strategies for addressing chronic absence and truancy, districts may consider reasons for absences given by individual students as well as survey data using tools such as addition, the California Healthy Kids Survey and/or the California School Climate, Health, and Learning Survey System available from WestEd.***

The Superintendent or designee shall consult cooperate with students, parents/guardians, school
staff, and other agencies within the community, as appropriate, to identify factors contributing to chronic absence and truancy.

Interventions for students with serious school attendance or behavior problems shall be designed to meet the specific needs of the student and may include, but are not limited to, health care referrals, transportation assistance, counseling for mental or emotional difficulties, academic supports, efforts to address school or community safety concerns, discussions with the student and parent/guardian about their attitudes regarding schooling, or other strategies to remove identified barriers to school attendance. The Superintendent or designee may collaborate with child welfare services, law enforcement, courts, public health care agencies, other government agencies, and/or medical, mental health, and oral health care providers to make resources, including alternative educational programs and support services available for students and families.

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 5030 - Student Wellness)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 5147 - Dropout Prevention)
(cf. 5149 - At Risk Students)
(cf. 6158 - Independent Study)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education of Children of Military Families)
(cf. 6175 - Migrant Education Program)
(cf. 6179 - Supplemental Instruction)
(cf. 6181 - Alternative Schools/Programs of Choice)
(cf. 6183 - Home and Hospital Instruction)
(cf. 6184 - Continuation Education)
(cf. 6185 - Community Day School)

***Note: State law establishes a series of interventions that the district is required or authorized to impose depending on the number of truancies committed by a student; see the accompanying administrative regulation. Habitually truant students, as defined in Education Code 48262, may be referred to a school attendance review board (SARB) if established by the county office of education or to a SARB established by the district Governing Board pursuant to Education Code 48321; see BP/AR 5113.12 - District School Attendance Review Board. Instead of the SARB process, students may be referred to a truancy mediation program operated by the county's district attorney or probation officer pursuant to Education Code 48260.6. Education Code 48264.5 authorizes, but does not require, students who continue to be truant after receiving these interventions to be referred to a, and/or juvenile court. Parents/guardians of students who are identified as truant may be subject to penalties pursuant to
Education Code 48293, Penal Code 270.1, and/or Penal Code 272.***

Students who are identified as truant shall be subject to the interventions specified in law and administrative regulation.

(cf. 5113.12 - District School Attendance Review Board)

***Note: Education Code 48900 expresses legislative intent that alternatives to suspension or expulsion be used in accordance with students who are truant, tardy, or otherwise absent from assigned school activities; see BP 5144 - Discipline and BP 5144.1 - Suspension and Expulsion/Due Process.***

A student's truancy, tardiness, or other absence from school shall not be the basis for his/her suspension or expulsion. Alternative strategies and positive reinforcement for attendance shall be used whenever possible.

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

The Superintendent or designee shall periodically report to the Board regarding the district's progress in improving student attendance rates for all students and for each numerically significant student population. Such information shall be used to evaluate the effectiveness of strategies implemented to reduce chronic absence and truancy and to make changes as needed.

As appropriate, the Superintendent or designee shall engage school staff in program evaluation and improvement and in the determination of how to best allocate available community resources.

Legal Reference:
EDUCATION CODE
1740-1742 Employment of personnel to supervise attendance (county superintendent)
37223 Weekend classes
41601 Reports of average daily attendance
46000 Records (attendance)
46010-46014 Absences
46110-46119 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)
48225.5 Work permits, entertainment and allied industries
48240-48246 Supervisors of attendance
48260-48273 Truants
48290-4829748296 Failure to comply; complaints against parents
48320-48325 School attendance review boards
48340-48341 Improvement of student attendance
48400-48403 Compulsory continuation education
Suspension and expulsion
Unexcused absences as cause of failing grade
Accountability; numerically significant student subgroups
Chronic absence
GOVERNMENT CODE
54950-54963 The Ralph M. Brown Act
PENAL CODE
270.1 Chronic truancy; parent/guardian misdemeanor
272 Parent/guardian duty to supervise and control minor child; criminal liability for truancy
830.1 Peace officers
VEHICLE CODE
13202.7 Driving privileges; minors; suspension or delay for habitual truancy
WELFARE AND INSTITUTIONS CODE
256-258 Juvenile hearing officer
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
COURT DECISIONS

Management Resources:
CSBA PUBLICATIONS
Attendance Awareness Month, Fact Sheet, September 2014
ATTENDANCE WORKS PUBLICATIONS
Count Us In! Working Together to Show that Every School Day Matters, 2014
The Power of Positive Connections: Reducing Chronic Absence Through PEOPLE: Priority
Early Outreach for Positive Linkages and Engagement, 2014
Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
School Attendance Review Board Handbook: A Road Map for Improved School Attendance
and Behavior, 2015–2009
School Attendance Improvement Handbook, 2000
WEB SITES
CSBA: http://www.csba.org
Attendance Works: Counts: http://www.attendanceworksattendancecounts.org
California Department of Education: http://www.cde.ca.gov

ALBANY UNIFIED SCHOOL DISTRICT
adopted: October 6, 2009—Albany, California
Healthy Kids Survey: http://chks.wested.org
California School Climate, Health, and Learning Survey System: http://cal-schls.wested.org
CSBA Sample
Albany USD
Administrative Regulation
Chronic Absence And Truancy

AR 5113.1
Students

***Note: The following administrative regulation may be revised to reflect the district personnel responsible for duties related to attendance supervision and matters related to chronic absence and truancy. Pursuant to Education Code 48240-48246, the district may appoint an attendance supervisor, join a consortium of districts to employ an attendance supervisor, or contract with the County Superintendent of Schools to supervise the attendance of district students. See AR 5113.11 - Attendance Supervision.***

***Note: Education Code 48273 mandates that the district adopt rules and regulations related to reports of district referrals to a school attendance review board (SARB). See the section on "Reports" below for language fulfilling this mandate.***

Definitions

***Note: The following definition of "chronic absentee" is provided in Education Code 60901 for purposes of reporting student attendance within the California Longitudinal Pupil Achievement Data System. This definition is also used in the template adopted by the State Board of Education to assist districts in completing the local control and accountability plan. Chronic absence includes absence for any reason (i.e., excused and/or unexcused absences).***

Chronic absentee means a student who is absent for any reason on 10 percent or more of the school days in the school year, when the total number of days the student is absent is divided by the total number of days the student is enrolled and school was actually taught in the regular day schools of the district, exclusive of Saturdays and Sundays. (Education Code 60901)

Truant means a student who is 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. (Education Code 48260)

Habitual truant means a student who has been reported as a truant three or more times within the same school year, provided the district has made a conscientious effort to hold at least one conference with the student and his/her parent/guardian after either of the two previous reports. (Education Code 48262, 48264.5)

Chronic truant means a student who has been absent from school without a valid excuse for 10
percent or more of the school days in one school year, from the date of enrollment to the current
date, provided the district has met the requirements of Education Code 48260, 48260.5, 48261,
48262, -48263, and 48291. (Education Code 48263.6)

***Note: As provided above, definitions of the various categories of truancy are based on the
number of absences from school without a valid excuse. Education Code 48260 defines a "valid
excuse," for purposes of classifying a student as a truant, as any of the reasons specified in
Education Code 48205 (i.e., illness, quarantine, health services appointments, funeral service
attendance, jury duty, illness or medical appointment of student's child, justifiable personal
reasons, service on precinct board, time with family member called to active duty or on leave
from active duty, and religious exercises), Education Code 48225.5 (i.e., entertainment or allied
industries work permits and nonprofit organization performances), or other reasons at the
discretion of school administrators. AR 5113 - Absences and Excuses reflects the reasons that
students may be excused from school pursuant to Education Code 48205 and provides
information about methods of verification of student absences.***

For purposes of classifying a student as a truant, valid excuse includes, but is not limited to, the
reasons for which a student shall be excused from school pursuant to Education Code 48205 and
48225.5. A valid excuse may also include other reasons that are within the discretion of school
administrators and, based on the facts of the student's circumstances, are deemed to constitute a
valid excuse. (Education Code 48260)

(cf. 5113 - Absences and Excuses)
(cf. 5113.2 - Work Permits)

Addressing Chronic Absence

***Note: The following optional section may be revised to reflect district practice.***

***Note: For further information about strategies to address chronic absence, see CSBA's policy
brief Improving Student Achievement by Addressing Chronic Absence and the California
Department of Education's (CDE) School Attendance Improvement Handbook. Also see AR
5113 - Absences and Excuses for language requiring students with frequent absences due to
illness to provide written verification from a health care practitioner.***

When a student is identified as a chronic absentee, the Superintendent or designee shall
communicate with the student and his/her parents/guardians to determine the reason(s) for the
excessive absences, ensure the student and parents/guardians are aware of the adverse
consequences of poor attendance, and jointly develop a plan for improving the student's school
attendance.

(cf. 5113.11 - Attendance Supervision)
(cf. 6020 - Parent Involvement)

The student may be referred to a student success team or school-site attendance review team to
assist in evaluating his/her needs and identifying strategies and programs to assist him/her.
A student who is struggling academically may be offered tutoring or other supplemental instruction, extended learning opportunities, and/or alternative educational options as appropriate.

Whenever chronic absenteeism is linked to a health issue or non-school condition, the Superintendent or designee may recommend school or community resources and/or collaborate with community agencies and organizations to address the needs of the student and his/her family.

Addressing Truancy

An attendance supervisor or designee, peace officer, probation officer, or school administrator or designee may, as applicable, arrest or assume temporary custody during school hours of any minor student found away from his/her home who is absent from school without a valid excuse. Any person arresting or assuming temporary custody of a minor student shall deliver the student and make reports in accordance with Education Code 48265 and 48266. (Education Code 48264, 48265, 48266) The following ...

The Superintendent or designee shall investigate a complaint from any person that a parent/guardian has violated the state compulsory education laws contained in Education Code 48200-48341. (Education Code 48290)

When a student has been identified as a truant as defined above, the following steps shall be
implemented based on the number of truancies he/she has committed by the student:

1. Initial truancy

   a. The student — 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. (Education Code 48260)

   ***Note: When a student is classified as truant, Education Code 48260.5 requires notification of his/her parents/guardians by the most cost-effective method possible, which may include email or a telephone call. The CDE's website and School Attendance Improvement Handbook provide sample letters.***

   b. The student's — The parent/guardian of a student classified as a truant shall be notified by the most cost-effective method possible, which may include email or a telephone call, that following: (Education Code 48260.5)

      (1)a. The student is truant.

      (2)b. The parent/guardian is obligated to compel the student to attend school. If the

      e. The parent/guardian who fails to meet this obligation, he/she may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.

      (3)d. Alternative educational programs are available in the district.

      (4)e. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.

      (5)f. The student may be subject to arrest or held in temporary custody by a probation officer, a peace officer, a school administrator or designee, or an attendance supervisor or his/her designee pursuant to Education Code 48264 if found away from home and absent from school without a valid excuse.

      (6)g. The student may be subject to suspension, restriction, or delay of his/her driving privilege pursuant to Vehicle Code 13202.7.

      (7)h. It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.

      (cf. 5145.6 - Parental Notifications)

   c. Upon a student's first truancy, the — The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)
d. The student and, as appropriate, his/her parent/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. (Education Code 48264.5)

***Note: The following optional item is for use by districts in which there is no county SARB and the county's district attorney or probation officer has elected to participate in a truancy mediation program pursuant to Education Code 48260.6.***

e. The Superintendent or designee may notify the district attorney and/or probation officer of the student's name and the name and address of his/her parents/guardians. (Education Code 48260.6)

2. Second truancy

a. Any student who has once been reported as a truant shall again be reported to the Superintendent or designee as a truant if he/she is absent from school without a valid excuse one or more days or is tardy on one or more days **during the school year.** (Education Code 48261)

b. The student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223. (Education Code 48264.5)

c. Upon his/her second truancy within the same school year, a student may 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 #3 below. (Education Code 48264.5)

(cf. 6176—Weekend/Saturday Classes)

In addition, an appropriate district staff member, or a member of the school attendance review team, 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.

(cf. 1020—Youth Services)
(cf. 1400—Relations Between Other Governmental Agencies and the Schools)
(cf. 6158—Independent Study)
(cf. 6164.2—Guidance/Counseling Services)
(cf. 6164.5—Student Success Teams)
(cf. **Note:** Education Code 48262 provides that a student cannot be classified as a habitual truant (item #3 below) until the district has made a conscientious effort to hold at least one conference with the student and his/her parent/guardian after the attendance supervisor has been notified of either the first or second truancy. Education Code 48262 defines "conscientious effort," for purposes of this section, as attempting to communicate with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call. Thus, the following paragraph requires such communication in the event of the
An appropriate district staff member shall make a conscientious effort to hold at least one conference with the student and his/her parent/guardian by communicating with the parent/guardian at least once using the most cost-effective method possible, which may include email or a telephone call. (Education Code 48262)

The student may be given a written warning by a peace officer. A record of this warning may be kept at the school for not less than 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. (Education Code 48264.5)

The Superintendent or designee may notify the district attorney and/or probation officer when the student continues to be classified as a truant after the parents/guardians have been notified in accordance with item #1b above. (Education Code 48260.6)

***Note: Education Code 48263 and 48264.5 authorize the district to refer habitual truants to a SARB, a county truancy mediation program, or a comparable program for services. The district should revise the following items to reflect the option(s) available in the district.***

***Note: According to the CDE's School Attendance Improvement Handbook, prior to referring a truant student to a SARB or county truancy mediation program, some districts initiate an intermediate step, such as a school-site attendance review team or student success team. Districts that have established such an intermediate step may revise the following item accordingly.***

A student who is habitually truant—Upon his/her third truancy within the same school year, a student shall be classified as a habitual truant. (Education Code 48262, 48264.5)

Students who are habitual truants, irregular in school attendance, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a school attendance review board (SARB) program, a truancy mediation program
established by the district attorney or the probation officer, or a comparable program deemed acceptable by the Superintendent or designee. (Education Code 48263, 48264.5)

(cf. 5113.12 - District School Attendance Review Board)

b. Upon making a referral to the SARB or the probation department, the Superintendent or designee shall provide the student and parent/guardian, in writing, the name and address of the SARB or probation department and the reason for the referral. This notice shall indicate that the student and parent/guardian shall be required, along with the district staff person making the referral, to meet with the SARB or a probation officer to consider a proper disposition of the referral. (Education Code 48263)

c. If the student does not successfully complete the truancy mediation program or other similar program, he/she shall be subject to item #4 below. (Education Code 48264.5)

***Note: Pursuant to Education Code 48263, the SARB or probation officer may direct a student and/or the student's parents/guardians to make use of available community services and may require satisfactory evidence of participation. If the SARB or probation officer determines that available community resources cannot resolve the problem, or if the student and/or parents/guardians have failed to respond to the directives of the SARB or probation officer, the SARB may so notify the district attorney and/or probation officer, or the probation officer may notify the district attorney provided the district attorney or probation officer participates in a truancy mediation program. If the county has not established a SARB, the district may make this finding and notification.***

***Note: The following paragraph is for use by districts in which the county has not established a SARB and the county's district attorney or probation officer has elected to participate in a truancy mediation program.***

d. If the Superintendent or designee determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or his/her student's parents/guardians have failed to respond to the directives of the district or to services provided, the Superintendent or designee may so notify the county district attorney and/or the probation officer. (Education Code 48263)

4. Fourth truancy

a. Upon his/her fourth truancy within the same school year, the student may be referred to the jurisdiction of the juvenile court. (Education Code 48264.5; Welfare and Institutions Code 601)

***Note: Pursuant to Education Code 48264.5 and Welfare and Institutions Code 601, a student coming within the jurisdiction of the juvenile court may be adjudged a ward of the court and required to perform community service, pay a fine, attend a court-approved truancy prevention program, and/or lose driving privileges.***
***Note: In L.A. v. Superior Court of San Diego County, a court of appeal held that juvenile court judges have the authority to imprison a truant as a last resort if the student commits an egregious violation of a court order, less restrictive alternatives have proved ineffective, and the student is confined separately from youths held for criminal violations.***

b. If a student has been adjudged by the county juvenile court to be a habitual truant, the Superintendent or designee shall notify the juvenile court and the student's probation or parole officer whenever the student is truant one or more days or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be so notified within 10 days of the violation. (Education Code 48267)

***Note: Item #5 below is for use by districts that offer any of grades K-8. Penal Code 270.1 states that a parent/guardian of a "chronic truant" who is at least six years old and is in any of grades K-8 is guilty of a misdemeanor punishable by a fine and/or imprisonment if he/she has failed to reasonably supervise and encourage the student's school attendance and has been offered language-accessible support services to address the student's truancy. Pursuant to Penal Code 270.1, a parent/guardian found guilty of a misdemeanor may participate in a program established by a superior court, if available, which includes periodic meetings with district representatives and service referrals.***

5. Chronic truancy (unexcused absence for 10 percent of school days)

a. The Superintendent or designee shall ensure that the student's parents/guardians are offered language-accessible support services to address the student's truancy.

b. Absence for 10 percent of school days (chronic truancy)

If a chronically truant student is at least age six years and is in any of grades K-8, the Superintendent or designee shall notify the student's parents/guardians that failure to reasonably supervise and encourage the student's school attendance may result in the parent/guardian being found guilty of a misdemeanor pursuant to Penal Code 270.1.

In addition, the student may be referred to a student success team or school-site attendance review team to assist in evaluating the student's needs and identifying strategies and programs that may assist him/her.

(cf. 5146 Married/Pregnant/Parenting Students)
(cf. 5147 Dropout Prevention)
(cf. 5149 At Risk Students)
(cf. 6164.2 Guidance/Counseling Services)
(cf. 6164.5 Student Success Teams)
(cf. 6173 Education for Homeless Children)
(cf. 6173.1 Education for Foster Youth)
(cf. 6173.2 Education of Children of Military Families)
A student who is struggling academically may be offered tutoring or other supplemental instruction, extended learning opportunities, and/or alternative educational options as appropriate.

(cf. 6158 – Independent Study)
(cf. 6176 – Weekend/Saturday Classes)
(cf. 6178.1 – Work Experience Education)
(cf. 6179 – Supplemental Instruction)

(cf. 6181 – Alternative Schools/Programs of Choice)
(cf. 6183 – Home and Hospital Instruction)
(cf. 6184 – Continuation Education)

Reports Records

***Note: The following optional paragraph may be revised to reflect district practice. The CDE's School Attendance Review Board Handbook cautions that it is important to keep accurate and complete records of any violations of compulsory school attendance laws because such records may ultimately be introduced as evidence in a trial for truancy.***

The Superintendent or designee shall maintain accurate attendance records for students identified as habitual or chronic truants. The Superintendent or designee also shall document all contacts with a student and his/her parent/guardian regarding the student's attendance, including a summary of all conversations and a record of all intervention efforts.

(cf. 5125 - Student Records)

***Note: Education Code 48273 mandates that the district adopt rules and regulations for the purpose of gathering data and making a report to the County Superintendent of Schools regarding SARB referrals. The CDE's web site provides a model annual summary report form.***

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 SARB and the number of requests for petitions made to the juvenile court. (Education Code 48273)
The Governing Board believes that grades serve a valuable instructional purpose by helping students and parents/guardians understand performance expectations and identifying 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 academic performance. (cf. 5020 - Parent Rights and Responsibilities)

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. (Education Code 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 it shall be applied to all students in that course and grade level. Teachers shall inform students and parents/guardians how academic performance will be evaluated in the classroom. (cf. 0410 - Nondiscrimination in District Programs and Activities)

A teacher shall base a student's grades solely on the quality of the student's academic work and his/her mastery of course content based on district standards. Students shall have the opportunity to demonstrate this mastery through a variety of methods, including, but not limited to, tests.
projects, portfolios, and/or class discussion as appropriate. Other elements that are not a direct measure of knowledge and understanding of course content, such as attendance, effort, student conduct, and work habits, shall not be factored into the academic grade but may be reported separately.

(cf. 6011 - Academic Standards)
(cf. 6162.5 - Student Assessment 6020 - Parent Involvement)

Whenever a student misses an assignment or assessment due to either an excused or unexcused absence, he/she shall be given full credit for subsequent satisfactory completion of the assignment or assessment.

(cf. 6154 - Homework/Makeup Work)

***Note: Pursuant to Education Code 49067, the Governing Board may authorize teachers to assign failing grades to students with excessive unexcused absences, the number to be set by the Board. Districts using the following optional paragraph should fill in the blank to specify the number of unexcused absences that the Board determines to be "excessive." Alternatively, districts may revise the following paragraph to limit the degree to which a teacher may reduce a grade for attendance reasons.***

A teacher may assign a failing grade to a student who has ______ (fill in number) ______ or more unexcused absences during the grading period.

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

***Note: The following optional paragraph is for use by districts that maintain elementary schools and should be revised to reflect district practice.***

Students in grades K-3 shall receive progress reports at the end of each grading period rather than letter grades.

***Note: The following optional paragraph is for use by districts that choose to provide reports of academic performance on specific academic standards, and should be deleted by other districts.***

At all grade levels, report cards may include reports of student progress on specific academic standards applicable to the course and grade level.
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 methods such as classroom participation, homework, tests and portfolios.

When reporting student performance 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.

**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 which he/she missed, the teacher may lower the student's grade for nonperformance.

(cf. 6154 - Homework/Makeup Work)

Students with excessive unexcused absences may receive a failing grade and not receive credit for the class(es).

(cf. 5113 - Absences and Excuses)

***Note: The following optional paragraph reflects correspondence issued by the U.S. Department of Education's Office for Civil Rights, Report Cards and Transcripts for Students with Disabilities, which clarifies that, because report cards are intended for parents/guardians and not for persons outside the district, they may contain information about a student's disability without violating the Family Educational Rights and Privacy Act (20 USC 1232g; 34 CFR 99.1-99.67). However, transcripts may not provide information about a student's disability because there is an expectation that these documents could be shared with persons other than the student and his/her parents/guardians. See BP/AR 5125 - Student Records for further information regarding the confidentiality of student records.***

A report card for a student with a disability may contain information about his/her disability, including whether that student received special education or related services, provided that the report card informs parents/guardians about their child's progress or level of achievement in specific classes, course content, or curriculum. However, transcripts that may be used to inform postsecondary institutions or prospective employers of the student's academic achievements shall not contain information disclosing the student's disability.

(cf. 5125 - Student Records)
(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

***Note: Education Code 49066 provides that the grade assigned by a teacher is final, absent any clerical or mechanical mistake, fraud, bad faith, or incompetency. Pursuant to Education Code 49066, the Board and Superintendent cannot order a student's grade changed unless the teacher, to the extent practicable, is given an opportunity to state the reasons that the grade was
given and to be included in all discussions regarding the changing of the grade; see AR 5125.3 - Challenging Student Records.***

A grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy, or administrative regulation. (Education Code 49066)

(cf. 5125.3 - Challenging Student Records)

***Note: The following optional paragraph is for use by districts that maintain secondary schools and may be revised to reflect district practice. Also see the accompanying administrative regulation.***

The Superintendent or designee shall determine the methodology to be used in calculating students' grade point average (GPA), including the courses to be included within the GPA and whether extra grade weighting shall be applied to Advanced Placement, International Baccalaureate, honors, and/or concurrent postsecondary courses.

(cf. 6141.4 - International Baccalaureate Program)
(cf. 6141.5 - Advanced Placement)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6172.1 - Concurrent Enrollment in College Classes)

Legal Reference:
EDUCATION CODE
41505-41508 - Pupil Retention Block Grant
48070 - Promotion and retention
48205 - Excused absences
48800-48802 Enrollment of gifted students in community college
48904-48904.3 Withholding grades, diplomas, or transcripts
49066 - Grades; finalization; physical education class
49067 - Mandated regulations regarding student's achievement
49069.5 - Students in foster care, grades and credits
51242 Exemption from physical education based on participation in interscholastic athletics
69432.9 Cal Grant program; notification of grade point average
76000-76002 Enrollment in community college

CODE OF REGULATIONS, TITLE 5
10060 - Criteria for reporting physical education achievement, high schools
30008 - Definition of high school grade point average for student aid eligibility

UNITED STATES CODE, TITLE 20
1232g - Family Education Rights and Privacy Act (FERPA)

CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy Act
6101-6251 - School to Work Opportunities Act of 1994

COURT DECISIONS
Las Virgenes Educators Association v. Las Virgenes Unified School District, (2nd Appellate-District-2001) 86 Cal.App.4th 1

Management Resources:
CSBA CDE PUBLICATIONS
Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, Governance Brief, July 2016
U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS CORRESPONDENCE
Report Cards and Transcripts for Students with Disabilities, October 17, 2008
Elementary Makes the Grade!, 2004
WEB SITES
CSBA: http://www.csba.org
California Department of Education: CDE: http://www.cde.ca.gov
California Student Aid Commission: Advanced Placement Challenge Project: http://www.csac.ca.gov/apchallenge.net
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr

(11/03 7/09) 7/16

Policy–ALBANY UNIFIED SCHOOL DISTRICT
adopted: October 6, 2009—Albany, California
CSBA Sample
Albany USD
Administrative Regulation
Grades/Evaluation Of Student Achievement

AR 5121
Students

***Note: Education Code 49067 mandates the Governing Board to approve regulations requiring
the evaluation of each student's academic performance for each grading period. The following
administrative regulation should be revised to reflect district practice and the grade levels offered
by the district.***

The Superintendent or designee shall inform teachers of the district's policy regarding grading,
including expectations that grades shall be based on factors that directly measure students'
knowledge and skills in the content area and shall not include nonacademic factors.

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

(cf. 6020 - Parent Involvement)

***Note: Education Code 49067 mandates that the Board approve regulations requiring either a
conference with the parent/guardian or a written report sent to the parent/guardian whenever a
student is in danger of failing a course. Pursuant to Education Code 49067, the refusal of a
parent/guardian to attend the conference or to respond to the written report shall not preclude
failing the student at the end of the grading period.***

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

(cf. 5123 - Promotion/Acceleration/Retention)

***Note: The following optional paragraph is for use by districts that maintain high schools.***

For each student in grades 9-12, the Superintendent or designee shall maintain a transcript
recording the courses taken, the term that each course was taken, credits earned, final grades, and
date of graduation.

(cf. 5125 - Student Records)
Grades for Academic Performance

***Note: The following optional section may be revised to reflect district practice.***

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

- O Outstanding
- S Satisfactory
- N Needs Improvement

***Note: The following list may be revised to include plus and minus signs if used by the district.***

For grades 4-12, grades for academic performance shall be reported for each marking period as follows:

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

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

(cf. 5123 Promotion/Acceleration/Retention)
(cf. 6020 Parent Involvement)

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

***Note: The following optional paragraph is for use by districts that maintain high schools and choose to assign extra grade weighting to Advanced Placement, International Baccalaureate, honors, or concurrent postsecondary courses.***

***Note: Districts should be aware that, in determining college admissions eligibility, the extra grade weighting will be factored into university admissions only if the courses have been certified as honors courses by the University of California and are in the following "a-g" subjects: history-social science, English, advanced mathematics, laboratory science, language other than English, and visual and performing arts.***
Because of the more rigorous nature of Advanced Placement, International Baccalaureate, honors, and concurrent postsecondary courses, students receiving a grade of A, B, or C in those courses shall receive extra grade weighting as follows:

- **A** (90-100%) Outstanding Achievement 5.0 grade points
- **B** (80-89%) Above Average Achievement 4.0 grade points
- **C** (70-79%) Average Achievement 3.0 grade points

(cf. 6141.4 - International Baccalaureate Program)
(cf. 6141.5 - Advanced Placement)
(cf. 6172 - Gifted and Talented Student Program)
(cf. 6172.1 - Concurrent Enrollment in College Classes)

Grades for Physical Education

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

(cf. 6142.7 - Physical Education and Activity)

***Note: The following optional paragraph is for use by districts that maintain high schools and may be revised to reflect additional grade levels at the district's discretion. 5 CCR 10060 lists criteria by which districts must appraise the quality of high school physical education programs, including criteria for reporting student achievement in physical education.***

Student performance in high school physical education courses shall be based upon evaluation of the student's individual progress, attainment of goals in each instructional area, tests designed to determine skill and knowledge, and physical performance tests. (5 CCR 10060)

***Note: The following optional paragraph may be used by districts that allow high school students to fulfill physical education credits through interscholastic athletics carried on wholly or partially after regular school hours pursuant to Education Code 51242; see BP (cf. 6142.7 - Physical Education and Activity).***

High school students using interscholastic athletic participation to fulfill physical education requirements, as authorized by Education Code 51242, may be graded on this participation provided a teacher credentialed to teach physical education supervises this participation and assigns the grade.

(cf. 6145.2 - Athletic Competition)

Grades for College Courses

***Note: The following optional section is for use by districts maintaining grades 9-12 that
choose to grant district credit for completion of postsecondary courses pursuant to Education Code 48800-48802 and 76000-76002; see BP/AR 6172.1 - Concurrent Enrollment in College Classes.

When the district has approved a student to receive district credit for coursework completed at a community college or four-year college, he/she shall receive the same letter grade as is granted by the college.

Grades for Citizenship and Work Habits

***Note: In Las Virgenes Educators Association v. Las Virgenes Unified School District, the court determined that a Grades for citizenship mark is a "grade" within the meaning of Education Code 49066 and upheld a teacher's right to make the final decision regarding a citizenship mark.***

Any grades assigned for citizenship or work habits, such as effort or study skills, shall be reported each marking period as follows:

- O Outstanding
- S Satisfactory
- N Needs Improvement

Pass/Fail Grading

***Note: The district may choose to expand the following optional section to identify specific courses or programs for which students may elect a Pass/Fail grade rather than an A-F grade (e.g., alternative education program, non-college-preparatory summer school courses, etc.).***

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

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

Peer Grading

***Note: In Owasso Independent School District v. Falvo, the U.S. Supreme Court held that students' grades on assignments and tests are not "education records" until the teacher records them, and therefore the practice of peer grading does not violate the Family Educational Rights and Privacy Act of 1974 (FERPA) (20 USC 1232g); see BP/AR 5125 - Student Records. Furthermore, for the same reason, the Supreme Court did not prohibit the practice of having students report the grades aloud so that the teacher may record them. The following section is optional.***

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

Repeating Classes

***Note: The following optional section is for use by districts that maintain high schools. Districts may adopt a different approach than the one described below, such as the use of averaging.***

With the approval of the principal or designee, a student may repeat a course in order to raise his/her grade. Both grades received shall be entered on the student's transcript, but the student shall receive credit only once for taking the course. The highest grade received shall be used in determining the student's overall grade point average (GPA).

Withdrawal from Classes

***Note: The following optional section is for use by districts maintaining high schools and should be revised to reflect district practice.***

A student who drops a course during the first six weeks of the grading period may do so without any entry on his/her permanent record card. A student who drops a course after the first six weeks of the grading period highest grade received shall receive an F grade on his/her permanent record, unless otherwise decided by the principal or designee because of extenuating circumstances.

Effect of Absences on Grades

***Note: The following section is for use by districts that choose to authorize teachers to assign failing grades to students who have excessive unexcused absences pursuant to Education Code 49067; see the accompanying Board policy. Education Code 49067 mandates such districts to establish regulations which include, but are not limited to, providing (1) a reasonable opportunity for students or parents/guardians to explain the absences and (2) a method for identifying be used in a determining the student's record the failing grades assigned on the basis of unexcused absences.***

Absences from School

Teachers who choose to withhold class credit because of excessive unexcused absences shall so inform students the class and parents/guardians of such a possibility at the beginning of the school year or semester.

When a student reaches the number of unexcused absences defined as excessive in Board policy an unexcused absence occurs, the student and parent/guardian shall again be notified of the district's policy regarding excessive unexcused absences.

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

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

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

(cf. 5125 - Student Records)

***Note: Pursuant to Education Code 49069.5, grades for a student in foster care shall not be lowered if the student is absent from school due to (either of the following circumstances:—)
(Education Code 49069.5)

1) a—A decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date the student left school, or
(2) a verified court appearance or related court-ordered activity. See BP 6173.1 - Education for Foster Youth.***

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

(cf. 6173.1 - Education for Foster Youth)

Grade Point Average

***Note: The following optional section should be revised to reflect the district's methodology for calculating GPA. Districts may calculate multiple GPAs for a single student (e.g., academic GPA, total GPA) for different purposes (e.g., eligibility for extracurricular activities, athletic programs, honors at graduation, or other district programs that use GPA as a criterion). Districts should be aware that, in determining college admissions eligibility, the California State University and the University of California consider students' GPA in the "a-g" subjects required for college entry and is based on grades recorded in their high school transcripts.***

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

(cf. 5126 - Awards for Achievement)
(cf. 6145 - Extracurricular and Cocurricular Activities)

OPTION 1: When plus and minus designations are added to letter grades, they shall not be considered in determining GPA.
OPTION 2: When plus and minus designations are added to letter grades, a plus shall be computed by adding 0.3 to the value assigned the letter grade and a minus shall be computed by subtracting 0.3 from the value assigned to the letter grade.

***Note: Education Code 69432.9 provides that all students in grade 12 will be considered Cal Grant applicants unless they opt out of the program. The GPA of all students in grade 12 who have not opted out of the program shall be submitted to the Student Aid Commission. See AR 5125 - Student Records for related requirements.***

Each academic year, the Superintendent or designee shall provide to the Student Aid Commission the GPA of all district students in grade 12, except for students who have opted out or are permitted by the rules of the Student Aid Commission to provide test scores in lieu of the GPA. (Education Code 69432.9)

(7/09 7/15) 7/16: A verified court appearance or related court ordered activity

Regulation — ALBANY UNIFIED SCHOOL DISTRICT
approved: October 6, 2009 — Albany, California
The Board of Education recognizes the right of each student to attend school for the purpose of receiving an education. The disruption of the educational program of the schools by disorder or any purposeful activity will not be countenanced. For purpose of this policy, disorder shall be any deliberate activity by an individual or a group, whether peaceful or violent, which interferes with the normal operation of the school.

The Board, having the responsibility for providing an educational program for the students of this district, shall have the authority to preserve order for the proper functioning of that program.

Students shall not be disturbed in the exercise of their constitutionally guaranteed rights to assemble peaceably and to express ideas and opinions, privately or publicly, provided that such exercise does not infringe on the rights of others and does not interfere with the operation of the schools.

The Superintendent shall develop regulations for the implementation of this policy.

***Note: The following optional policy and administrative regulation deal with disturbances caused by students. For disruptions caused by nonstudents, see BP/AR 3515.2 - Disruptions. Employees who cause a disruption may be subject to disciplinary action in accordance with the district's collective bargaining agreement and/or Board policy; see BP/AR 4118 - Dismissal/Suspension/Disciplinary Action and BP/AR 4218 - Dismissal/Suspension/Disciplinary Action.***

The Governing Board desires to provide orderly campuses that create a positive school environment and are conducive to learning. When students initiate or are involved in a campus disturbance that has the potential to threaten the safety of students or staff, the Superintendent or designee may request law enforcement assistance.

***Note: A school's disturbance response plan may be included in the district's school emergency and disaster preparedness plan (see BP/AR 3516 - Emergencies and Disaster Preparedness Plan) or may be developed as part of the school's comprehensive school safety plan (see BP/AR 0450 - Comprehensive Safety Plan).***

The Superintendent or designee and the principal of each school shall establish a school disturbance response plan that is intended to curb disruptions which may lead to riots, violence, or vandalism at school or at school-sponsored events. In developing each school's plan, the
Superintendent or designee shall consult with local law enforcement authorities to create guidelines for law enforcement support and intervention.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 5131.5 - Vandalism and Graffiti)

Staff are encouraged to be alert to conditions at school that may lead to a disturbance, such as racial or cultural conflict, student protests, or gang intimidation and confrontations. Staff who believe that a disturbance is imminent, or who see a disturbance occurring, shall immediately contact the principal and invoke the school disturbance response plan.

(cf. 4131 - Staff Development)
(cf. 5136 - Gangs)
(cf. 5145.2 - Freedom of Speech/Expression)
(cf. 5145.9 - Hate-Motivated Behavior)

Students who participate in a campus disturbance shall be subject to disciplinary action in accordance with Board policy and administrative regulations.

(cf. 3515 - Campus Security)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Legal Reference:
EDUCATION CODE
32210 Willful disturbance of public school or meeting
32211 Threatened disruption or interference with classes
32280-32288 School safety plans
35160 Authority of governing boards
38000-38005 Security patrols
44810 Willful interference with classroom conduct
44811 Disruption of classwork or extracurricular activities
48900 Grounds for suspension or expulsion
48907 Student exercise of free expression
51512 Prohibited use of electronic listening or recording device

PENAL CODE
243.5 Assault or battery on school property
403-420 Crimes against the public peace, especially:
415 Fighting; noise; offensive words
415.5 Disturbance of peace of school
416 Assembly to disturb peace; refusal to disperse
626-626.10 Crimes on school grounds
627-627.7 Access to school premises
653b Loitering about schools or public places

Management Resources:

CSBA PUBLICATIONS
911! A Manual for Schools and the Media During a Campus Crisis, 2001

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
California Department of Education, Safe Schools Office: http://www.cde.ca.gov/ls/ss
U.S. Department of Education, Emergency Planning:
http://www.ed.gov/admins/lead/safety/emergencyplan

Policy—ALBANY UNIFIED SCHOOL DISTRICT
adopted: October 6, 2009—Albany, California
(6/90) 7/06
Should there be a demonstration of any kind, it shall be immediately brought to the attention of the Superintendent or designee.

Any demonstration within or without the building by non-students or by students during the time school should be in regular session may be considered as disruptive.

If the demonstration is considered disruptive, the Superintendent shall:

1. Notify the group, student or non-student, that the demonstration is disruptive and the students will have five minutes to return to their regularly-scheduled classes, and/or non-students will have three minutes to remove themselves from the school property. Names of any students, non-students, or employees participating in the demonstration shall be given to school authorities.

2. Request that the police remove the non-student demonstrators who do not leave at the expiration of the three minutes. The Board will follow with appropriate charges.

3. Involve police in any student demonstration when the Superintendent deems it appropriate to do so.

4. Place student demonstrators under in-school suspension until parents/guardians arrive to take them home. Beginning on the next succeeding school day, said students will be placed under regular suspension and will not be re-admitted until the school administrators have reviewed the matter and determined the status of the students involved.

5. At all times the rights and safety of all school personnel and students not participating in the demonstration are paramount.

6. At no time during any demonstration shall the Superintendent, any other school official, or Board member enter into negotiations with the demonstrators, either orally or in written form. This does not preclude the need to talk to the demonstrators to restore order and obtain a return to class.

7. The Board attorney shall prepare, as directed by the Board, whatever charges are appropriate for legal or criminal action.
8. When normal educational and business processes resume, the Superintendent shall be charged with establishing communication with representatives of the protesting or petitioning group, so as to bring their demands, requests, or suggestions to the Board's attention in an orderly process. The Board reserves the right to make any decisions relative to the demands after receiving recommendations from the Superintendent. No employee is authorized or empowered to bind the Board without its written consent.

9. Members of the professional and non-professional staff will receive the full support of school officials in their efforts at maintaining appropriate and firm discipline. Any incident of insubordination, defiance, intimidation, or physical violence toward a teacher by students shall lead to suspension, expulsion, and legal or criminal action. Non-student individuals behaving in a similar fashion shall be subject to legal or criminal action.

10. If members of the staff or employees are identified as participants in any demonstration or disorder, they will be subject to suspension and appropriate legal charges.

Regulation — ALBANY UNIFIED SCHOOL DISTRICT
approved: October 6, 2009 — Albany, California

***Note: The following optional administrative regulation should be modified to reflect district practice. The following responses may be included in the district's school emergency and disaster preparedness plan (see BP/AR 3516 - Emergencies and Disaster Preparedness Plan) or may be developed as part of the school's comprehensive school safety plan (see BP/AR 0450 - Comprehensive Safety Plan).***

Prohibited Activities

A student involved or attempting to be involved in any of the following prohibited activities shall be subject to discipline:

***Note: Pursuant to Penal Code 404.6, any person who attempts to cause a riot may be found guilty of a misdemeanor. Penal Code 415 provides that any person who unlawfully fights or attempts to fight may also be guilty of a misdemeanor.***

1. Disturbing the peace, including, but not limited to, causing or attempting to cause a riot, burning or destroying property, fighting, challenging another to fight, or using offensive words likely to provoke a fight

(cf. 3515 - Campus Security)

***Note: Pursuant to Education Code 48900, a student may be subject to suspension or expulsion if the act is related to school activity or school attendance and occurred at any district school, including while the student is on school grounds, going to or coming from school, during the lunch period (whether on or off the school campus), or during, going to, or coming from a
school-sponsored activity. In some circumstances, a student may be subject to disciplinary action for off-campus activities, such as a threat on a personal web site, if the district can show that the activity could materially and substantially interfere with school discipline. Because this is a complicated area of law, districts that wish to discipline a student for off-campus conduct should consult district legal counsel. ***

2. Disrupting school operations, including, but not limited to, exercising free expression which is obscene, libelous, or slanderous or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or substantially disrupting the orderly operation of the school (Education Code 48907)

(cf. 5145.2 - Freedom of Speech/Expression)

Other examples of activities that may be considered disrupting school operations include, but are not limited to:

a. Organizing or participating in unauthorized assemblies on school premises

b. Participating in sit-ins or stand-ins which deny students or employees normal access to school premises

c. Interfering with or unauthorized use of the district's computer system

(cf. 6163.4 - Student Use of Technology)

***Note: Pursuant to Penal Code 416, a person who assembles for the purpose of disturbing the peace and then refuses to disperse may be guilty of a misdemeanor. ***

3. Refusing to disperse, including, but not limited to, assembling for the purpose of causing a disruption and refusing to disperse upon the direction of school personnel

4. Boycotting school, including, but not limited to, participating in any protest that involves nonattendance where attendance is required at school, class, or at a school activity

Any student who participates in a boycott shall be given an unexcused absence and may be classified as truant, regardless of any parent/guardian approval of the absence.

(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Extension of Class Period and/or Dismissal of School

During any disturbance in which additional students might become involved while changing
classes, the principal or designee may notify all staff that any class currently in session will be extended until further notice. Upon receiving this notification, staff shall ensure that all students in their charge remain in one location under their supervision and shall ask all students who are in the halls to return to their classes immediately.

The principal may also request that the Superintendent dismiss school in accordance with the school disturbance response plan.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(6/90) 7/06
To protect the health of all students and staff and to curtail the spread of infectious diseases, the Governing Board shall of Education desires to cooperate with state and local public health agencies to encourage and facilitate immunization of all district students against preventable diseases.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.26 - Tuberculosis Testing)
(cf. 6142.8 - Comprehensive Health Education)

***Note: The following optional paragraph should be revised to reflect the grade levels and programs offered by the Students entering a district.***

***Note: Health and Safety Code 120335 requires districts to ensure that students are fully immunized prior to admission. In addition, beginning July 1, 2016, Health and Safety Code 120335, as amended by SB 277 (Ch. 35, Statutes of 2015), requires districts to ensure that students are fully immunized against all specified diseases before advancing to grade 7. See the accompanying administrative regulation for requirements pertaining to the immunization record, including the diseases for which students must be immunized.***

***Note: Health and Safety Code 120335, as amended by SB 277, further provides that students must be exempted from immunizations for any one of the following reasons: (1) a licensed physician indicates that a student should be exempted for medical reasons, (2) a parent/guardian files a letter or affidavit prior to January 1, 2016 stating his/her personal beliefs opposed to immunization (effective only until the student enters the next grade span), or (3) a student is enrolled in independent study and does not receive classroom-based instruction. See the accompanying administrative regulation for further information about exemptions.***

Each student enrolling for the first time in a district elementary or secondary school, preschool, or child care and development program or, after July 1, 2016, enrolling in or advancing to grade 7, or transferring between school campuses, shall present an immunization record from any authorized private or public health care provider certifying that he/she has received all required immunizations, which shows at least the month and year of each immunization in accordance with law. Students shall be excluded from school or exempted from immunization requirements
only as allowed by law.

(cf. 5112.1 - Exemptions from Attendance)
(cf. 5112.2 - Exclusions from Attendance)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5148 - Child Care and Development)
(cf. 5148.3 - Preschool/Early Childhood Education)

***Note: 17 CCR 6070 allows a transfer student to may be conditionally admitted for up to 30 school days while waiting for the transfer of his/her immunization records are being transferred from his/her the previous school; see the accompanying administrative regulation. However, the California Department of Public Health's California Immunization Handbook for Child Care Programs and Schools recommends that schools request parents/guardians to bring their child's personal immunization record from his/her health care provider to registration, rather than waiting for the cumulative file, especially if the student's former school is located outside the United States. In this way, districts would only need to request the record from the previous district for those students who could not present an adequate record at the time of entry. ***

***Note: Pursuant to 42 USC 11431 and Education Code 48853.5, homeless children and foster youth must be immediately enrolled even if they are unable to produce normally required for enrollment, including medical records. See AR 6173 - Education for Homeless Children and AR 6173.1- Education for Foster Youth. In addition, pursuant to Education Code 49701, children of military families must be allowed to do not arrive within 30 days from the date of enrollment to obtain required immunizations; see AR 6173.2 - Education of Children of Military Families. These exceptions are also addressed in the accompanying administrative regulation.***

Each transfer school days, the student shall be requested to present his/her immunization record, if possible, upon registration at a district school.

(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education of Children of Military Families)

***Note: The following optional paragraph is for use present written documentation by districts that permit medical personnel to administer immunizations at school as authorized by Education Code 49403. Pursuant to Education Code 49403, immunizations may be provided by a licensed physician or, if acting under the direction of a supervising physician, a registered nurse (including a school nurse), physician assistant, nurse practitioner, licensed vocational nurse, or nursing or clinic an authorized health care provider, showing that the required immunizations were received. If such documentation is not presented, the student acting under the supervision of a registered nurse. The authority of any health care practitioner, other than a licensed physician, to administer immunizations in a school immunization program is limited to immunizations for annual seasonal influenza, influenza pandemic episodes, and other diseases that represent a current or potential outbreak as declared by a federal, state, or local public health...
officer. Whenever a health care provider is authorized to administer immunizations at school, the school nurse must be notified and must maintain control, as necessary, as the supervisor of health in accordance with Education Code 44871 and other statutes. ***

The Superintendent or designee may arrange for an authorized health care provider to administer immunizations at school to any student whose parent/guardian has consented in writing. At the beginning of the school year, parents/guardians shall be notified of their right to provide consent for the administration of an immunization to their child at school. (Education Code 49403)excluded from school until immunization requirements are met.

(cf. 5141.3 - Health Examinations)
(cf. 5141.6 - School Health Services)
(cf. 5145.6 - Parental Notifications)

Legal Reference:
EDUCATION CODE
44871 Qualifications of supervisor of health
46010 Total days of attendance
48216 Immunization
48853.5 Immediate enrollment of foster youth
48980 Required notification of rights
49403 Cooperation in control of communicable disease and immunizations
49426 Duties of school nurses
49701 Flexibility in enrollment of children of military families
51745-51749.6 Independent study
HEALTH AND SAFETY CODE
120325-120380 Immunization against communicable disease, especially:
120335 Immunization requirement for admission
120395 Information about meningococcal disease, including recommendation for vaccination
120440 Disclosure of immunization information
CODE OF REGULATIONS, TITLE 5
430 Student records
CODE OF REGULATIONS, TITLE 17
6000-6075 School attendance immunization requirements
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
UNITED STATES CODE, TITLE 42
11432 Immediate enrollment of homeless children
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy

Management Resources:
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH
California Immunization Handbook for Schools and Child Care Programs and Schools, August 2015, July 2003
Required Immunizations

***Note: The following optional paragraph may be revised to reflect district practice. The California Department of Public Health's (CDPH) California Immunization Handbook for Child Care Programs and Schools recommends that districts provide parents/guardians with a written notice of immunization requirements. The CDPH's Parents' Guide to Immunizations Required for School Entry and Parents' Guide to Immunizations Required for Child Care may be used for this purpose.***

The Superintendent or designee shall provide parents/guardians, upon school registration, a written notice summarizing the state's immunization requirements.

***Note: The following paragraph should be revised to reflect the grade levels and programs offered by the district. Health and Safety Code 120335 requires districts to ensure that students are fully immunized prior to admission. See 17 CCR 6020 and the CDPH's California Immunization Handbook for Child Care Programs and Schools for details regarding the ages/grades at which specific immunizations are required and the doses needed.***

***Note: Pursuant to Health and Safety Code 120335, districts must ensure that students entering grade 7 are fully immunized against pertussis. Beginning July 1, 2016, Health and Safety Code 120335, as amended by SB 277 (Ch. 35, Statutes of 2015), also requires districts to ensure that students are fully immunized against all specified diseases before advancing to grade 7.***

The Superintendent or designee shall not unconditionally admit any student to a district elementary or secondary school, preschool, or child care and development program for the first time nor, after July 1, 2016, admit or advance any student to grade 7 unless the student has been fully immunized. The student shall present documentation of full immunization, in accordance with the age/grade and dose required by the California Department of Public Health (CDPH), against the following diseases: *(Health and Safety Code 120335; 17 CCR 6020)*

1. Measles, mumps, and rubella (MMR)

2. Diphtheria, tetanus, and pertussis (whooping cough) (DTP, DTaP, or Tdap)
3. Poliomyelitis (polio)
4. Hepatitis B
5. Varicella (chickenpox)
6. Haemophilus influenza type b (Hib meningitis)
7. Any other disease designated by the CDPH

(cf. 5141.22 - Infectious Diseases)
(cf. 5148 - Child Care and Development)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 6170.1 - Transitional Kindergarten)

However, full immunization against hepatitis B shall not be a condition by which the Superintendent or designee shall admit or advance any student to grade 7. (Health and Safety Code 120335)

***Note: State law does not exempt from vaccination requirements students who qualify for an individualized education program (IEP). However, Health and Safety Code 120335, as amended by SB 277 (Ch. 35, Statutes of 2015), specifies that its provisions do not prohibit a student who qualifies for an IEP from "accessing any special education and related service" required by his/her IEP. The district should consult legal counsel if it has questions about how to ensure compliance with vaccination requirements consistent with a student's IEP. The district may want to consider holding an IEP meeting to resolve any potential conflicts with the IEP. ***

A student who qualifies for an individualized education program (IEP), unless otherwise exempt, shall be fully immunized in accordance with Health and Safety Code 120335 and this regulation. However, the district shall continue to implement the student's IEP and shall not prohibit the student from accessing any special education and related service required by his/her IEP regardless of whether the student is fully immunized. (Health and Safety Code 120335)

(cf. 6159 - Individualized Education Program)

***Note: According to the CDPH's California Immunization Handbook for Child Care Programs and Schools, the immunization record must be either a personal record with entries made by the physician or agency performing the immunization or a school immunization record from the student's previous school (either the California School Immunization Record or another state's school record). 17 CCR 6070 specifies the information that must be included in the record. ***

The student's immunization record shall be provided by the student's health care provider or from the student's previous school immunization record. The record must show at least the month and year for each dose, except that the day, month, and year must be shown for the MMR doses given during the month of the first birthday and for the Tdap dose given during the month of the
seventh birthday. (17 CCR 6070)

Exemptions

Exemption from one or more immunization requirements shall be granted under any of the following circumstances:

1. The parent/guardian files with the district a written statement by a licensed physician to the effect that the physical condition of the child is such, or medical circumstances relating to the child are such, that immunization is not considered safe. The statement shall indicate the specific nature and probable duration of the medical condition or circumstances, including, but not limited to, family medical history, for which the physician does not recommend immunization allowed when: (Health and Safety Code 120365, 120370; 17 CCR 6051)

***Note: Health and Safety Code 120365, which exempted a student from one or more immunization requirements if his/her parent/guardian stated in writing that the immunizations are contrary to his/her beliefs, was repealed by SB 277 (Ch. 35, Statutes of 2015). However, SB 277 also amended Health and Safety Code 120335 to provide that a personal beliefs exemption may be granted for any student whose parent/guardian files a letter or affidavit prior to January 1, 2016 stating his/her beliefs opposed to immunization, and that such exemption shall be effective until he/she enters the next grade span. For this purpose, Health and Safety Code 120335 defines three grade spans: birth through preschool, grades K-6 (including TK), and grades 7-12. For example, a student granted a personal beliefs exemption in preschool must be immunized when entering kindergarten, and a student granted such an exemption in grade 4 must be immunized when entering grade 7. The district may revise item #2 to reflect grade levels offered by the district.***

2. The student's parent/guardian files with the district, before January 1, 2016, a letter or written affidavit stating that an immunization is contrary to his/her personal beliefs, in which case the student shall be exempted from the immunization until he/she enrolls in the next applicable grade span requiring immunization (birth to preschool, grades K-6, grades 7-12). (Health and Safety Code 120335)

1. The student's parent/guardian states in writing that immunization is contrary to his/her beliefs. (cf. 6141.2 - Recognition of Religious Beliefs and Customs)

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, in which case the student shall be exempted to the extent indicated by the physician's statement.

***Note: The following paragraph reflects the CDPH's Senate Bill 277 Frequently Asked Questions, which indicate that a personal beliefs exemption filed before January 1, 2016 may be transferred to another school or child care facility within the same district or in another school district within California. The CDPH's position is that a personal beliefs exemption from
another state or country is not valid. The district should consult legal counsel if any question arises regarding the validity of a student's personal beliefs exemption. ***

When a student transfers to a different school within the district or transfers into the district from another school district in California, his/her personal beliefs exemption filed before January 1, 2016, shall remain in effect until the next applicable grade span. A student transferring from a school outside the district shall present a copy of the personal beliefs exemption upon enrollment. When a student transfers into the district from outside California and presents a personal beliefs exemption issued by another state or country prior to January 1, 2016, the Superintendent or designee may consult with legal counsel regarding the applicable immunization requirements.

***Note: Health and Safety Code 120335, as amended by SB 277 (Ch. 35, Statutes of 2015), exempts certain students enrolled in independent study, as provided below. ***

3. The student is enrolled in an independent study program pursuant to Education Code 51745-51749.6 and does not receive classroom-based instruction.

(cf. 6158 - Independent Study)

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.

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 to the Superintendent or designee.

(cf. 5112.2 - Exclusions from Attendance)
(cf. 6183 - Home and Hospital Instruction)

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 student's usual source of medical care. (Education Code 48216; 17 CCR 6040)

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
Conditional Enrollment

The Superintendent or designee may conditionally admit a student with documentation from an authorized health care provider that: (Health and Safety Code 120340; 17 CCR 6000, 6035)

1. The student has not received some but not all required immunizations for his/her age group, but has commenced receiving doses of all required vaccines and is not due for any other doses at the time of admission.

2. The student has a temporary exemption from immunization for medical reasons pursuant to item #1 in the section "Exemptions" above.

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.

(cf. 5145.6 - Parental Notifications)

In addition, a transfer student may be conditionally admitted for up to 30 school days while his/her immunization records are being transferred from the previous school. If such documentation is not presented within 30 days, the student shall be excluded from school until the required immunizations have been administered. (17 CCR 6070)

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)

At the beginning of the school year, the Superintendent or designee shall immediately enroll homeless students and students of military families even if their immunization records are missing or unavailable at the time of enrollment. School or district staff shall work with the student's prior school parents/guardians relating to obtain the student's immunization records or shall ensure that he/she is properly immunized. (immunizations under Education Code 48853.5, 49701; Health and Safety Code 120341; 42 USC 11432)

(cf. 6173 - 49403. (Education for Homeless Children) Code 48980)

(cf. 5145.6 – Parental Notifications)

(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education of Children of Military Families)
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 an exemption is granted in accordance with the section "Exemptions" above.

(cf. 5112.2 - Exclusions from Attendance)
(cf. 6183 - Home and Hospital Instruction)

Before an already admitted 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 to supply evidence of proper immunization or an appropriate exemption. This notice shall refer the parent/guardian to the student's usual source of medical care or, if the student has no usual source of medical care, then to the county health department or school immunization program, if any. (Education Code 48216; 17 CCR 6040)

(cf. 5141.6 - School Health Services)

The Superintendent or designee shall exclude from further attendance any already admitted student who fails to obtain the required immunization within 10 school days following the parent/guardian's receipt of the notice specified above. The student shall remain excluded from school until he/she provides written evidence that he/she has received a dose of each required vaccine due at that time. The student shall also be reported to the attendance supervisor or principal. (17 CCR 6055)

Exclusion Due to Exposure to Disease

If the district has good cause to believe that a student has been exposed to a disease listed in the section "Required Immunizations" above and his/her documentation of immunization does not show proof of immunization against that disease, that student may be temporarily excluded from the school until the local health officer informs the district in writing that he/she is satisfied that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 120370)

Records

***Note: The CDPH requires that school staff record all immunization dates from each student's personal immunization record onto the California School Immunization Record (often referred to as the "blue card") and then complete the documentation section of the card which includes the type of record provided and the status of the student's immunizations. The record also may be maintained electronically.***

 ***Note: An immunization record that is directly related to a student is an "education record" subject to the Family Educational Rights and Privacy Act (20 USC 1232g; 34 CFR 99.1-99.67) and therefore generally requires parent/guardian consent to be lawfully disclosed. However,
pursuant to 20 USC 1232g and 34 CFR 99.31 and 99.36, an exception exists when knowledge of the information is necessary to address an articulable and significant threat to the health or safety of the student or other individuals. ***

The Superintendent or designee shall record each new entrant's immunizations in the California School Immunization Record and retain it as part of the student's 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)

(cf. 5125 - Student Records)

The district shall also retain in the mandatory student record any physician or health officer statement, personal beliefs letter or affidavit, reason for conditional enrollment, or any other documentation related to the student's immunization record or exemptions.

Audits

***Note: The Education Audit Appeals Panel's Guide for Annual Audits of Local Education Agencies and State Compliance Reporting requires an audit of the immunization records for any school which, in the previous year, (1) failed to submit immunization assessment reports to the CDPH for kindergarten or grade 7 or (2) reported a conditional admission rate greater than 25 percent in kindergarten. The CDPH's web site contains information as to whether a school meets either of these conditions.***

If an audit reveals deficiencies in the district's reporting procedures, the Superintendent or designee shall present the Board with a plan to remedy such deficiencies.

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Regulation ALBANY UNIFIED SCHOOL DISTRICT
reviewed: October 6, 2009—Albany, California
revised: August 14, 2012
Board Policy
Child Abuse Prevention And Reporting

BP 5141.4
Students

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. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 5141.6 - School Health Services)
(cf. 6164.2 - Guidance/Counseling Services)

Child Abuse Prevention

***Note: The following optional section may be revised to reflect district practice. ***

***Note: Board of Education Code 51220.5 specifies that recognizes the district's course of study for grades 7 and/or 8 may include parenting skills education, including instruction on responsibility to educate students about the dangers of child abuse and neglect; see AR 6143 - Courses of Study. ***

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 so that they will acquire the skills and techniques needed to identify unsafe situations and to 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)

***Note: The following paragraph is optional. 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

***Note: The Child Abuse and Neglect Reporting Act (Penal Code 11164-11174.3) identifies persons who are mandated to report known or suspected child abuse or neglect and establishes procedures for filing a report; see the accompanying administrative regulation.***

has severe consequences and that the district has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse. The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect such incidents 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)

***Note: Education Code 44252, as amended by AB 2560 (Ch. 110, Statutes of 2014), requires that teachers applying to the Commission on Teacher Credential for a new credential or a renewal of their credential read and sign a statement that they understand the duties imposed on them as mandated reporters pursuant to Penal Code 11164-11174.3.***

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. Mandated reporters shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for investigating and prosecuting cases of child abuse and neglect.

***Note: As amended by AB 1432 (Ch. 797, Statutes of 2014), Education Code 44691 and Penal Code 11165.7 require districts to annually train their employees regarding the duties of mandated reporters; see the accompanying administrative regulation. However, pursuant to Penal Code 11165.7, a lack of training does not excuse any mandated reporter from the duty to report
suspected child abuse and neglect. ***

The Superintendent or designee shall provide training regarding the reporting duties of mandated reporters.

In the event that training is not provided to mandated reporters, the Superintendent or designee shall report to the California Department of Education the reasons that such training is not provided. (Penal Code 11165.7)

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
44690-44691 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
11164-11174.34 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
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
CDE LEGAL ADVISORIES
0514.93 Guidelines for parents to report suspected child abuse
WEB SITES
Administrative Regulation
Child Abuse Prevention And Reporting

AR 5141.4
Students

***Note: Pursuant to Education Code 44691, as amended by AB 1432 (Ch. 797, Statutes of 2014), the California Department of Education (CDE) is required to disseminate information to all school districts regarding the detection and reporting of child abuse and to provide guidance on the responsibilities of mandated reporters. See the CDE web site for information and resources.***

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

***Note: AB 1775 (Ch. 264, Statutes of 2014) amended Penal Code 11165.1 to revise the definition of sexual exploitation to also include knowingly downloading, streaming, or accessing through any electronic or digital media a film, photograph, videotape, video recording, negative, or slide in which a child is engaged in an act of obscene sexual conduct.***

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)

***Note: Education Code 44807 provides that physical control of a student under the conditions specified in item #3 below is not subject to criminal prosecution or penalties.***

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 control of the 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 the student (Education Code 49001)

(cf. 6142.7 - Physical Education and Activity)
(cf. 6145.2 - Athletic Competition)

***Note: Pursuant to Penal Code 11165.15, as added by AB 652 (Ch. 486, Statutes of 2013), the fact that a child is homeless or is classified as an unaccompanied minor, as defined in the federal McKinney-Vento Homeless Assistance Act (42 USC 11434a), is not, in and of itself, a sufficient basis for reporting child abuse or neglect.***

6. Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)

***Note: The following definition of "mandated reporters" does not list non-school persons (e.g., physicians, clergy members) who are also mandated to report suspected child abuse or neglect and may be revised to reflect additional positions applicable to the district as specified in Penal Code 11165.7.***

***Note: Penal Code 11165.7 clarifies that volunteers whose duties require direct contact with and supervision of children are not mandated reporters. However, the law encourages volunteers to obtain training in the identification and reporting of child abuse and neglect and to report known or suspected incidents of child abuse or neglect.***
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

***Note: Penal Code 11166 specifies that a mandated reporter has a duty to report when acting in his/her professional capacity or within the scope of employment. When a mandated reporter is acting in a private capacity, like other private citizens, he/she has the discretion whether or not to make a report.***

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)

***Note: Pursuant to Penal Code 152.3, it may be a misdemeanor, with specified exceptions, for a witness to not report a murder, rape, or lewd or lascivious act as defined in Penal Code 288 where the victim is under age 14. Persons who fail to report such offenses may be subject to a fine and/or imprisonment.***

Any district employee shall notify a peace officer if he/she 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. (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)

***Note: Penal Code 11166.01 provides that it may be a crime, punishable by a fine and/or imprisonment, for a supervisor or administrator to knowingly inhibit or impede a mandated reporter from making a report.***

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

***Note: Penal Code 11165.9 specifies the agencies that are authorized to receive reports of suspected child abuse and neglect, as detailed in the following paragraph. The agency must accept a report even if it lacks subject matter or geographical jurisdiction to investigate the case; the agency is then responsible for referring the case to an agency with proper jurisdiction.***

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)

***Note: It is recommended that the district's administrative regulation include the name, address, and phone number of the appropriate agencies in its area.***

________________________________________
(Name of appropriate agency)

________________________________________
(Address)

________________________________________
(Phone number)

***Note: The following paragraph is optional.***
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)

***Note: Pursuant to Penal Code 11168, the Department of Justice form shall be distributed by the police department, sheriff's department, county probation department, or county welfare department as appropriate and is available on the Department of Justice's web site. It may also be made available at the district office or school site. The following optional paragraph should be revised to reflect district practice.***

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.

***Note: Penal Code 11167 requires the mandated reporter to give his/her name when reporting known or suspected child abuse. However, the reporter's name and the report are confidential and are only disclosed in limited circumstances provided by law.***

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)

***Note: Item #3 below is optional and may be revised to reflect district practice. Pursuant to Penal Code 11166, school districts may establish internal reporting procedures encouraging employees to notify supervisors and administrators of reports that are made. These internal procedures must not inhibit or impede immediate and direct reporting by employees to appropriate agencies. Penal Code 11166 prohibits internal procedures from requiring the employee to make a report to the district or requiring that the identity of the mandated reporter be disclosed to the district.***

3. Internal Reporting

———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, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

Training

***Note: As amended by AB 1432 (Ch. 797, Statutes of 2014), Education Code 44691 and Penal Code 11165.7 require districts to annually train their employees and any other mandated reporters working on their behalf regarding the duties of mandated reporters. Education Code 44691, as amended, also requires the CDE to develop an online training module to be provided to the California Department of Social Services for use by districts.***

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)
***Note: Education Code 44691 requires school districts to use the online training module provided by the California Department of Social Services. However, if the online training module is not used, the Superintendent or designee is required to report to the CDE regarding the training being used in its place.***

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)

***Note: Education Code 44691, as amended by AB 1432 (Ch. 797, Statutes of 2014), requires districts to develop a process by which all persons required to receive training must provide proof of receiving the training (e.g., the use of a sign-in sheet, submission of a certificate of completion). The following paragraph may be revised to reflect district practice.***

The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code 44691)

In addition, at least once every three years, school personnel may receive training in the prevention of child abuse, including sexual abuse, on school grounds, by school personnel, or in school-sponsored programs. (Education Code 44691)

Victim Interviews by Social Services

***Note: Penal Code 11174.3 authorizes Whenever a representative from the Department of Social Services or another government agency investigating suspected child abuse or neglect to interview a student suspected—
victim may be interviewed during school hours, on school grounds or premises, concerning a report of child abuse or neglect that occurred at home or in an out-of-home care facility. However, there is no clear guidance regarding the procedures to be followed if a social worker is accompanied by law enforcement. In Greene v. Camreta, the 9th Circuit Court of Appeals had ruled that, absent exigent circumstances, a social worker and sheriff could not question a student in school without obtaining a warrant, court order, or parent/guardian consent. Subsequently, that ruling was vacated by the U.S. Supreme Court on appeal (Camreta v. Greene) since the case was then moot. Districts should proceed with caution and consult with legal counsel as necessary.

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...The child shall be given 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. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation. (Education Code 48906)

Peace officers shall be asked to sign an appropriate release or acceptance of responsibility form. (cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

Parent/Guardian Complaints
***Note: Education Code 48987 requires the district to disseminate guidelines, upon request, advising parents/guardians of procedures for filing child abuse complaints. As required by Education Code 33308.1, the CDE has prepared sample guidelines for this purpose, which were updated in March 2014 and are available on the CDE's web site.***

Upon request, the Superintendent or designee shall may provide parents/guardians with procedures for reporting a copy of the district's administrative regulation that describes how to report suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not other than English, such procedures shall may be in their primary language and, when communicating orally regarding those procedures, an interpreter shall may 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)

***Note: Parents/guardians of special education students also may file a complaint with the CDE as provided in the following paragraph. The CDE does not investigate allegations of child abuse or neglect, but may investigate conditions that may involve immediate physical danger or threaten the health, safety, or welfare of the child and which may result in denial of a free appropriate public education.***

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 may provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, of their reporting obligations under Penal Code 11166, and of their confidentiality rights under Penal Code 11167. The district may 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 that they will comply with those provisions. The signed statement shall be retained by the Superintendent or designee. (Penal Code 11166.5)

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

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

***Note: The remainder of this section is optional and should be deleted by districts that do not provide these additional notifications.***

The Superintendent or designee also shall notify all employees that:

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)
CSBA Sample
Albany USD
Board Policy
Freedom Of Speech/Expression

BP 5145.2
Students

***Note: The First Amendment of the U.S. Constitution and Article 1, Section 2 of the California Constitution guarantee freedom of speech and of the press. Court cases and California law have addressed the application of these principles in a school setting and have established parameters for student expression. The following policy addresses rights and limitations related to student expression in a variety of forms, including off-campus as well as on-campus student expression.***

The Governing Board believes that free inquiry and exchange of ideas are essential parts of a democratic education. The Board respects students' rights to express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular.

(cf. 6142.3 - Civic Education)
(cf. 6144 - Controversial Issues)

On-Campus Expression

***Note: Education Code 48907 mandates districts to establish a written "publications code" related to students' rights to freedom of speech and of the press. These written rules and regulations must include reasonable provisions for the time, place, and manner in which free expression may take place within the district's jurisdiction. See the accompanying administrative regulation for further language implementing this mandate. It is recommended that districts consult legal counsel when adopting and implementing policy related to freedom of speech/expression.***

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

Student expression on district or school Internet web sites and online media shall generally be afforded the same protections as in print media.

(cf. 1113 - District and School Web Sites)
(cf. 6163.4 - Student Use of Technology)
**Note: Numerous court decisions have found that the First Amendment rights of public school students are not necessarily the same as the rights of adults in other settings and must be applied in light of the special circumstances of the school environment. In Hazelwood School District v. Kuhlmeier, the U.S. Supreme Court ruled that when a school has not, by policy or practice, opened up a school-sponsored activity for unrestricted use by students, the school may limit student expression as long as its decision is reasonably related to "legitimate pedagogical concerns." In California, Education Code 48907 grants students broader rights of freedom of press and provides that student content can be restrained only when it is obscene, libelous or slanderous, or incites students to commit unlawful acts, violate school rules, or substantially disrupt school operations.**

**Note: When determining what type of content might be restrained, the courts have found age to be a critical factor (Hazelwood and Bethel v. Fraser). Although the courts have not specifically addressed the speech rights of elementary students, it appears that schools have greater authority to limit speech that could harm elementary students' emotional, moral, social, and intellectual development. (Muller v. Jefferson Lighthouse School)**

Students' freedom of expression shall be limited only as allowed by Education Code 48907, 48950, and other applicable state and federal laws.

Students are prohibited from making any expressions or distributing or posting any materials that are obscene, libelous, or slanderous. Students also are prohibited from making any expressions that so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of school rules, or substantial disruption of the school's orderly operation. (Education Code 48907)

(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

**Note: The U.S. Supreme Court has held that "fighting words," which by their very utterance can cause an immediate breach of the peace, are not constitutionally protected.***

The use of "fighting words" or epithets is prohibited in those instances where the speech is abusive and insulting, rather than a communication of ideas, and the speech is used in an abusive manner in a situation that presents an actual danger that it will cause a breach of the peace.

**Note: Education Code 48907 and 48950 specify that an employee may not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated solely for action to protect a student's free speech and press rights. See AR 4118 - Dismissal/Suspension/Disciplinary Action.***

School officials shall not engage in prior restraint of material prepared for official school publications except insofar as the content of the material violates the law. (Education Code 48907)
The Superintendent or designee shall not discipline any high school student solely on the basis of speech or other communication that would be constitutionally protected when engaged in outside of school, but may impose discipline for harassment, threats, or intimidation unless constitutionally protected. (Education Code 48950)

(cf. 5137 - Positive School Climate)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process: Students with Disabilities)

Off-Campus Expression

***Note: Courts have generally found that schools may impose discipline for off-campus conduct that poses a threat to the safety of other students, staff, or school property or disrupts the educational program, provided that the district is able to document the impact or disruption that the conduct had, or could be expected to have, on campus. In addition, courts have analyzed the reasonableness of the district's policy and whether the disciplinary action taken by the district was in proportion to the student's misbehavior. See also BP 5131 - Conduct. ***

***Note: In Lavine v. Blaine School District, the Ninth Circuit U.S. Court of Appeals applied Tinker v. Des Moines School District to conclude that a school district in Washington was justified in expelling a student whose off-campus poetry, when considered in the totality of other relevant factors, indicated he might pose a danger to himself or others. Similar standards have been applied with regard to students' off-campus Internet web sites. The federal courts in Beussink v. Woodland R-IV School District and Emmett v. Kirkland School District No. 415 confirmed that student off-campus Internet speech merits First Amendment protection and that disliking the content of a student's speech critical of the schools and staff is not an acceptable justification for limiting student speech.***

***Note: Since this area of law is unclear and constantly evolving, it is strongly recommended that districts consult with legal counsel when developing policy and prior to applying discipline for off-campus speech.***

A student shall be subject to discipline for off-campus expression, including expression on off-campus Internet web sites, when such expression poses a threat to the safety of other students, staff, or school property, or substantially disrupts the educational program. The Superintendent or designee shall document the impact the expression had or could be expected to have on the school program.
(cf. 5131 - Conduct)

Legal Reference:
EDUCATION CODE
48907 Exercise of free expression; rules and regulations
48950 Speech and other communication
51520 Prohibited solicitations on school premises
UNITED STATES CODE, TITLE 20
4071-4074 Equal Access Act
CALIFORNIA CONSTITUTION
Article 1, Section 2 Freedom of speech and expression
U.S. CONSTITUTION
Amendment 1 Freedom of speech and expression
COURT DECISIONS
Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675
Bright v. Los Angeles Unified School District, (1976) 18 Cal. 3d 350

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES
Limitations on Student Expression in School Sponsored Publications, March 4, 1988
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov

(3/93 11/01) 11/07

Policy ALBANY UNIFIED SCHOOL DISTRICT
adopted: September 6, 2011 Albany, California
Albany USD
CSBA–Sample

Administrative Regulation
Freedom Of Speech/Expression

AR 5145.2
Students

***Note: The following administrative regulation should be revised to reflect district practice. It is recommended that districts consult legal counsel when establishing restrictions, including "time, place, and manner" provisions, related to students' rights to free speech/expression.***

School-Sponsored Publications

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

***Note: Education Code 48907 provides greater protection to students' free speech rights than provided by U.S. Supreme Court and other federal court decisions and authorizes school officials to limit student speech only in the specific circumstances listed below, including when the speech is likely to cause a disruption. In Smith v. Novato Unified School District, the court held that a district could not prohibit speech just because the speech "presents controversial ideas and opponents of the speech are likely to cause disruption." In order for the speech to be prohibited, the speech must incite a disruption. Thus, the court looked for evidence that the student intended to cause substantial disruption, such as direct provocation or racial epithets, rather than evidence that the anticipated or perceived reaction of the audience would cause a disruption. ***

Students shall have the right to exercise freedom of speech and of the press in official school publications, except for expression that is obscene, libelous, slanderous, or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school. (Education Code 48907)

Official school publications include material produced by students in journalism, newspaper, yearbook, or writing classes and distributed to the student body either for a fee or free. (Education Code 48907)

Each principal shall develop a school publications code outlining the responsibility of student journalists, editors, and publication advisors.-

All student submissions shall be held to professional standards of English and journalism.
***Note: When analyzing whether student speech should be permitted, the principal should determine if specific evidence exists that shows how the speech violates Education Code 48907 (obscene, libelous, incites a disturbance). This specific evidence should be provided to the student and documented in case the student decides to appeal the principal's decision to the Superintendent or designee. Education Code 48907 provides that school officials have the burden of showing justification, without undue delay, prior to any limitation of student expression.***

If the principal considers material submitted for publication to violate Education Code 48907, he/she shall notify the student, without undue delay, and give specific reasons why the submitted material may not be published. Absent extraordinary circumstances, such notice should be given in sufficient time to allow the student time to either modify the material or to seek review of the principal's determination from the Superintendent or designee. Prior to any restriction of student speech, school officials shall consider any feasible alternative options to restricting the speech.

***Note: The following optional paragraph authorizes the principal to include a disclaimer disassociating the district from the publication. Such disclaimers should be used with caution and only after careful analysis.***

To the extent that the principal or designee believes that the school and district should be disassociated from a particular idea or opinion, the principal may require student articles to include disclaimers.

Distribution of Printed Materials and Petitions by Students

***Note: Pursuant to the federal Equal Access Act (20 USC 4071-4074), if a secondary district with a limited open forum allows student groups to use school media to publicize meetings, it must provide equal access to all student groups. See BP/AR 6145.5 – Student Organizations and Equal Access for language implementing this requirement.***

The principal or designee may provide bulletin boards on which students and student organizations may post materials of general interest. Students also may post or distribute handbills, leaflets, and other printed material, whether produced within or outside of the school. Students may collect signatures on petitions concerning school or nonschool issues.

(cf. 1325 - Advertising and Promotion)
(cf. 6145.5 - Student Organizations and Equal Access)

***Note: Districts might consider requiring students to include a disclaimer on all materials to be distributed. For example, a disclaimer might state that "this event is not school-sponsored or approved" or that "opinions are not necessarily those of the school district or school personnel." Districts wishing to include disclaimer language should consult legal counsel as appropriate.***

***Note: Education Code 48907 allows districts to regulate the "time, place, and manner" of
student speech. The following paragraph provides "time, place, and manner" restrictions and should be modified to reflect district practice.***

Printed materials or petitions may be distributed only:

1. Before or after school or during lunch time

2. In locations that do not obstruct the normal flow of traffic within the school or at entrances

No student shall use coercion to induce any other student or person to accept printed matter or to sign a petition. No funds shall be collected for any material distributed.

(cf. 5131 - Conduct)

Clothing, Buttons, and Badges

***Note: A school district's ability to regulate "hate speech," such as clothing with derogatory or demeaning messages, is unclear. While the 9th Circuit court held in Harper v. Poway Unified School District that a school could prohibit a student from wearing a T-shirt with an anti-homosexual message, the U.S. Supreme Court vacated that decision and thus its analysis cannot be relied upon and is not included in the section below. Because the status of the law is unclear, districts should consult with legal counsel as appropriate.***

Buttons, badges, armbands, and clothing bearing slogans or sayings may be worn unless their message falls into the categories prohibited by law and Board policy. No employee shall interfere with this practice on the grounds that the message may be controversial or unpopular with students or faculty.

(cf. 5131.4 - Student Disturbances)
(cf. 5132 - Dress and Grooming)
(cf. 5136 - Gangs)
(cf. 5144 - Discipline)

Regulation ___ ALBANY UNIFIED SCHOOL DISTRICT
approved: ___ August 16, 2011 ___ Albany, California(11/01-7/06) 11/07
CSBA Sample
Albany USD
Board Policy
Before/After School Programs

BP 5148.2
Students

***Note: The following optional policy is for use by districts providing before-school and/or after-school programs and should be revised to reflect the program(s) offered by the district. For eligible programs in grades K-9, the district may apply for funding from the state's After School Education and Safety Program (ASES) (Education Code 8482-8484.65) and/or the federal 21st Century Community Learning Center Program (21st CCLC) (Education Code 8484.7-8484.9; 20 USC 7171-7176). The federal 21st Century High School After School Safety and Enrichment for Teens Program (ASSETs) (Education Code 8420-8428; 20 USC 7171-7176) provides funding for eligible programs in grades 9-12. See the accompanying administrative regulation for major requirements of each program.***

***Note: The following policy is applicable to all three programs, unless otherwise noted, and may be adapted by districts that offer other programs through district funding or alternative sources. If the district does not offer both a before-school and after-school program, it may modify the following policy as appropriate.***

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

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 5147 - Dropout Prevention)
(cf. 5148 - Child Care and Development)
(cf. 6011 - Academic Standards)
(cf. 6162.52 - High School Exit Examination)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer Learning Programs)
(cf. 6179 - Supplemental Instruction)

***Note: The following paragraph reflects a requirement for collaborative planning for both
ASES (Education Code 8482.5) and ASSETs (Education Code 8422). 21st CCLC programs must be developed in collaboration with the school(s) the students attend, but collaboration with other entities is at the discretion of the district. Districts offering only 21st CCLC programs may revise the following paragraph to reflect district practice.***

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

(cf. ***Note: The following optional paragraph may be revised to reflect district practice.***

Pursuant to Education Code 8482.5, in awarding funding for ASES programs, the state gives priority to schools with at least 50 percent of students eligible for free or reduced-price meals. Pursuant to 20 USC 7174, funding for the 21st CCLC and ASSETs programs is restricted to schools receiving federal Title I funding. In addition, 20 USC 7174 and Education Code 8422 and 8484.8 give competitive priority for these federal programs to applications jointly submitted by school districts and community organizations for programs that (1) are located in schools that are implementing comprehensive or targeted support and improvement activities pursuant to 20 USC 6311; (2) serve students at risk for academic failure, dropping out of school, involvement in criminal or delinquent activities, or lacking strong positive role models; (3) provide activities not otherwise accessible to participating students or expand accessibility to high-quality services that may be available in the community; (4) continue or expand existing grants; and (5) for 21st CCLC programs, provide year-round expanded learning programming. For a further description of competitive priority for funding, see the California Department of Education's (CDE) "21st CCLC and ASSETs FAQs" and "Request for Applications for Programs Proposing to Serve High School Students."***

To the extent feasible, the district shall give priority to establishing before-school and/or after-school programs in low-performing schools and/or programs that serve low-income and other at-risk students.

1020 Youth Services

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

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

***Note: The following optional paragraph is applicable to all programs. Pursuant to Education Code 8483.4 (applicable to both ASES and 21st CCLC), the program administrator is required to establish qualifications for each staff position that, at a minimum, ensure that all staff members who directly supervise students meet the minimum qualifications for an instructional aide pursuant to district policies; see the accompanying administrative regulation. A district offering an ASSETs program must establish its expectations for staff qualifications.***
The Superintendent or designee shall ensure that all staff who directly supervise students in the district's before-school and/or after-school program possess appropriate knowledge and experience. As needed, staff and volunteers shall receive ongoing training related to their job responsibilities.

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

Each program shall include academic and enrichment elements in accordance with law and administrative regulation. In addition, each program may include support services that reinforce the educational component and promote student health and well-being, including, but not limited to, drug and violence prevention programs, counseling/guidance services, character education, and programs that promote parent/guardian involvement and family literacy.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5030 - Student Wellness)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 6020 - Parent Involvement)
(cf. 6142.7 - Physical Education and Activity)

***Note: Pursuant to Education Code 8482.6 (applicable to both ASES and 21st CCLC) and Education Code 8422 (applicable to ASSETs programs), as added and amended by AB 2615 (Ch. 470, Statutes of 2016), the district may charge fees to participating families as long as those fees are waived or reduced for families with students who are eligible for free or reduced-price meals. Option 1 below is for use by districts that choose not to charge family fees. Option 2 is for use by districts that will charge a permissible family fee to cover unfunded costs of the program.***

OPTION 1: No fee shall be charged for participation in the program.

OPTION 2: A fee may be charged to participating families based on the actual cost of services, as long as the fee is waived or reduced for families with students who are eligible for free or reduced-price meals. (Education Code 8422, 8482.6)

***Note: The following paragraph is for use by districts selecting Option 2 that offer an ASES and/or 21st CCLC program, and may be modified to reflect program(s) offered by the district. Pursuant to Education Code 8482.6, as added by AB 2615 (Ch. 470, Statutes of 2016), commencing July 1, 2017, no family fees may be charged for these programs if the district knows the participating student is a homeless youth or in foster care. *** fee may be waived or subsidized based on economic disadvantage or other critical needs in accordance with Education-
In regard to the After School Education and Safety program and/or 21st Century Community Learning Center program, no fee shall be charged for a student identified as a homeless or foster youth. (Education Code 8482.6)

(cf. 3260 - Fees and Charges)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)

***Note: The remainder of this policy is for use by districts that selected either Option 1 or 2 above.***

***Note: The following optional paragraph is for use by districts with programs serving students ages 11-12 years. Education Code 8263.4 provides that the preferred placement for students ages 11-12 years is in a before-school or after-school program rather than in subsidized child care and development services. When subsidized child care services are also available, students ages 11-12 years will be eligible for subsidized child care services only for the portion of care that is not available in a before-school or after-school program. See AR 5148 - Child Care and Development.***

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

***Note: The following optional paragraph may be revised to reflect district practice.***

***Note: To assist in evaluations of program effectiveness, the district may refer to the California Department of Education's (CDE) Quality Standards for Expanded Learning in California: Creating and Implementing a Shared Vision of Quality. In addition, CDE's publication A Crosswalk Between the Quality Standards for Expanded Learning and Program Quality Assessment Tools describes available assessment tools that are closely aligned with the program standards. These publications are available on CDE's web site.***

***Note: To the extent consistent with state and federal privacy laws, Education Code 8484.1 authorizes the district to share specified student data (i.e., school day attendance data, statewide assessment scores, English language development test placement or reclassification scores, California Healthy Kids Survey results in aggregate form, student engagement and behavioral data, and other academic measures, including grades and course completion) with the operator of an after-school program with which the district has a contract that includes a confidentiality agreement. The district should consult with legal counsel if it has any questions regarding the sharing of student data.***
The Board and the Superintendent or designee shall monitor student participation rates and shall identify multiple measures that shall be used to evaluate program effectiveness. Such measures may include, but are not limited to, student, such as outcome-based data; program self-assessments; feedback from staff, participating students on academic performance, attendance, and parents/guardians; and observations of program activities positive behavioral changes.

(cf. 0500 - Accountability)

Every three years, the Superintendent or designee shall review the after-school program plan, including, but not limited to, program goals, program content, and outcome measures. Documentation of the program plan shall be maintained for a minimum of five years.

(cf. 3580 - District Records)

Legal Reference:
EDUCATION CODE
8263  Eligibility and priorities for subsidized child development services
8263.4  Enrollment of students ages 11-12 years
8273.1  Family fees, exemptions
8350-8359.1  Programs for CalWORKS recipients
8360-8370  Personnel qualifications
8420-8428  21st Century After-School Program for Teens
8482-8484.656  After School Education and Safety Program
8484.7-8484.9  21st Century Community Learning Centers
8490-8490.7  Distinguished After School Health Recognition Program
17264  New construction; accommodation of before- and after-school programs
35021.3  After-school physical recreation instructors
45125  Criminal record check
45330  Paraprofessionals; instructional aides
45340-45349  Paraprofessionals; instructional aides
49024  Criminal background check; Activity Supervisor Clearance Certificate
49430-49434  Nutrition standards
49540-49546  Child Care Food Program
49553  Free or reduced-price meals
Cal Grant program
UNITED STATES CODE, TITLE 20
6311 State plans
6314 Title I schoolwide programs
6319 Program improvement
7171-7176 21st Century Community Learning Centers
UNITED STATES CODE, TITLE 42
1766-1766a Child and Adult Care Food Program
11434a Education for homeless children and youths
CODE OF FEDERAL REGULATIONS, TITLE 7
226.17 Child care center nutrition standards

Management Resources:
CSBA ADVISORIES
Proposition 49: New Funding for Before and After School Programs, July 2006
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Quality Program Improvement Plan for Expanded Learning Programs in California 2016-17, November 2016
Request for Application for Programs Proposing to Serve High School Students, September 2016
21st Century Community Learning Centers (21st CCLC) FAQs Elementary/Middle School Programs, September 2016
A Crosswalk Between the Quality Standards for Expanded Learning and Program Quality Assessment Tools, 2014
Quality Standards for Expanded Learning in California: Creating and Implementing a Shared Vision of Quality, 2014
COUNCIL OF CHIEF STATE SCHOOL OFFICERS (CCSSO) PUBLICATIONS
Using NCLB Funds to Support Extended Learning Time: Opportunities for Afterschool Programs, August 2005
NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS
Building and Sustaining After-School Programs: Successful Practices in School Board Leadership, 2005
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Non-Regulatory Guidance
21st Century Community Learning Centers, Nonregulatory Guidance, February 2003
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
After School Programs: Keeping Children Safe and Smart, June 2000
WEB SITES
CSBA: http://www.csba.org
California Department of Education, Before and After School-Partnerships Office: http://www.cde.ca.gov/ls/ba
California Healthy Kids Survey: https://chks.wested.org
California School-Age Consortium: http://calsac.org
Commission on Teacher Credentialing: Children Now: http://www.ctc.ca.gov
Partnership for Children and Youth: http://partnerforchildrenchildrennow.org
National School Boards Association, Extended-Day Learning Opportunities Program:

(11/06 7/15) 3/17

Policy—ALBANY UNIFIED SCHOOL DISTRICT
adopted: April 3, 2012—Albany, California
***Note: The district should revise the following administrative regulation to reflect the before and/or after school program(s) it offers and the grade levels at which the programs are offered. In addition to the program requirements described below, before-school and after-school programs may be subject to other district policies such as BP/AR 5148 - Child Care and Development, AR 3514.2 - Integrated Pest Management, and BP/AR 3550 - Food Service/Child Nutrition Program. The district should consult legal counsel if it has questions regarding the applicability of other laws to the district's programs. ***

Grades K-9

***Note: The following section is for use by districts providing before-school and/or after-school programs funded by the state After School Education and Safety Program (ASES) (Education Code 8482-8484.65) or the federal 21st Century Community Learning Center program (21st CCLC) (Education Code 8484.7-8484.9; 20 USC 7171-7176). Both ASES and 21st CCLC programs serve students who are in grades K-9 in an elementary, middle, or junior high school. Pursuant to Education Code 8484.75, programs funded through the 21st CCLC program are generally subject to the same program requirements applicable to ASES programs, with the exception of specified provisions primarily related to allocation of funds. ***

***Note: The following section applies to both ASES and 21st CCLC programs except where otherwise noted, and should be revised to reflect the program(s) offered by the district. ***

The district's After School Education and Safety (ASES) program or 21st Century Community Learning Center (21st CCLC) program shall serve students in any of grades K-9 as the district may determine based on local needs. (Education Code 8482.3, 8484.7, 8484.75, 8484.8)

The district's 21st CCLC program shall primarily serve students in Title I schoolwide programs. (Education Code 8484.8; 20 USC 7173)

(cf. 6171 - Title I Programs)

***Note: The remainder of this section applies to both ASES and 21st CCLC programs. ***

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

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

(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6142.92 - Mathematics Instruction)
(cf. 6142.93 - Science Instruction)
(cf. 6154 - Homework/Makeup Work)
(cf. 6163.4 - Student Use of Technology)

***Note: Education Code 8482.3 requires that the program include an educational enrichment component which may include physical fitness. Pursuant to Education Code 8483.55 and 8484.8, the California Department of Education (CDE) has developed voluntary California After School Physical Activity Guidelines which are available on its web site.***

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

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

***Note: Pursuant to Education Code 8482.3, after-school programs may offer snacks or meals that conform to applicable state or federal nutrition standards. Reimbursement for providing snacks is available through the National School Lunch Program and the Child and Adult Care Food Program (CACFP) for participating districts. Pursuant to the Healthy, Hunger-Free Kids Act of 2010 (42 USC 1766-1766a), after-school programs participating in the at-risk after-school care component of the CACFP may be reimbursed for serving full meals. Further information is available on the web sites of the CDE and U.S. Department of Agriculture.***

2. Nutrition

a. If snacks or meals are made available in the program, they shall conform to nutrition standards specified in Education Code 49430-49434 or 42 USC 1766 as applicable. (Education Code 8482.3; 42 USC 1766-1766a; 7 CFR 226.17)

b. The district's before-school program shall offer a breakfast meal as described in Education Code 49553 for all program participants. (Education Code 8483.1)

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3554 - Other Food Sales)
(cf. 5030 - Student Wellness)
***Note: Education Code 8482.3 provides that a program may be offered at one or multiple school sites. Program applications and U.S. Department of Education (USDOE) nonregulatory guidance, 21st Century Community Learning Centers, state that programs may be located off campus as long as the facility is as available and accessible to students as if it were located at a school.***

3. Location of Program

a. The program may be offered at one or multiple school sites and/or at an easily available and accessible off-campus facility. (Education Code 8482.3)

b. When there is a significant barrier to student participation in either the before-school or after-school component of a program at the school of attendance, the Superintendent or designee may, with the approval of the Superintendent of Public Instruction, provide services at another school site. Such transfer of services shall occur only if the school to which the program will be transferred agrees to receive students from the transferring school and has an existing grant of the same type as the transferring school, or does not have a 10-percent lower percentage of students eligible for free or reduced-price meals than the transferring school. A significant barrier includes any of the following: (Education Code 8482.8)

(1) Fewer than 20 students participating in the program component

(2) Extreme transportation constraints, including, but not limited to, desegregation busing, busing for magnet or open enrollment schools, or student dependence on public transportation

(3) A reduction in the program grant of an existing school due to its merging into a new school opened by the district or the splitting of its students with a new school

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

(cf. 3540 - Transportation)

4. Staffing

a. All staff members who directly supervise students shall, at a minimum, meet the qualifications for an instructional aide. (Education Code 8483.4, 45330, 45344, 45344.5)

(cf. 4222 - Teacher Aides/Paraprofessionals)

***Note: Pursuant to Education Code 8483.4, program staff and volunteers are required to meet health screening and fingerprint clearance requirements. Education Code 49024 provides that the
requirement to obtain an Activity Supervisor Clearance Certificate prior to beginning a paid or
volunteer position is satisfied by clearing a Department of Justice and Federal Bureau of
Investigation criminal background check. ***

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

(cf. 1240 - Volunteer Assistance)
(cf. 4112.4/4212.4/4312.4 - Health Examinations)
(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

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

5. Hours of Operation

a. A before-school program shall not operate for less than one and one-half hours per
regular school day. (Education Code 8483.1)

b. An after-school program shall begin immediately upon the conclusion of the regular
school day and shall operate a minimum of 15 hours per week and at least until 6 p.m. on every
regular school day. (Education Code 8483)

6. Admissions

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

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

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

(1) First priority for enrollment shall be given to students who are identified as homeless
youth, as defined by the McKinney-Vento Homeless Assistance Act (42 USC 11434a), at the
time they apply for enrollment or at any time during the school year and to students who are
identified by the program as being in foster care. (Education Code 8483, 8483.1)

The district is not required to disenroll a current student in order to secure the enrollment of a
student who has priority for enrollment. (Education Code 8483, 8483.1)

The district shall inform the parent/guardian of a homeless or foster youth of the right of the
child to receive priority enrollment and how to request priority enrollment. (Education Code
8483)

(cf. 5145.6 - Parental Notifications)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)

***Note: Item #(2) below is for use by districts that maintain middle or junior high schools. ***

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

***Note: Items #(3)-(5) are optional and may be revised or expanded to include enrollment priorities established by the district. ***

(3) Third priority for enrollment shall be given to students identified as in need of academic remediation or support in accordance with Board policy or administrative regulation.

(cf. 6179 - Supplemental Instruction)

(4) Any remaining capacity shall be filled by students selected at random.

(5) A waiting list shall be established to accommodate additional students if space becomes available.

7. Attendance/Early Release

***Note: Education Code 8483 and 8483.1 express legislative intent that elementary students attend the full program day of either the before-school or after-school program every day in which they participate. Education Code 8483 and 8483.1 allow districts to implement a flexible attendance schedule for students in middle or junior high school. Education Code 8483.1 specifies that, for before-school programs, students who attend less than one-half of the daily program hours may not be counted for attendance purposes. ***

***Note: Pursuant to Education Code 8483, districts offering an after-school program are mandated to establish a policy regarding reasonable early daily release of students from the after-school program. Education Code 8483.1 mandates districts offering a before-school program to establish a policy regarding reasonable late daily arrival of students. The following items should be revised to reflect district practice. ***

a. Each student admitted into a district program shall be expected to attend the full number of hours that the program is in operation every day that he/she participates.

b. When necessary, a student's parent/guardian may request, in writing, that the Superintendent or designee approve the reasonable late daily arrival of his/her child for the before-school program or the reasonable early daily release of his/her child from the after-school program. The Superintendent or designee shall not approve such a request if the student would be attending less than one-half of the daily program hours.

***Note: Item #8 below is for use by districts that offer a program during summer, intersession, or vacation periods. Pursuant to Education Code 8483.76, a school that establishes a before-
school or after-school program is eligible to receive a supplemental grant to operate the program in excess of 180 regular school days or during any combination of summer, weekends, intersession, or vacation periods for a maximum of 30 percent of the total grant amount awarded, per school year, to the school. ***

8. Summer/Intersession/Vacation Programs

a. A before-school program operating during summer, intersession, and/or vacation days shall be offered for a minimum of two hours per day. An after-school program offered during summer, intersession, and/or vacation days may be operated for either three hours or six hours per day in accordance with Education Code 8483.76. When both before-school and after-school programs are offered for the same students on such days, they shall be operated for a minimum of four and one-half hours per day. (Education Code 8483, 8483.1, 8483.2, 8483.76)

b. A program offered during summer, intersession, and/or vacation periods may open eligibility to every student attending a school in the district, with priority for enrollment given to students enrolled in the school that received the grant. (Education Code 8483.76)

c. To address the needs of students and school closures, the program may be conducted at an off-site location or an alternate school site. The program shall notify the California Department of Education (CDE) of the change of location and shall include a plan to provide safe transportation pursuant to Education Code 8484.6. (Education Code 8483.76)

d. Any program operating for six hours per day shall provide at least one nutritionally adequate free or reduced-price meal to each eligible student during each program day. (Education Code 8483.76)

***Note: Education Code 8483.76 mandates that a district operating a six-hour program adopt an attendance and early release policy for the program that is consistent with the district's early release policy for the regular school day; see item #7 above. This policy must be included in the program plan submitted to the CDE. ***

e. For any program operating six hours per day, district procedures pertaining to student attendance and early release as specified in item #7 above shall apply. (Education Code 8483.76)

(cf. 6177 - Summer Learning Programs)

Grades 9-12

***Note: The following section is for use by districts providing before-school and/or after-school programs funded through 21st Century High School After School Safety and Enrichment for Teens (ASSETs) program (Education Code 8420-8428; 20 USC 7171-7176). ***

The district's 21st Century High School After School Safety and Enrichment for Teens (ASSETs) program shall serve students in any of grades 9-12 as the district may determine based
on local needs. (Education Code 8421)

The program shall be operated in accordance with the following guidelines:

1. Program Elements

***Note: Education Code 8421 requires that the ASSETs program include an academic assistance element, as provided below. AB 830 (Ch. 641, Statutes of 2017) amended Education Code 8421 to delete the requirement that the program include preparation for the California High School Exit Examination, as that exam has been eliminated. ***

a. The program shall include an academic assistance element that is coordinated with the regular academic program and includes, but is not limited to, at least one of the following: (Education Code 8421)

(1) Tutoring

(2) Career exploration, including activities that help students develop the knowledge and skills that are relevant to their career interests and reinforce academic content

(3) Homework assistance

(4) College preparation, including information about the Cal Grant program pursuant to Education Code 69430-69460

b. The program shall include an enrichment element that may include, but is not limited to: (Education Code 8421)

(1) Community service

(2) Career and technical education

(3) Job readiness

(4) Opportunities for mentoring and tutoring younger students

(5) Service learning

(6) Arts

(7) Computer and technology training

(8) Physical fitness

(9) Recreation activities
The program shall include a nutritional snack and/or meal and a physical activity element. (Education Code 8423)

d. The program shall provide for access to, and availability of, computers and technology. (Education Code 8423)

e. The Superintendent or designee shall assess students' preferences for program activities. (Education Code 8423)

2. Location of Program

a. The district's program may operate on one or multiple school sites or at another location approved by the CDE. (Education Code 8421)

b. If applying for a location off school grounds, the Superintendent or designee shall ensure that safe transportation is available for students, if necessary, and the program is at least as available and accessible as similar programs conducted on school sites. (Education Code 8421)

3. Hours of Operation

a. The district's program shall operate for a minimum of 15 hours per week. (Education Code 8421)

b. The district's program may be operated either after school only or for any combination of after school, before school, weekends, summer, intersession, and vacations. (Education Code 8422)

Volunteers

***Note: The following optional section is for use by districts that choose to create a registry of volunteer after-school physical recreation instructors or other volunteers pursuant to Education Code 35021.3, and may be used by districts that provide an ASES, 21st CCLC, ASSETs, or any other local program. When the district opts to use a registry created by a county office of education pursuant to Education Code 35021.3 rather than develop its own, the following section may be revised to inform district staff about the county registry and encourage its use. ***

***Note: Pursuant to Education Code 35021.3, after-school instruction in physical recreation provided by a volunteer does not count toward satisfaction of physical education requirements pertaining to the number of instructional minutes or course completion for high school graduation; see BP/AR 6142.7 - Physical Education and Activity and BP 6146.1 - High School
Graduation Requirements. ***

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

***Note: Education Code 35021.3 requires volunteers to submit to a criminal background check and authorizes, but does not require, the district to contribute funds to pay for all or part of the background check. Pursuant to Education Code 35021.3, the district may expand the following paragraph to impose additional requirements on volunteers (e.g., certification in cardiopulmonary resuscitation). ***

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

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

Reports

***Note: The following section applies to ASES, 21st CCLC, and ASSETs programs. ***

***Note: Pursuant to Education Code 8426 and 8484, the CDE may terminate a grant if, for three consecutive years, the program fails to demonstrate measurable program outcomes or fails to attain 75 percent of its proposed attendance levels. For this purpose, the CDE may consider a comparison of participating and nonparticipating students at the same school site or other factors. ***

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

1. For participating students, school day attendance on an annual basis and program attendance on a semi-annual basis

***Note: Education Code 8427 requires programs to submit evidence of a program quality improvement process that is based on standards developed by the CDE. The CDE's program quality standards, Quality Standards for Expanded Learning in California: Creating and Implementing a Shared Vision of Quality, are available on its web site. ***

2. Evidence of a program quality improvement process that is data driven and based on CDE program quality standards

(cf. 0500 - Accountability)
Note: The following optional policy may be subject to collective bargaining agreements and should be modified to reflect district practice. The Public Employment Relations Superintendent or designee shall recommend to the Board that school of Education a calendar has determined that school of Education a calendar issues related to the work of employees, such as beginning and ending dates, summer vacations, and school holidays, are negotiable.

For each district school, the Governing Board shall adopt a school calendar that meets for each school that will meet the requirements of law as well as the needs of the community, students, and the work year as negotiated with the district's employee organization(s). As appropriate, the Superintendent or designee shall ensure that the proposed calendar is aligned with assessment and accountability schedules in order to support the district's goals for student achievement.

(cf. 0200 - Goals for the School District) represented personnel.

(cf. 4143/4243 - Negotiations/Consultation)
(cf. 6162.51 - State Academic Achievement Tests)

Each school calendar shall show the beginning and ending school dates, legal and local holidays, staff development days, orientation meeting days, minimum days, vacation periods, and other pertinent dates.

(cf. 6112 - School Day)
(cf. 6115 - Ceremonies and Observances)
(cf. 6117 - Year-Round Schedules)
(cf. 6177 - Summer Learning Programs School)

Note: Education Code 41420 establishes 175 days of instruction as the minimum requirement to receive full average daily attendance (ADA) reimbursement. Education Code 46200 provides incentive funding for districts to increase to 180 days of instruction and imposes financial penalties, by way of withholding from the district's local control funding formula (LCFF) apportionment, upon districts that offer fewer than 180 days of instruction after receiving the incentive funding. However, pursuant to Education Code 46208, once a district meets or exceeds its LCFF funding target, it will be required to offer 180 days or more of instruction or will have a portion of its apportionment withheld. For more information about the impact of the LCFF on instructional time, see the California Department of Education's "LCFF and
Instructional Time FAQs" located on its web site.***

***Note: Before any reduction in the number of working days, the district must first negotiate with employee organizations. In addition, constitutional equity issues may have to be considered. In Butt v. State of California, the California Supreme Court held that a district violated students' fundamental right to basic equality in public education when it shortened the school year by six weeks because of a lack of funds. Districts seeking to reduce instructional time should proceed cautiously and consult with legal counsel.***

The district shall offer a minimum of 175 days of instruction per school year, until it equals or exceeds the local control funding formula target established for it pursuant to Education Code 42238.02, at which time it shall offer 180 days or more of instruction per school year. (Education Code 41420, 46208)
The district shall offer 180 days of instruction per school year.

(cf. 1431 - Waivers)

***Note: The following optional paragraph is for use by districts that maintain one or more schools on a multitrack year-round schedule. Pursuant to Education Code 37670, such schools will be deemed to be in compliance with requirements pertaining to the minimum number of instructional days if they offer at least 163 school days per year and meet specified conditions. See BP 6117 - Year-Round Schedules.***

However, district schools on a multitrack year-round schedule may be maintained for a minimum of 163 instructional days in accordance with Education Code 37670.

***Note: Education Code 46300 identifies educational activities that are included in the computation of ADA. School districts may not receive ADA reimbursement for staff development programs conducted on regular school days.***

Staff development days shall not be counted as instructional days.

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

Notification of the schedule of minimum days and student-free staff development days shall be sent to all parents/guardians at the beginning of the school year. If any minimum days or student-free staff development days are added to the schedule, the Superintendent or designee shall notify parents/guardians of the affected students as soon as possible and at least one month before the scheduled minimum day. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

***Note: Pursuant to Elections Code 12283, the Governing Board may determine whether to keep a school open or closed on an election day when the school will be used as a polling place.
In some cases, districts have closed the school for safety reasons, as a precaution against the large number of visitors on school grounds. Elections officials are required to request the use of the school within sufficient time in advance of the school year so that the Board can make this determination before school calendars are printed and distributed to parents/guardians.

If a school will be used as a polling place on an election day, the Board shall determine whether to continue school in session, designate the day for staff training and development, or close the school to students and nonclassified staff. (Elections Code 12283)

(cf. 1400 - Relations Between Governmental Agencies and the Schools)
(cf. 5113 - Absences and Excuses)

Legal Reference:
EDUCATION CODE
37200-37202 School calendar
37220-37223 Holidays
37252-37254.1 Summer school
37300-37307 Year-Round School Demonstration Project
37600-37672 Continuous school programs: year-round schools, especially:
37618 School calendar
37700-3771237744 Four-day week
41420 Apportionment withholding, schools not maintained for 175 days
41422 Schools not maintained for 175 days
42238.02 Local control funding formula
41530-41532 Professional Development Block Grant
46200-4620846206 Incentives for longer instructional day and year
46300 Method of computing ADA
48980 Notice at beginning of term
REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS
44579.6 Instructional Time and Staff Development Reform Program

ELECTIONS CODE
12283 School closures, election days

COURT DECISIONS

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS
Davis Joint Unified School District, (1984) PERB Decision No. 474

Management Resources:
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
California Public Employment Relations Board: http://www.perb.ca.gov
Secretary of State's Office: http://www.sosss.ca.gov
CSBA Sample
Albany USD
Board Policy
School-Sponsored Field Trips

BP 6153
Instruction

***Note: The following optional policy should be revised to reflect district practice. For language regarding transportation for field trips, see AR 3541.1 - Transportation for School-Related Trips.***

The Governing Board of Education recognizes that school-sponsored field trips, when used as a device for teaching and learning integral to the curriculum, are an educationally sound and important ingredient to the instructional program of the schools. Properly planned and executed school-sponsored field trips can supplement and enrich the classroom learning experience, lead to increased student achievement, and foster student engagement. The Board encourages field trips to reinforce and increase instruction by providing learning opportunities and to enhance district programs.

***Note: The following paragraph is consistent with the goals of field trips and excursions specified in Education Code 35330. Districts that wish to prohibit certain types of trips (e.g., trips to amusement parks, boating) because of educational or safety concerns may modify the following paragraph accordingly.***

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

(cf. 6143 - Courses of Study)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)

Definitions

***Note: The following paragraph may be revised to reflect district practice.***

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

(cf. 3312.2 - Educational Travel Program Contracts)

The principal Board recognizes two basic categories of field trips, those that are school-sponsored and those that are sponsored independently by the community, booster, service, youth, parent/guardian organizations, or individuals, and are thus non-school-sponsored.

The term ‘school-sponsored’ means that the school (and therefore the District) has approved a field trip as meeting the following criteria:

* The trip aligns with the instructional programs and/or school-related social, educational, cultural, athletic, or other extracurricular or co-curricular activities.

* The trip will be supervised by staff and appropriately screened chaperones.

* The trip will count as attendance credit if it occurs during school hours.

* Students are provided access, regardless of their ability to pay fees.

No District forms, including District permission slips, shall be used for non-school-sponsored field trips, and any advertising shall indicate that the District does not sponsor the trip.

Non school-sponsored field trips cannot require attendance and no attendance credit can be given. Use of bulletin boards and District publications is permissible for publicity regarding such trips, but no class time or any other time when school attendance credit is given shall be used to discuss or promote non-school-sponsored field trips.

Approval of School-Sponsored Field Trips

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

The Board shall consider approval of overnight and out-of-state (including out-of-country) school-sponsored field trips. The Superintendent or designee shall consider approval of all other school-sponsored field trips. The Superintendent or designee shall provide the Board at least an annual update of all school-sponsored field trips, highlighting those that take place overnight.

The Board does not endorse, support, or assume liability in any way for any non-school-sponsored field trips. No staff member may solicit students of this District for such trips within the facilities or on the school grounds of the district without Board permission.
Funding

Funding for school-sponsored field trips is dependent on receipt of grant awards, fundraising or a one-time allocation. If the Board allocates funds for school-sponsored field trips, individual schools may be provided with budgetary allocations so that they can plan ahead. Neither students nor their parents/guardians may be assessed mandatory fees for field trips, but non-mandatory contributions can be solicited to help defray the costs of the trip. Special funds may be established, as donation accounts, for fundraising purposes. Solicitations must occur outside regular class time.

(cf. 3530 - Risk Management/Insurance)
(cf. 3541.1 - Transportation for School-Related Trips)
(cf. 5142 - Safety)
(cf. 5143 - Insurance)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

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

(cf. 1230 - School-Connected Organizations)
(cf. 1321 - Solicitation of Funds from and by Students)
(cf. 1700 - Relations Between Private Industry and the Schools)

***Note: Education Code 35330, as amended by AB 341 (Ch. 40, Statutes of 2017), eliminates the prohibition against the use of district funds to pay for the expenses of students participating in field trips or excursions to another state, to the District of Columbia, or to a foreign country. Pursuant to Education Code 35330, unlike field trips within the state, no transportation allowances will be made by the Superintendent of Public Instruction for out-of-state field trips.***

District funds shall not be used to pay student expenses for out of state field trips or excursions.

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

Supervision

Principals shall ensure that staff members develop plans that provide for the safety of students and their proper supervision by certificated staff on all school-sponsored trips. For school-sponsored field trips, the Principals or designee shall designate a certificated staff member as a school-sponsored field trip supervisor. Qualified athletic coaches may supervise school-
sponsored athletic field 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 field trips shall be sufficient to ensure the safety of the students.

(cf. 3530 – Risk Management/Insurance)
(cf. 3541.1 – Transportation for School-Related Trips)
(cf. 5142 – Safety)
(cf. 5143 – Insurance)
(cf. 3541.1 – Transportation for School-Related Trips)?
(cf. 5143 – Insurance)?

Legal Reference:
EDUCATION CODE
8760 Authorization of outdoor science and conservation programs
32040-32044 First aid equipment: field trips
35330 Excursions and field trips
35331 Provision for medical or hospital service for pupils (on field trips)
35332 Transportation by chartered airline
35350 Transportation of students
44808 Liability when pupils not on school property
48908 Duties of pupils; authority of teachers
BUSINESS AND PROFESSIONS CODE?
17540 Travel promoters?
17550-17550.9 Sellers of travel2
17552-17556.5 Educational travel organizations

Management Resources:
WEB SITES
WEBSITES
American Red Cross: http://www.redcross.org
California Association of Directors of Activities: http://www.cada1.org

(3/91  7/06)  10/17Policy—ALBANY UNIFIED SCHOOL DISTRICT
adopted: November 8, 2016 – Albany, California
Supervision

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

(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

***Note: Education Code 35330 provides that certificated employees may supervise students involved in field trips or excursions. The following paragraph may be modified to list a specific ratio of staff and chaperones to students. Districts may also wish to consider establishing a minimum age for chaperones.***

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

Parent/Guardian Permission

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

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

Safety Issues
***Note: Pursuant to Education Code 32044, a Board member, Superintendent, principal, teacher, instructor, or school agent who willfully violates the provisions of Education Code 32040-32044, as specified in item #1 below, may be found guilty of a misdemeanor.***

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

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

***Note: Education Code 35331 requires that the district either provide or make available medical/hospital insurance for students injured while on field trips. For legal requirements regarding insurance, see BP 5143 - Insurance.***

2. The district shall provide or make available medical and/or hospital insurance for students injured while participating in any excursion or field trip. (Education Code 35331)

   (cf. 3541.1 - Transportation for School-Related Trips)
   (cf. 5143 - Insurance)

***Note: Items #3-5 below are optional and should be modified to reflect district practice.***

3. If the Superintendent or designee receives threat level warnings from the Homeland Security Advisory System pertaining to the destination of a school-sponsored trip, he/she shall implement precautions necessary to protect the safety of students and staff.

   (cf. 0450 - Comprehensive Safety Plan)
   (cf. 3516 - Emergencies and Disaster Preparedness Plan)

4. Lifeguards are required for all swimming activities. If the activity is at a private pool, the owner of the pool shall provide a certificate of insurance, designating the district as an additional insured, for not less than $500,000 in liability coverage. Staff shall determine supervisory responsibilities for all chaperones.

   (cf. 3530 - Risk Management/Insurance)
   (cf. 5141.7 - Sun Safety)

5. Before trips of more than one day, the principal or designee may hold a meeting for staff, chaperones, parents/guardians, and students to discuss safety and the importance of safety-related rules for the trip.

   (cf. 5142 - Safety)
The following procedures shall be observed for all school field trips:

1. The teacher who desires to conduct a field trip must submit the appropriate trip application form(s) to the principal for official approval.

2. The application forms for field trips which occur during the regular school day include:
   a. Pre K-12 Field Trip Request, Form #BOFI-4
   b. Pre K-8 Field Trip Permission Form, #BOFI-5
   c. High School Field Trip/Class Absence Form, #BOFI-6
   d. Personal Vehicle Use Permission Form, #BOFI-2

3. Application forms for voluntary trips that extend beyond the regular school day, water trips, overnight trips and sports-related trips include:
   a. Voluntary Field Trip (Beyond Regular School Hours)/Student Participation in School Sports Program, Form #BOFI-3
   b. Overnight Extended Field Trip Application, Form #BOFI-8
   c. Personal Vehicle Use Permission Form, #BOFI-2

4. All trips must be adequately chaperoned. Caution must be exercised to provide the pupil/adult ratio as published on the back of Form BOFI-4.

5. Private cars driven by parents or teachers may be used when the situation warrants. The principal is to be notified of the intent to use private cars, and a private automobile transportation form #BOFI-2 must be properly filed with the principal prior to the field trip.

6. The faculty sponsor(s) shall inform passengers and drivers of the requirement to use seatbelts and/or shoulder harnesses at all times. Airbags must be disabled for children 12 years of age and younger riding in the front seat.

7. Students represent the school while on a field trip and must comply with all applicable school rules.

8. For regular field trips, forms must be submitted to the principal for transmittal with recommendations to the Superintendent or designee, at least 10 school days prior to the date of a regular field trip.
9. For an extended field trip, forms must be submitted to the principal for transmittal with recommendations to the Superintendent or designee, at least four weeks prior to the date of a regular field trip.

10. An Assumption of Risk and Waiver, Release and Indemnity Agreement form is to be completed prior to a water trip or voluntary trip that extends beyond the school hours.

11. The Superintendent or designee shall review the applications forms, validate that all requirements have been met, and consider for approval. The Superintendent shall inform the Board of a water trip or voluntary trip that extends beyond the school hours.

Regulation—ALBANY UNIFIED SCHOOL DISTRICT
approved: August 13, 2002—Albany, California
***Note: The following policy is for use by districts that receive funding through Title I, Part A, of the federal Elementary and Secondary Education Act (20 USC 6311-6322), which supports basic programs designed to improve the academic achievement of economically disadvantaged students. 20 USC 6313 establishes school eligibility criteria and priorities for funding. Title I funds received by the district must be allocated to eligible schools or eligible school attendance areas, in rank order, on the basis of the number of students from low-income families.***

The Governing Board desires to provide a high-quality education that enables all students to meet challenging state academic standards. In schools with a large number or percentage of economically disadvantaged families, the district shall use federal Title I funds to provide supplementary services that reinforce the academic program and core curriculum and provide support to assist students at risk of failing to achieve proficiency on state academic standards and assessments.

(cf. 5149 — At-Risk Students)  
(cf. 6011 - Academic Standards)  
(cf. 6162.5 - Student Assessment)  
(cf. 6162.51 - State Academic Achievement Tests/Standardized Testing and Reporting Program)  
(cf. 6162.52 — High School Exit Examination)

The Superintendent or designee shall provide technical assistance and support to supplement, not supplant, funds available from state and local sources for the education of students any school participating in Title I programs, the Title I program, including consultation in the development and implementation of school plans and activities. (20 USC 6314, 6321)

***Note: 20 USC 6312 requires that districts receiving Title I funds develop a local educational agency (LEA) plan with specified components. In California, districts have the option of addressing each LEA plan provision within the local control and accountability plan (LCAP), the LCAP Federal Addendum, or another document, provided that the location of each provision is referenced within the LCAP Federal Addendum. A template for the LCAP Federal Addendum is available on the California Department of Education's (CDE) web site.***
***Note: Title I schoolwide programs are required to develop school-level comprehensive plans addressing the components listed in 20 USC 6314; see the accompanying administrative regulation.***

Descriptions of how the district will address the required components of the Title I local educational agency plan, as specified in 20 USC 6312, shall be included within the district's control and accountability plan (LCAP), the LCAP Federal Addendum, or another document. School-level strategies shall be aligned with the district's plan and be tailored to the specific needs of the students at the school.

(cf. 0420 - School Plans/Site Councils)

(cf. 0400 - Comprehensive Plans)
(cf. 0460 - Local Control and Accountability Plan)

***Note: 20 USC 6318 mandates each district and each school receiving Title I funds to have a written parent/guardian and family engagement policy developed jointly with and agreed upon by parents/guardians of participating students. See BP/AR 6020 - Parent Involvement for language fulfilling this mandate.***

In addition, the district and each school receiving Title I funds shall develop a written parent/guardian and family engagement policy in accordance with 20 USC 6318.

(cf. 6020 - Parent Involvement)

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 Board of Education 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 of Services

***Note: 20 USC 6321 mandates any district receiving Title I funds to develop procedures to ensure compliance with legal requirements regarding comparability of services. Pursuant to 20 USC 6321, requirements regarding comparability do not apply to districts that do not have more***
than one building for each grade span.***

In State and local funds used in schools receiving Title I funds, state and local funds shall be used to 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)

***Note: Pursuant to 20 USC 6321, a district will be considered to have met the legal requirement for comparability if it provides the CDE with written assurances that it has established and implemented (1) a districtwide salary schedule; (2) a policy ensuring equivalence among schools in teachers, administrators, and other staff; and (3) a policy ensuring equivalence among schools in the provision of curriculum materials and instructional supplies. The district must keep records documenting that the salary schedule and policies were actually implemented and that they resulted in equivalence among schools in staffing, materials, and supplies. Items #1-4 below reflect methods of determining comparability authorized by the CDE. For further information, see the CDE's guidance Meeting Title I, Part A Comparability Requirements, available on its web site.***

To demonstrate comparability of services among district schools, the district:

1. The Board shall:
   1. Adopt and implement a districtwide salary schedule.

***Note: Items #2a and b below reflect methods authorized by the CDE to determine comparability of staffing, and may be revised to reflect district practice.***

2. Ensure equivalence in teachers, administrators, and other staff, as measured by either or both of the following:
   a2. The ratio of students to instructional teachers, administrators, and other staff at each Title I school within a grade span, which shall not exceed 110 percent of the average ratio for all across non-Title I district schools within that grade span.
   b3. Salary expenditures for instructional staff at each Title I school, which shall be no less than 90 percent of the average salary expenditure across non-Title I district schools.

3. Ensure equivalence in
   4. All district schools shall be provided with the provisions same level of base funding per student for curriculum materials and instructional supplies, by determining whether the per-student expenditure materials.

5. The Superintendent or designee shall maintain records of state the quantity and local funds for curriculum materials and quality of instructional supplies in Title I schools is between 90 and 110 percent of the districtwide average.
4. Determine whether the amount of state and local funds allocated per student for each grade span is between 90 and 110 percent of the per student average for each grade span in non-Title I schools.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

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 with disabilities, 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)

***Note: Although 20 USC 6321 requires records of compliance to be updated biennially, U.S. Department of Education (USDOE) nonregulatory guidance, Title I Fiscal Issues, clarifies that because Title I allocations are made annually, demonstrating comparability is an annual requirement. CDE requires districts to complete and submit their comparability reports each fall. Districts with schools that fail the initial comparability test are given additional time to resolve the issues and resubmit their report with supporting documentation in the winter.***

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.

Participation of Private School Students

The district shall provide or contract to provide special educational services, instructional services (including evaluations to determine the progress being made in meeting students' academic needs), counseling, mentoring, one-on-one tutoring, 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 in comparison to services and other benefits for public school students. (20 USC 6320, 7881)

Program Evaluation

***Note: The following section may be revised to reflect district practice. During the Federal Program Monitoring process, the CDE will review whether the district monitors the effectiveness of district plans to help low-achieving students meet challenging academic achievement standards and revises those plans as necessary.***

***Note: 20 USC 6311 requires each state to have an accountability system that incorporates multiple measures, including, but not limited to, statewide assessment results for all students as
well as numerically significant student subgroups. California's accountability system (the California School Dashboard) consists of both state and local indicators to assist districts in identifying strengths and areas in need of improvement in each priority area addressed by the LCAP. Beginning in the 2018-19 school year, CDE will notify schools identified for comprehensive and/or targeted support and improvement pursuant to 20 USC 6311. See BP 0500 - Accountability.***

The Board shall regularly monitor the progress of economically disadvantaged and low-achieving students in Title I schools. During the annual evaluation of the district's progress toward achieving each goal identified in the LCAP or other planning document addressing 20 USC 6312, the Board shall review disaggregated data on academic achievement, school attendance, and other outcomes for such students and shall ensure that strategies are revised as necessary to support continuous improvement.

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. 0500 - Accountability0520.2–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
52060-52077 Local control and accountability plan
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
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 and family engagement
6320 Participation of private school students
6321 Comparability of services
6333-6335 Grants to local educational agencies
6391-6399 Education for migrant students
7881 Participation of private school students
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**

Frequently Asked Questions About Title I Schoolwide Programs

Local Control and Accountability Plan Federal Addendum Template

Meeting Title I, Part A Comparability Requirements, October 2017


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 PUBLICATIONS**

Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act, Non-Regulatory Guidance, November 21, 2016

Title I Fiscal Issues, Non-Regulatory Guidance, February 2008

Designing Schoolwide Programs, Non-Regulatory Guidance, 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/sp/swisa/titleone

No Child Left Behind: http://www.ed.gov/nclb


(11/02 8/06) 3/18 Policy—ALBANY UNIFIED SCHOOL DISTRICT

adopted: November 28, 2006 Albany, California
Schoolwide Programs

***Note: Pursuant to 20 USC 6314, Title I funds may be used and consolidated with other federal, state, and local program funds to upgrade the entire educational program in schools that meet eligibility criteria. Schools participating in schoolwide programs are not required to identify particular students as eligible or identify individual services as supplementary. The following optional section is for use by districts with schoolwide program(s).***

A school may operate a Title I schoolwide 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. (20 USC 6314; 34 CFR 200.25)

***Note: 20 USC 6314 provides that an ineligible school may request a waiver from the California Department of Education (CDE) to operate a schoolwide program, taking into account how a schoolwide program will best serve the needs of the students in the school. For information regarding the criteria and process for seeking a waiver, see the CDE's web site.***

A school that does not meet these criteria may operate a Title I schoolwide program if it receives a waiver from the California Department of Education. (20 USC 6314)

***Note: 20 USC 6314 requires schools with Title I schoolwide programs to develop a comprehensive plan with specified components. Pursuant to Education Code 64001, this plan must be consolidated with plans required for other federal and state categorical programs into a school plan for student achievement (SPSA). The SPSA must be developed by a school site council; see BP/AR 0420 - School Plans/Site Councils. However, because 20 USC 6314 requires broader engagement, the district must ensure that plan development provides opportunities for the participation of the individuals listed below. The following paragraph may be revised to reflect district practice.***

Any school operating a schoolwide program shall develop a comprehensive plan with the involvement of parents/guardians, other members of the community to be served, and individuals who will carry out the plan, including teachers, principals, other school leaders, paraprofessionals present in the school, administrators (including administrators of other federal education programs), the district, tribes and tribal organizations present in the community, and, if
appropriate, specialized instructional support personnel, technical assistance providers, school staff, secondary school students as applicable, and other individuals determined by the school. (20 USC 6314)

cf. 0400 - Comprehensive Plans

The schoolwide program plan shall be based on a comprehensive needs assessment of the entire school and shall be incorporated into a single plan for student achievement which also incorporates the plans required for other categorical programs included in the state's consolidated application. (Education Code 64001; 20 USC 6314)

cf. 0420 - School Plans/Site Councils

The plan shall describe the strategies that the school will implement to address school needs, including a description of how such strategies will: (20 USC 6314)

1. Provide opportunities for all students, including economically disadvantaged students, ethnic subgroups, students with disabilities, and English learners, to meet state academic standards

(cf. 6011 - Academic Standards)

2. Use methods and instructional strategies that strengthen the school's academic program, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education

(cf. 5148.2 - Before/After School Programs)
(cf. 6111 - School Calendar)
(cf. 6112 - School Day)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6177 - Summer Learning Programs)

***Note: Item #3 may be revised to reflect the grade levels and programs offered by the district.***

3. Address the needs of all students in the school, but particularly the needs of those at risk of not meeting state academic standards, through activities which may include the following:

a. Counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students' skills outside the academic subject areas

(cf. 5141.6 - School Health Services)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)
b. Preparation for and awareness of opportunities for postsecondary education and the workforce, which may include career and technical education programs and broadening secondary school students’ access to coursework to earn postsecondary credit while still in high school

(cf. 6141.4 - International Baccalaureate Program)
(cf. 6141.5 - Advanced Placement)
(cf. 6172.1 - Concurrent Enrollment in College Classes)
(cf. 6178 - Career Technical Education)

c. Implementation of a schoolwide tiered model to prevent and address problem behavior, and early intervention services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act

d. Professional development and other activities for teachers, paraprofessionals, and other school personnel to improve instruction and use of data from academic assessments and to recruit and retain effective teachers, particularly in high-need subjects

(cf. 4111/4211/4311 - Recruitment and Selection)
(cf. 4131 - Staff Development)
(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

e. Strategies for assisting preschool children in the transition from early childhood education programs to local elementary school programs

(cf. 5148.3 - Preschool/Early Childhood Education)

The plan shall also include a description of any applicable federal, state, and local programs that will be consolidated in the schoolwide program. (20 USC 6314; 34 CFR 200.27)

The plan and its implementation shall be regularly monitored and revised as necessary based on student needs to ensure that all students are provided opportunities to meet state academic standards. (20 USC 6314)

Targeted Assistance Programs

***Note: Pursuant to 20 USC 6315, any school that is selected to receive Title I funds but is ineligible for or chooses not to operate a schoolwide program may only use Title I funds for programs that provide services to eligible students identified as having the greatest need for special assistance.***

***Note: The following paragraph may be revised to reflect grade levels offered by the district.***
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. eligible students who are Students in grades 3-12 identified by the school as failing, or most at risk of failing, to meet state's academic achievement standards. Students shall be identified on the basis of multiple, educationally related, objective criteria, except that students in preschool through grade 2 shall be selected solely on the basis of criteria, including objective criteria, established by the district and supplemented by the school. (20 USC 6315)

Eligible students include those who are economically disadvantaged; students with disabilities; migrant students, including those who participated in a migrant education program pursuant to 20 USC 6391-6399 in the preceding two years; English learners; students who participated in a Head Start or state preschool program in the preceding two years; students in a local institution for neglected or delinquent children and youth or attending a community day program for such students; and homeless students. (20 USC 6315)

Any Students in kindergarten 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 standards, which may include programs, activities, and academic courses necessary to provide a well-rounded education 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, through activities which may include: give primary consideration to providing extended learning time, help provide an accelerated, high-quality curriculum, and minimize removing students from the regular classroom during regular school hours for instruction provided by Title I

a. Expanded learning time, before- and after-school programs, and summer programs and opportunities

b. A schoolwide tiered model to prevent and address behavior problems, and early intervention services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act

34. Coordinate with and support the regular education program, which may include services to assist preschool students in the transition to elementary school programs

4. Provide instruction by highly qualified teachers
6. Provide opportunities for professional development to teachers, principals, other school leaders, paraprofessionals, and, if appropriate, specialized instructional support staff, other school personnel, other staff, and other school personnel parents/guardians who work with eligible students in Title I programs or in the regular education program. The professional development shall be provided using funds from Title I and, to the extent practicable, other sources, participating students.

7. Provide

5. Implement strategies to increase the parent involvement of parents/guardians of participating students

***Note: Item #6 may be revised to reflect programs offered by the district.***

6. If appropriate and applicable, coordinate and integrate federal, state, and local services and programs, such as programs supported by the Elementary and Secondary Education Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career technical education programs, and comprehensive or targeted support and improvement activities under 20 USC 6311.

7. Provide assurances to the Superintendent or designee that the program will:

a. Help provide an accelerated, high-quality curriculum

b. Minimize the removal of students from the regular classroom during regular school hours for instruction supported by Title I funds

c. On an ongoing basis, review the progress of participating students and revise the targeted assistance program, if necessary, to provide additional assistance to enable such students to meet state academic standards

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/guardian and family engagement involvment activities and professional development pursuant to 20 USC 6318 and 6319. (20 USC 6320, 7881)

***Note: The following optional paragraph reflects U.S. Department of Education non-regulatory guidance, Title I Services to Eligible Private School Students.***
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, and invite them to a meeting to discuss the intent of Title I and the roles of public and private school officials.

***Note: 20 USC 6320 requires meaningful and timely consultation with private school officials as described below. Pursuant to 20 USC 6320, a private school official has the right to complain to the CDE that the district did not comply with these requirements, and the district must forward the appropriate documentation to the CDE.***

The Superintendent or designee shall consult with appropriate private school officials, in a meaningful and timely manner, with appropriate private school officials during the design and development of the district's Title I programs, with the goal of reaching agreement on how to provide equitable and effective programs for eligible private school students. 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 consultation on issues such as the following: discussion of: (20 USC 6320, 7881; 34 CFR 200.563)

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

5. The size and scope of the equitable services to be provided to eligible private school students, and the proportion of funds to be allocated for such services, and how that proportion of funds is determined

***Note: Pursuant to 20 USC 6320, the district has the final authority to calculate, each year or every two years, the number of private school students, ages 5-17, who are from low-income families. The district may use the same measure of low income as used to determine eligibility for public school students or any other measure listed in 20 USC 6320(c)(1).***

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 services 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

9. Whether the district will provide services directly or through a separate government agency, consortium, entity, or third-party contractor

10. Whether to provide services to eligible private school students by pooling funds or on a school-by-school basis

11. When services will be provided, including the approximate time of day

12. Whether to consolidate and use funds provided under Title I with other funds available for services to private school students

If the district disagrees with the views of private school officials with respect to any of the above issues, the district shall provide the officials, in writing, the reasons that the district disagrees. (20 USC 6320)

Meetings between district and private school officials shall continue throughout implementation and assessment of services. (20 USC 6320)

The district Superintendent or designee shall maintain, and shall provide to the CDE California Department of Education upon request, a written affirmation signed by officials of each participating private school that consultation has occurred. The affirmation shall provide the option for private school officials to indicate their belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to private school students. If private school officials do not provide the affirmation within a reasonable period of time, the district shall send documentation to the CDE demonstrating that the consultation has, or attempts at such consultation have, taken place. (20 USC 6320) (20 USC 6320)

(cf. 3580 - District Records)

***Note: The following optional paragraph may be revised to reflect district practice.***

The Superintendent or designee shall also maintain copies of program descriptions, notices, funding allocations, and other communications and records pertaining to the provision of services to private school students.

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