

North County Joint Union School District



Regular Board Meeting **Library and ZOOM** **Meeting ID: 843 8933 2146** **Passcode: pSBG2U**

Thursday, February 11, 2021
Open Session
6:00 PM

Trustees

Reneé Faught
Cindy King
Frank O'Connell
Stan Pura
Ted Zanella

Administration

Jennifer Bernosky
Superintendent/Principal
Gabriella Armenta
Director of Student Services, Curriculum & Instruction
Kristi Vieyra
Administrative District Psychologist/Special Education Coordinator

NORTH COUNTY JOINT UNION SCHOOL DISTRICT

500 Spring Grove Rd.

Hollister, CA 95023

Board of Trustees

REGULAR MEETING

AGENDA AND ORDER OF BUSINESS

Thursday, February 11, 2021

Open Session - 6:00PM

Speaking at board meetings: The public is encouraged to speak to the Board on issues of concern whether or not the issue(s) are on the agenda. To address the Board, please complete a speaker card and give it to the Administrative Assistant sitting next to the Superintendent. (Speaker cards are available on the entrance table.) If you want to speak to the Board on a subject listed on the agenda, you will be called to the podium at the time your item of interest is being considered by the Board. If the item is not on the agenda, you will be called to the podium during Public Comments (Item B). Public comments are limited to 3 minutes per person per topic, unless otherwise noted.

Electronic devices: Please turn the sound off all cell phones, pagers, PDAs, and other electronic devices, to avoid disrupting these proceedings.

	AGENDA ITEM	GOAL	PAGE
A.	CALL TO ORDER 6:00 PM (LIBRARY and ZOOM MEETING ID 843 8933 2146 Passcode: pSBG2U) 1) Pledge of Allegiance 2) Approval of Agenda 3) Recognition of Visitors		
B.	PUBLIC COMMENTS Public Comment cards must be completed prior to the start of the meeting of the Board. Speakers will be addressed in the order in which cards are received. In accordance with Board Policy 9323, procedures for the public to address the Board concerning any item on the agenda or to address the board during public comment shall be as follows: <ul style="list-style-type: none">• Three (3) minutes may be allotted to each speaker with a maximum of 15 minutes per item.• No boisterous conduct shall be permitted at any Board of Trustee meeting• Personnel matters and pending litigation may not be discussed during public comments		
C.	REPORTS AND INFORMATION 1) ASB Report, ASB representative 2) Fiscal Services Report – Sheila Maes, Manager, Fiscal Services a) Budget b) Governor’s Budget Workshop 3) Special Education Update – Kristi Vieyra, Administrative District Psychologist / Special Education Coordinator 4) Director’s Report – Gabriella Armenta, Director of Student Services, Curriculum, and Instruction a) CAASPP Action Plan b) Migrant Update c) ELD Update 5) First Read Updates to Board Policies and Administrative Regulations 5111.1 (District Residency) and 5117 (Interdistrict Attendance) 6) Pre-K, TK & Kindergarten Registration for 2021/2022 School Year – Jennifer Bernosky, Superintendent/Principal 7) Operations - Jennifer Bernosky, Superintendent / Principal a) Child Nutrition b) Transportation c) Security Camera Update d) Building/Facility Projects (current & future) 8) Principal’s Report – Jennifer Bernosky, Superintendent/Principal a) Student Activities b) Student Academics	3 1-5 1-3 1-3 1-5 1-3 1-5 1-3	2 3-4 5 6 7-44 45 46 47

“Every Spring Grove Student will receive an engaging, enriching, and rigorous educational experience using state and standards-based curriculum and consistent measures of growth and support to ensure student success.”

Regular Board Meeting: February 11, 2021

	<ul style="list-style-type: none"> c) Saturday School d) Professional Learning Communities (PLC'S) e) Discipline/Suspension 		
	9) Board Member Report	3	48
	10) Area Trustee Report, Jennifer Bernosky – Superintendent/Principal	3	49
	11) Superintendent's Report – Jennifer Bernosky – Superintendent/Principal	1-5	50
	<ul style="list-style-type: none"> a) Enrollment – Current/Projected b) Learning Continuity and Attendance Plan c) COVID-19 Prevention Program d) Re-Open Plan 		
E.	CONSENT ITEMS <i>*These items are considered routine and may be enacted by the board in one motion. There is no discussion on these items prior to the motion unless a specific item is removed from the consent list.</i> <ul style="list-style-type: none"> 1) Approve Meeting Minutes, as presented (Regular Board Meeting, 1/14/21) 2) Ratify District Contracts for the 2020/2021 School Year as presented. 3) Approve District Warrant List: January 1 - January 31, 2021 4) Approve Personnel Exhibit, as presented 		51-59
F.	DISCUSSION / ACTION <ul style="list-style-type: none"> 1. Approve NCJUSD Emergency Preparedness Plan 2. Approve 2021 District Budget Calendar and Guidelines, as presented. 3. Approve Two Delegates for CSBA Delegate Assembly 	4-5 5	62-176 177-182
G.	TRUSTEE FUTURE AGENDA ITEM		
H.	NEXT SCHEDULED MEETING OF THE BOARD OF TRUSTEES March 11, 2021		
I.	PUBLIC COMMENTS ON CLOSED SESSION AGENDA ITEMS Public comments are limited to three (3) minutes with a maximum of 15 minutes per item.		
J.	CONVENE TO CLOSED SESSION (if needed) The Board of Trustees will meet in closed session to consider and/or discuss the following, pursuant to Government Code Section 54954.5 <ul style="list-style-type: none"> 1. Existing/Anticipated Litigation/Significant Exposure to Litigation pursuant to Government Code 54956.9 2. Public Employee Evaluation/Discipline/Non-Reelection /Dismissal/ Release / Appointment pursuant to Government Code Section 54957 and 54947.1 3. Public Employee Employment, Appointment, Performance Evaluation pursuant to Government Code Section 54957 and 54947.1 <ul style="list-style-type: none"> • Superintendent 		
K.	RECONVENE TO OPEN SESSION AND REPORT ACTION TAKEN IN CLOSED SESSION (if any)		
L.	ADJOURNMENT		

In compliance with Government Code Section 54957.5 all documents related to this meeting are available for public viewing at North County Joint Union School District, 500 Spring Grove Road, Hollister, California.

*Individuals who require disability-related accommodations or modifications, including auxiliary aids and services, to participate in the Board meeting should contact the Superintendent in writing in accordance with the Americans with Disabilities Act. Notification of at least 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting.

“Every Spring Grove Student will receive an engaging, enriching, and rigorous educational experience using state and standards-based curriculum and consistent measures of growth and support to ensure student success.”

REPORTS AND INFORMATION

NORTH COUNTY JOINT UNION SCHOOL DISTRICT BOARD REPORT

DATE OF REPORT: February 11, 2021

REPORT BY: Morgen Ortiz

TOPIC OF REPORT: Student Council Activities

ACTION TO BE TAKEN: None – Information Only

BACKGROUND INFORMATION:

The month of February has much to bring. Whether it is another matter to discuss or a problem we need to get around, ASB has always been on top of it. In the beginning of this semester, our team has:

1. Clubs/Traditions: Clubs and Traditions has been a very difficult topic. We have tried doing things in person and online but the bad always prevailed over the good. There were always obstacles too high to jump, especially in this issue. Derek Barnes, who is the main person constructing everything that happens in Clubs and Traditions, have been working hard sending emails, making forms, and generally just congratulating everyone and keeping the spirits up. He is always up to volunteer on the harder tasks like this one.
2. Spirit Wear: Spirit Wear has also been a little difficult. Our group has made decisions that have seriously affected everything we do in school. Deciding whether we'd count in person or coming up with ideas and encouraging participation. Last week, the week of the 25th to the 29th, the winners of the Green Wear Spirit Wear were:
1st Betancourt - $17/21 = 81\%$
2nd Painter - $9/14 = 64\%$
3rd Canez - $10/16 = 63\%$
3. Student/Teacher of the Month: Student/Teacher of the Month has also been difficult. We just gave Mrs. Bloom (the winner of December Teacher of the Month) a plant, a signed card, and a Starbucks gift card. She won by a high vote !Alina Patino has also donated mugs for future Teachers of the Month. We are also going to meet and decide Teacher of the Month for January on February 5th.

Overall, ASB has gotten the hang of every difficult situation. We have all been working hard to do all we can. We have decided to start virtual clubs, great spirit wear ideas, teachers of the month, and we've even started playing music in the morning and afternoon for the younger kids.

In the end, ASB has worked everything out and we are all putting in time and effort so the everyone at Spring Grove can have a great learning experience.

NORTH COUNTY JOINT UNION SCHOOL DISTRICT

Fiscal Services

BOARD REPORT

DATE: February 11, 2021

REPORT BY: Sheila Maes, Manager, Fiscal Services

TOPIC: Fiscal Services Update

ACTION TO BE TAKEN: None - Informational

BACKGROUND INFORMATION: A regular report from the Manager, Fiscal Services provides information and background for the Board of Trustees related to the District budget.

BUDGET: NCJUSD fund 01 activity to date: revenues \$4,646,507; expenses \$3,727,983. The District's property taxes, the ESSER 2nd apportionment, Q1 unrestricted/restricted lottery, along with the AB602 apportionment have all posted. The District's expenditures are attached.

GOVERNOR'S BUDGET WORKSHOP:

A few highlights from the proposed 2021-22 Budget, the Governor targets state resources to help the state and its residents recover from the health and economic crisis of COVID-19.

Rebuilding the state's financial reserves and fiscal footing is a priority not only due to the pandemic but the historic fires of the summer.

The 2021-22 Governor's Budget clearly addresses the current COVID-19 education reality, but also resurrects proposals from last January that were put on hold because of the economic collapse.

- Safe Re-opening of Schools – Prioritizing in-person instruction
- Community Schools, Mental Health, and School Climate Surveys
- Early Childhood Education
- Special Education Preschool
- Educator Investments

The Governor and Legislature will need to strike a balance between one-time needs and deferral repayments in this proposed budget. The \$89.2 billion (\$88.1 billion through Prop 98) K-12 and community colleges school largest in California history offering some relief with the restoration of two-thirds of the deferrals that schools were facing and a two-year 3.84 cost of living adjustment. The cost-of-living adjustment in 2021-22 is a compounded COLA that helps compensate for the 2.31 cost of living adjustment that was omitted from the 2020-21 budget and adding the 1.5 percent COLA for 2021-22. The Governor is proposing to allocate nearly another \$900 million in one-time General Fund revenue with \$820 million that would lower the districts' share of pension payments to CalSTRS and CalPERS. CalSTRS from 18.1 percent to 15.9 percent; CalPERS from 24.9 percent to 23 percent. \$4.86 billion to address learning loss, \$500 million for high needs districts. \$700 million in funding for programs that help students cope with anxiety, depression, and other disorders. The proposed budget does not include money for broadband access or digital equity. This is just the beginning of the budget development process. There is more to come in the days, weeks, and months ahead. The proposed budget is just that, a proposal that now moves from the Governor's desk to the legislature where they will look at the money and specifics of the proposal.

CONCLUSION: This report provides an opportunity for the Manager, Fiscal Services to share current information.

Monthly Expenditures
Jan-21

SCHOOL YEAR
58%

Function		Adopted Budget 20-21	1st Interim 10/31/2020	Expenses 1/31/2021	% of Budget spent
4100	Music Program	5,588	5,588	-	0%
4200	After School Sports	34,057	34,057	-	0%
1000	LCFF	3,194,100	3,265,864	1,565,239	49%
1000	LCAP	479,348	469,885	83,569	17%
2700	School Administration	570,855	583,219	314,827	55%
3600	Transportation	164,165	158,794	29,566	18%
7100	Board/Superintendent	360,263	371,169	181,349	50%
7200	District Administration	83,648	83,648	69,267	83%
7300	Fiscal Services	248,948	250,218	148,230	60%
7400	Human Resources*	9,300	9,300	11,491	124%
8200	Operations	412,113	428,265	215,282	52%
Resource					
1100	State Lottery	109,548	112,973	50,899	46%
1400	Education Protection Account	464,189	391,373	188,276	41%
8150	Maintenance	136,869	136,869	59,321	43%
3010	Title I	48,018	48,018	16,447	34%
3060/3061	Migrant Education	117,983	117,983	35,335	30%
4035	Title II - Teacher Quality	8,259	8,259	-	0%
6300	Lottery - Prop 20	34,702	34,702	24,860	72%
9014	Jr. Kinder	52,200	52,200	25,756	49%
9017	Student Recognition	3,000	3,000	421	14%
3310/6500	Special Education	1,125,312	1,133,433	280,985	25%
Learning Loss Mitigation Funds COVID-19					
3210	CARES Act ESSER	-	40,021	30,267	76%
3215	LLM- GEER	-	37,261	37,261	100%
3220	LLM-CRF**	-	328,754	299,234	91%
7388	SB117 COVID 19	-	5,481	4,721	86%
7420	PROP 98	-	56,148	55,382	99%
CARES \$ COVID -19 TOTAL		7,662,465	7,698,817	3,301,119	43%
Total		-	467,665	426,865	91%
		7,662,465	8,166,482	3,727,983	46%

*Prepaid expense that hit function in the 20-21 fiscal year

**Resource spent out in its entirety. Prior year expenses of \$29,520 not reflected in the \$299,234.

\$299,234+\$29,520=\$328,754

NORTH COUNTY JOINT UNION SCHOOL DISTRICT BOARD REPORT

DATE: February 11, 2021

REPORT BY: Kristi Vieyra, Administrative District Psychologist/Special Education Coordinator

TOPIC: Special Education Update

ACTION TO BE TAKEN: None - Informational

BACKGROUND INFORMATION:

Update on Special Education Department Activities:

- Special Education Plan (SEP)
 - Suspension
 - Preschool
- Comp-Ed and Learning Loss during the Pandemic
- Dyslexia Screening
- Math Screening and data review

CONCLUSION:

The Special Education Department continues to provide service to all students with IEP's during the pandemic. We continue to evaluate service delivery model, student benefit and needs.

NORTH COUNTY JOINT UNION SCHOOL DISTRICT BOARD REPORT

DATE: February 11, 2021

REPORT BY: Gabriella Armenta, Director of Student Services, Curriculum, and Instruction

TOPIC: Director's Report

ACTION TO BE TAKEN: None - Informational

CAASPP Update

The California Assessment of Student Performance and Progress (CAASPP) is still scheduled to happen in Spring 2021. The California Teachers Association (CTA) is calling on the State Board of Education and the California Department of Education to apply for a federal waiver for the English, Math and Science portions of the CAASPP even though it is not yet clear if the new administration might offer federal waivers.

CalTac is currently surveying LEA's status with testing protocols, staffing, and technology.

Our 3rd -8th grade students continue their practice on Smarter Balanced interim assessments and our teachers are using that data to guide their discussions, lesson planning, and focus on essential standards. Class groups have been set up in California Educator Reporting System (CERS) to make data analysis easier. Teachers can create a customized report of student performance, export data for analysis, and upload links to instructional resources in the Smarter Balanced system.

Migrant Update

We currently have 71 migrant students and 6 preschool migrant students. At our last Migrant PAC meeting, parents requested another preschool day per week. Migrant preschool students will now attend Tuesdays and Thursdays from 1:30 – 3:30 p.m. Parents will provide transportation and the program is supported by Migrant funds.

To support our Migrant students, the District will provide a Saturday class for 2nd-8th grade Migrant students who are below grade level (1 or 2 on 2018-19 CAASPP and 1 or 2 on the 2018-19-20 ELPAC). The Saturday sessions will run from 8:30 a.m. to 12:00 p.m. once per month. The focus will be on reading, writing, and math. The District will hire 3 teachers and 1 administrator. Lunch will be provided, and Covid-19 protocols will be followed. Parents will provide transportation and the program is supported by Migrant funds.

English Language Development (ELD) Update

We currently have a total of 86 English Language Learners. Our ELPAC testing begins February 1, 2021. Monday – Thursday, our two intervention specialists will test 1:1 with 30 Kinder – 2nd graders. Whole group assessments for 3rd – 8th graders will be on Fridays and after the winter break, the speaking portion of the ELPAC will be completed 1:1 with 3rd – 8th graders.

CONCLUSION: This report provides the Director an opportunity to share current information.

NORTH COUNTY JOINT UNION SCHOOL DISTRICT BOARD REPORT

DATE: February 11, 2021

REPORT BY: Jennifer Bernosky, Superintendent/Principal

TOPIC: Update to Board Policies and Regulations 5111.1 and 5117

ACTION TO BE TAKEN: None - Informational

BACKGROUND INFORMATION: At times, the District needs to revise and/or add board policies.

The following board policies/regulations have been provided for a first read. Each policy has been updated to reflect the most current language provided from the California School Board Association (CSBA) and GAMUT.

At this time Board Policy 5111.1 District Residency and 5117 Interdistrict Attendance are being revised to reflect current Ed Code language. The current policies and the revised “draft” policies are included for the Board’s review. Each policy also includes an exhibit which has also been included.

CONCLUSION: These policy changes will be brought back to the March meeting for approval.

Policy 5111.1: District Residency

Status: ADOPTED

Original Adopted Date: 02/11/2016

The Board of Trustees desires to admit all students who reside within district boundaries or who fulfill the district residency requirements through other means as allowed by law. The Superintendent or designee shall develop procedures to facilitate the receipt and verification of students' proof of residency.

(cf. 5116 - School Attendance Boundaries)

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance. (Education Code 48980)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall require parents/guardians to provide documentation of the student's residency upon admission to a district school. A copy of the document or written statement offered as verification of residency shall be maintained in the student's mandatory permanent record. (5 CCR 432)

(cf. 5111 - Admission)

(cf. 5125 - Student Records)

When establishing a student's residency for enrollment purposes, the Superintendent or designee shall not inquire into a student's citizenship or immigration status.

A student's enrollment may be denied when the submitted documentation is insufficient to establish district residency. In any such case, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

Investigation of Residency

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements. An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency. (Education Code 48204.1, 48204.2)

The Superintendent or designee may assign a trained district employee to conduct the investigation. The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.

If necessary, the Superintendent or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Superintendent or designee shall make other reasonable efforts to determine whether the student resides in the district. (Education Code 48204.2)

The investigation shall not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view. (Education Code 48204.2)

Any employee or contractor engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation. (Education Code 48204.2)

Appeal of Enrollment Denial

If the Superintendent or designee, upon investigation, determines that a student does not meet district residency requirements and denies the student's enrollment in the district, he/she shall provide the student's parent/guardian an opportunity to appeal that determination. (Education Code 48204.2)

The Superintendent or designee shall send the student's parent/guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/guardian that he/she may, within 10 school days, appeal the decision and provide new evidence of residency.

The burden shall be on the parent/guardian to show why the district's determination to deny enrollment should be overruled. (Education Code 48204.2)

A student who is currently enrolled in the district shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled in the district shall not be permitted to attend any district school unless his/her appeal is successful.

In an appeal to the Superintendent of a determination that district residency requirements were not met, the Superintendent shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision within 10 school days of receipt of the parent/guardian's request for the appeal. The Superintendent's decision shall be final.

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

State References

5 CCR 432

Ed. Code 220

Ed. Code 234.7

Ed. Code 35160.5

Ed. Code 35351

Ed. Code 46600-46611

Ed. Code 48050-48054

Ed. Code 48200-48208

Ed. Code 48204

Ed. Code 48204.1-48204.4

Ed. Code 48300-48317

Ed. Code 48350-48361

Ed. Code 48350-48361

Ed. Code 48645.5

Ed. Code 48852.7

Ed. Code 48853.5

Ed. Code 48980

Ed. Code 52317

Fam. Code 6550-6552

Gov. Code 6205-6210

Description

[Student records](#)

[Prohibition of discrimination](#)

[Student protections relating to immigration and citizenship status](#)

[Intradistrict open enrollment](#)

[Assignment of students to particular schools](#)

[Interdistrict attendance permits](#)

[Nonresidents](#)

[Compulsory education law](#)

[Residency requirements](#)

[Evidence of residency](#)

[Student attendance alternatives, school district of choice program](#)

[Open Enrollment Act transfers](#)

[Open Enrollment Act](#)

[Former juvenile court school students, enrollment](#)

[Education of homeless students; immediate enrollment](#)

[Education of foster youth; immediate enrollment](#)

[Notifications at beginning of term](#)

[Regional occupational program, admission of persons including nonresidents](#)

[Caregivers](#)

[Confidentiality of residence for victims of domestic violence](#)

Federal References

42 USC 11431-11435

8 USC 1229c

Description

[McKinney-Vento Homeless Assistance Act](#)

[Immigration and Nationality Act](#)

Management Resources References

CA Office of the Attorney General Publication

Description

[Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018](#)

Court Decision	Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal.App.4th 47
Court Decision	Plyler v. Doe, 457 U.S. 202 (1982)
CSBA Publication	Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014
CSBA Publication	Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017
U.S. DOJ & DOE Civil Rights Joint Publication	Dear Colleague Letter: School Enrollment Procedures, May 8, 2014
U.S. DOJ & DOE Civil Rights Joint Publication	Fact Sheet: Information on the Rights of All Children to Enroll in School, May 8, 2014
U.S. DOJ & DOE Civil Rights Joint Publication	Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, May 8, 2014
Website	California Secretary of State, Safe at Home Program
Website	U.S. Department of Justice
Website	California Office of the Attorney General
Website	U.S. Department of Education, Office for Civil Rights
Website	CSBA
Website	California Department of Education

Cross References

3260	Fees And Charges
3260	Fees And Charges
3580	District Records
3580	District Records
5021	Noncustodial Parents
5111	Admission
5111	Admission
5112.2	Exclusions From Attendance
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5125	Student Records
5125	Student Records
5141	Health Care And Emergencies
5141	Health Care And Emergencies
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.6	Parental Notifications
5145.6-E(1)	Parental Notifications
6145.2	Athletic Competition
6145.2	Athletic Competition
6158	Independent Study
6158	Independent Study
6170.1	Transitional Kindergarten
6173	Education For Homeless Children

6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6175	Migrant Education Program
6175	Migrant Education Program
6183	Home And Hospital Instruction
7160	Charter School Facilities
7160	Charter School Facilities

Policy 5111.1: District Residency

Status: DRAFT

| Last Revised Date: 02/11/2016

The Governing Board desires to admit all students who reside within district boundaries or who fulfill the district residency requirements through other means as allowed by law. The Superintendent or designee shall develop procedures to facilitate the receipt and verification of students' proof of residency.

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance. (Education Code 48980)

The Superintendent or designee shall require parents/guardians to provide documentation of the student's residency upon admission to a district school. A copy of the document or written statement offered as verification of residency shall be maintained in the student's mandatory permanent record. (5 CCR 432)

When establishing students' residency for enrollment purposes, the Superintendent or designee shall not inquire into the citizenship or immigration status of students or their family members.

A student's enrollment may be denied when the submitted documentation is insufficient to establish district residency. In any such case, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

Investigation of Residency

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements. An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency. (Education Code 48204.1, 48204.2)

The Superintendent or designee may assign a trained district employee to conduct the investigation. The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.

If necessary, the Superintendent or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Superintendent or designee shall make other reasonable efforts to determine whether the student resides in the district. (Education Code 48204.2)

The investigation shall not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view. (Education Code 48204.2)

Any employee or contractor engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation. (Education Code 48204.2)

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If the Superintendent or designee, upon investigation, determines that a student does not meet district residency requirements and denies the student's enrollment in the district, he/she shall provide the student's parent/guardian an opportunity to appeal that determination. (Education Code 48204.2)

The Superintendent or designee shall send the student's parent/guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/guardian that he/she may, within 10 school days, appeal the decision and provide new evidence of residency.

The burden shall be on the parent/guardian to show why the district's determination to deny enrollment should be overruled. (Education Code 48204.2)

A student who is currently enrolled in the district shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled in the district shall not be permitted to attend any

district school unless his/her appeal is successful.

In an appeal to the Superintendent of a determination that district residency requirements were not met, the Superintendent shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision within 10 school days of receipt of the parent/guardian's request for the appeal. The Superintendent's decision shall be final.

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State References

5 CCR 432
Ed. Code 220
Ed. Code 234.7
Ed. Code 35160.5
Ed. Code 35351
Ed. Code 46600-46611
Ed. Code 48050-48054
Ed. Code 48200-48208
Ed. Code 48204
Ed. Code 48204.1-48204.4
Ed. Code 48300-48317
Ed. Code 48350-48361
Ed. Code 48350-48361
Ed. Code 48645.5
Ed. Code 48852.7
Ed. Code 48853.5
Ed. Code 48980
Ed. Code 52317
Fam. Code 6550-6552
Gov. Code 6205-6210

Description

[Student records](#)
[Prohibition of discrimination](#)
[Student protections relating to immigration and citizenship status](#)
[Intradistrict open enrollment](#)
[Assignment of students to particular schools](#)
[Interdistrict attendance permits](#)
[Nonresidents](#)
[Compulsory education law](#)
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[Regional occupational program, admission of persons including nonresidents](#)
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Federal References

42 USC 11431-11435
8 USC 1229c

Description

[McKinney-Vento Homeless Assistance Act](#)
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Management Resources References

CA Office of the Attorney General Publication

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CSBA Publication

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[Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018](#)
[Katz v. Los Gatos-Saratoga Joint Union High School District, \(2004\) 117 Cal.App.4th 47](#)
[Plyler v. Doe, 457 U.S. 202 \(1982\)](#)
[Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014](#)

CSBA Publication	Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017
U.S. DOJ & DOE Civil Rights Joint Publication	Dear Colleague Letter: School Enrollment Procedures, May 8, 2014
U.S. DOJ & DOE Civil Rights Joint Publication	Fact Sheet: Information on the Rights of All Children to Enroll in School, May 8, 2014
U.S. DOJ & DOE Civil Rights Joint Publication	Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, May 8, 2014
Website	California Secretary of State, Safe at Home Program
Website	U.S. Department of Justice
Website	California Office of the Attorney General
Website	U.S. Department of Education, Office for Civil Rights
Website	CSBA
Website	California Department of Education

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5141	Health Care And Emergencies
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6175	Migrant Education Program
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6183	Home And Hospital Instruction
7160	Charter School Facilities
7160	Charter School Facilities

DRAFT

Regulation 5111.1: District Residency

Status: ADOPTED

Original Adopted Date: 02/11/2016

Criteria for Residency

A student shall be deemed to have complied with district residency requirements for enrollment in a district school if he/she meets any of the following criteria:

1. The student's parent/guardian resides within district boundaries. (Education Code 48200)
2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)
3. The student has been admitted through an interdistrict attendance option, such as an interdistrict attendance agreement, "school district of choice" transfer, or Open Enrollment Act transfer. (Education Code 46600, 48204, 48301, 48356)

(cf. 5117 - Interdistrict Attendance)

(cf. 5118 - Open Enrollment Act Transfers)
4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)
5. The student lives with a caregiving adult within district boundaries and the caregiving adult submits an affidavit to that effect. (Education Code 48204)
6. The student resides in a state hospital located within district boundaries. (Education Code 48204)
7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48204, 48207)

(cf. 6183 - Home and Hospital Instruction)
8. The student's parent/guardian resides outside district boundaries but is employed within district boundaries and lives with the student at the place of employment for a minimum of three days during the school week. (Education Code 48204)

Residency Based on Parent/Guardian Employment (Allen Bill Transfers)

District residency status may be granted to a student if at least one of his/her parents/guardians is physically employed within district boundaries for a minimum of 10 hours during the school week. No student seeking residency on this basis shall be denied enrollment based on race, ethnicity, sex, parental income, scholastic achievement, or any of the individual characteristics set forth in Education Code 220. However, the Superintendent or designee may deny enrollment into the district if any of the following circumstances is present: (Education Code 48204)

1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer.
2. Enrollment of the student would adversely affect the district's court-ordered or voluntary desegregation plan as determined by the Board of Trustees.
3. Other circumstances exist that are not arbitrary.

Such circumstances may include, but are not limited to, overcrowding of school facilities at the relevant grade level.

Once a student establishes residency on this basis, he/she shall not be required to reapply for enrollment in subsequent years. The student may continue to attend school in the district through the highest grade level offered by the district if the parent/guardian so chooses and if at least one parent/guardian of the student continues to be physically employed by an employer situated within district boundaries, subject to the exceptions in items #1-3 above. (Education Code 48204)

The Superintendent or designee may deny a transfer out of the district by a student whose parent/guardian is

employed within the boundaries of another district if the difference between the number of students entering and exiting the district on the basis of parent/guardian employment exceeds the limits prescribed in Education Code 48204. (Education Code 48204)

Proof of Residency

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following: (Education Code 48204.1)

1. County tax bill or title report in homeowner's name showing residence property address
2. Homeowner's insurance policy showing residence property address
3. A notarized official rental agreement or letter from landlord which includes starting date of residency, landlord's name and telephone number and a copy of renter's receipt or cancelled check reflecting the most recent rental payment
4. Gas/Electric bill showing residence property address
5. W-2 or 1099 tax form showing residence address only
6. Official pay stub from current month which reflects current address
7. Cal-Fresh Medical
8. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552

(cf. 5141 - Health Care and Emergencies)

The Superintendent or designee shall make a reasonable effort to secure evidence that a homeless or foster youth resides within the district, including, but not limited to, a utility bill, letter from a homeless shelter, hotel/motel receipt, or affidavit from the student's parent/guardian or other qualified adult relative.

However, a homeless or foster youth shall not be required to provide proof of residency as a condition of enrollment in district schools. (Education Code 48852.7, 48853.5; 42 USC 11432)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

A parent/guardian seeking residency status on the basis of his/her employment within district boundaries shall submit proof of the employment which may include, but not be limited to, a paycheck stub or letter from his/her employer listing a physical address within district boundaries. Such evidence shall also indicate the number of hours or days per school week that the parent/guardian is employed at that location.

Safe at Home/Confidential Address Program

When a student or parent/guardian participating in the Safe at Home program requests that the district use the substitute address designated by the Secretary of State, the Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries but shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. (Government Code 6206, 6207)

(cf. 3580 - District Records)

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

State References

5 CCR 432

Ed. Code 220

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[Student records](#)

[Prohibition of discrimination](#)

Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 35160.5	Intradistrict open enrollment
Ed. Code 35351	Assignment of students to particular schools
Ed. Code 46600-46611	Interdistrict attendance permits
Ed. Code 48050-48054	Nonresidents
Ed. Code 48200-48208	Compulsory education law
Ed. Code 48204	Residency requirements
Ed. Code 48204.1-48204.4	Evidence of residency
Ed. Code 48300-48317	Student attendance alternatives, school district of choice program
Ed. Code 48350-48361	Open Enrollment Act transfers
Ed. Code 48350-48361	Open Enrollment Act
Ed. Code 48645.5	Former juvenile court school students, enrollment
Ed. Code 48852.7	Education of homeless students; immediate enrollment
Ed. Code 48853.5	Education of foster youth; immediate enrollment
Ed. Code 48980	Notifications at beginning of term
Ed. Code 52317	Regional occupational program, admission of persons including nonresidents
Fam. Code 6550-6552	Caregivers
Gov. Code 6205-6210	Confidentiality of residence for victims of domestic violence

Federal References

42 USC 11431-11435
8 USC 1229c

Description

[McKinney-Vento Homeless Assistance Act](#)
[Immigration and Nationality Act](#)

Management Resources References

CA Office of the Attorney General Publication

Court Decision

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CSBA Publication

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U.S. DOJ & DOE Civil Rights Joint Publication

U.S. DOJ & DOE Civil Rights Joint Publication

U.S. DOJ & DOE Civil Rights Joint Publication

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[Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014](#)

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[Dear Colleague Letter: School Enrollment Procedures, May 8, 2014](#)

[Fact Sheet: Information on the Rights of All Children to Enroll in School, May 8, 2014](#)

[Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, May 8, 2014](#)

[California Secretary of State, Safe at Home Program](#)

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[U.S. Department of Education, Office for Civil Rights](#)

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[Charter School Facilities](#)

Regulation 5111.1: District Residency

Status: DRAFT

| Last Revised Date: 02/11/2016

Criteria for Residency

A student shall be deemed to have complied with district residency requirements for enrollment in a district school if he/she meets any of the following criteria:

1. The student's parent/guardian resides within district boundaries. (Education Code 48200)
2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)
3. The student is admitted through an interdistrict attendance option. (Education Code 46600, 48204, 48301, 48356)
4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)
5. The student lives with a caregiving adult within district boundaries and the caregiving adult submits an affidavit to that effect. (Education Code 48204)
6. The student resides in a state hospital located within district boundaries. (Education Code 48204)
7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48204, 48207)
8. The student's parent/guardian resides outside district boundaries but is employed within district boundaries and lives with the student at the place of employment for a minimum of three days during the school week. (Education Code 48204)
9. The student's parent/guardian, while on active military duty pursuant to an official military order, is transferred or is pending transfer to a military installation within the state. (Education Code 48204.3)
10. The student's parent/guardian was a resident of California who departed the state against his/her will due to a transfer by a government agency that had custody of the parent/guardian, a lawful order from a court or government agency authorizing his/her removal, or removal or departure pursuant to the federal Immigration and Nationality Act, and the student lived in California immediately before moving out of state as a result of his/her parent/guardian's departure. (Education Code 48204.4)

Residency Based on Parent/Guardian Employment (Allen Bill Transfers)

District residency status may be granted to a student if at least one of his/her parents/guardians is physically employed within district boundaries for a minimum of 10 hours during the school week. No student seeking residency on this basis shall be denied enrollment based on race, ethnicity, sex, parental income, scholastic achievement, or any of the individual characteristics set forth in Education Code 220. However, the Superintendent or designee may deny enrollment into the district if any of the following circumstances is present: (Education Code 48204) (See Exhibit)

1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer.
2. Enrollment of the student would adversely affect the district's court-ordered or voluntary desegregation plan as determined by the Governing Board.

3. Other circumstances exist that are not arbitrary.

Such circumstances may include, but are not limited to, overcrowding of school facilities at the relevant grade level.

Once a student establishes residency on this basis, he/she shall not be required to reapply for enrollment in subsequent years. The student may continue to attend school in the district through the highest grade level offered by the district if the parent/guardian so chooses and if at least one parent/guardian of the student continues to be physically employed by an employer situated within district boundaries, subject to the exceptions in items #1-3 above. (Education Code 48204)

The Superintendent or designee may deny a transfer out of the district by a student whose parent/guardian is employed within the boundaries of another district if the difference between the number of students entering and exiting the district on the basis of parent/guardian employment exceeds the limits prescribed in Education Code 48204. (Education Code 48204)

Proof of Residency

The district shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members for the purpose of determining residency within the district. (Education Code 234.7) (See Exhibit)

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following: (Education Code 48204.1)

1. Property tax payment receipt
2. Rental property contract, lease, Declaration of Residency (see Exhibit), or payment receipt
3. Utility service contract, statement, or payment receipt
4. Pay stub
5. Voter registration
6. Correspondence from a government agency
7. Declaration of residency executed by the student's parent/guardian
8. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student
9. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552

A parent/guardian seeking residency status on the basis of his/her employment within district boundaries shall submit proof of the employment which may include, but not be limited to, a paycheck stub or letter from his/her employer listing a physical address within district boundaries. Such evidence shall also indicate the number of hours or days per school week that the parent/guardian is employed at that location.

A parent/guardian who is transferred or pending transfer into a military installation within the state shall provide proof of residence in the district within 10 days after the published arrival date provided on official documentation. For this purpose, he/she may use as his/her address a temporary on-base billeting facility, a purchased or leased home or apartment, or federal government or public-private venture off-base military housing. (Education Code 48204.3)

A student whose parent/guardian's departure from the state occurred against his/her will pursuant to item #10 in the section "Criteria for Residency" above shall be in compliance with district residency requirements if he/she

provides official documentation of the parent/guardian's departure and evidence demonstrating that the student was enrolled in a public school in California immediately before moving outside the state. (Education Code 48204.4)

Any homeless or foster youth or student who has had contact with the juvenile justice system shall be immediately enrolled in school even if he/she is unable to provide proof of residency. (Education Code 48645.5, 48852.7, 48853.5; 42 USC 11432)

Safe at Home/Confidential Address Program

When a student or parent/guardian participating in the Safe at Home program requests that the district use the substitute address designated by the Secretary of State, the Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries but shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. (Government Code 6206, 6207)

Supporting Documents

 [Declaration of Residency](#)

 [SPANISH Allen Bill Application 2021-2022](#)

 [Allen Bill Application 2021-2022](#)

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

State References

5 CCR 432

Ed. Code 220

Ed. Code 234.7

Ed. Code 35160.5

Ed. Code 35351

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Ed. Code 48050-48054

Ed. Code 48200-48208

Ed. Code 48204

Ed. Code 48204.1-48204.4

Ed. Code 48300-48317

Ed. Code 48350-48361

Ed. Code 48350-48361

Ed. Code 48645.5

Ed. Code 48852.7

Ed. Code 48853.5

Ed. Code 48980

Ed. Code 52317

Fam. Code 6550-6552

Gov. Code 6205-6210

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42 USC 11431-11435

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7160	Charter School Facilities

NORTH COUNTY JOINT UNION SCHOOL DISTRICT

Declaration of Residency with Another Family

I, _____, reside at _____
(Name of Residence Owner/Renter) (Address--Street & Number)

CA

(City)

(Zip Code)

(Phone Number)

(Name of Parent(s) / Guardians(s) of Children Listed Below)

is/are residing at my address listed above. The following family members reside with their parent(s) / guardians(s) at my residence:

<u>NAME OF CHILD/CHILDREN</u>	<u>BIRTHDATE</u>	<u>GRADE</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I understand that:

- 1: "Residing" means the family lives and sleeps **DAILY** at my residence.
- 2: I am responsible for notifying NCJUSD within **72 HOURS** of the above named family's change of address.

WARNING: Do not sign this form if any of the statements above are incorrect or untrue. To do so will be committing a crime punishable by a fine, imprisonment, or both.

TO BE SIGNED IN THE PRESENCE OF NOTARY PUBLIC

I declare under penalty of perjury under the laws of the State of California that the above statements are true and correct.

Signature of Residence Owner/Renter

Date

State of California

County of San Benito

On _____, _____ personally appeared
(Date) (Name of Signer)

before me _____ . Witness my hand and official seal.
(Name of Notary Public)

(Signature of Notary)

NORTH COUNTY JOINT UNION SCHOOL DISTRICT

Declaración de Residencia con Otra Familia

Yo, _____, resido en _____
(Nombre del Dueño/Renta) (Dirección - Número y Calle)

CA

(Ciudad)

(Zona Postal)

(Número de Teléfono)

(Nombre de Padres/Tutor de los Niños en la Lista de Abajo)

esta residiendo en mi domicilio arriba. Los siguientes miembros de familia estan residiendo con sus padres/tutores en mi domicilio:

<u>NOMBRE DEL NIÑO/A</u>	<u>FECHA DE NACIMIENTO</u>	<u>GRADO</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Yo Comprendo Que:

- 1: "Reside" quiere decir que la familia vive y duerme todos los días en mi residencia.
- 2: Yo soy responsable de avisar al distrito escolar dentro de 72 horas si la familia nombrada arriba cambian de residencia.

AVISO: No firme ésta forma si alguno de las declaraciones anteriores son incorrectas, si lo hace estará cometiendo en crimen castigable por una multa, encarcelamiento o ambos.

Debe Ser Firmado Ante Un Notario

Yo declaro bajo pena de perjurio bajo las leyes del estado de California que lo anterior es verdadero y correcto.

Firma del Dueño/Renta de la Residencia

Fecha

State of California

County of San Benito

On _____, _____ personally appeared
(Date) (Name of Signer)

before me _____ . Witness my hand and official seal.
(Name of Notary Public)

(Signature of Notary)

DISTRITO ESCOLAR DE NORTH COUNTY JOINT UNION

500 Spring Grove
Road Hollister, CA
95023 Phone: 831.637.5574
Fax: 831.634.0682

APLICACIÓN DE BILL ALLEN

SOLICITUDES BASADAS EN "ALLEN BILL" (CAL. EDUC CÓDIGO § 48204 (b)) – residencia basada en el empleo de padres/tutores

PARA EL AÑO ESCOLAR: 2021/2022

Grado solicitado:

Fecha de la solicitud:

M / F

Nombre del estudiante (por favor imprima claramente) Grado actual Fecha de nacimiento (MM/DD/AA) (Por favor, círculo)

Domicilio Calle Ciudad, estado Código postal

Escuela de asistencia actual: Escuela de asistencia actual:

Padre o tutor Teléfono (casa/trabajo/célular)

Padre o tutor Teléfono (casa/trabajo/célular)

Para determinar si el espacio está disponible en la clase/programa adecuado, debe proporcionarse la siguiente información.

¿Tiene el estudiante un programa de Educación Individualizado (IEP)? ☐ Sí ☐ No¿Tiene el estudiante un plan 504? ☐ Sí ☐ No

* Nota: Si la respuesta a cualquiera de las preguntas anteriores es "sí", **adjunte una copia del último IEP o plan 504 del estudiante.**

Verificación – empleo de padres/tutores

Código de educación 48204, subdivisión (b), comúnmente conocido como el "Allen Bill," permite que la residencia para los estudiantes sea basada en el empleo de padres/tutores si está localizado dentro del distrito. **El distrito escolar de North County (NCJUSD) está aceptando solicitudes de los padres de estudiantes fuera del distrito que buscan asistir a la escuela en el distrito bajo el Allen Bill, de acuerdo con las pólizas y regulaciones aplicables del distrito.** Al solicitar la admisión a una escuela del distrito basada en el empleo, el padre/tutor deberá proporcionar evidencia de empleo físico dentro de los límites del Distrito anualmente. **La evidencia también indicará el número de horas por semana escolar empleadas en ese lugar.** La Mesa Directiva del distrito puede negar inicialmente la inscripción basada en el empleo de los padres/tutores si existe alguna de las siguientes circunstancias:

1. El costo adicional de educar al estudiante excedería la cantidad de ayuda estatal adicional recibida como resultado de la transferencia. Educ. Código 48204)
2. Las instalaciones escolares están en sobrecupo en el nivel de grado correspondiente.
3. Existen otras circunstancias no arbitrarias, incluida la información falsa o engañosa sobre la aplicación. Educ. Código 48204)

El empleador del padre/tutor Dirección del empleador El teléfono del empleador

Empleador de madre/tutor Dirección del empleador El teléfono del empleador

Verificación de empleo adjunta: Carta del empleador Cupón/Extracto de nómina W2 o 1099

Declaración de recibo del padre/tutor: Declaro, bajo pena de perjurio, que la información contenida en este formulario es exacta y completa, y que he leído y entendido las regulaciones y pólizas del distrito escolar de North County (NCJUSD) en relación con el empleo basado en los padres, Incluido:

✓ Las transferencias aprobadas son válidas solo mientras el padre/tutor mantenga el empleo físico dentro de los límites del distrito.

✓ Una vez aprobada una solicitud inicial, el estudiante no necesita volver a aplicar para continuar asistiendo a la escuela en el distrito.

✓ Es responsabilidad del padre/tutor de proporcionar el transporte para cualquier estudiante aceptado bajo esta solicitud.

Firma de padre (s)/tutor (es):

Fecha:

27

SOLO USO DEL DISTRITO * * * * *

Fecha de recibida: _____ La solicitud ha sido: _____ aprobada _____ negada

Fecha: _____ Administrador de la oficina del distrito: _____

.....

DRAFT

NORTH COUNTY JOINT UNION SCHOOL DISTRICT

500 Spring Grove Road
Hollister, CA 95023
Phone: 831.637.5574
Fax: 831.634.0682

ALLEN BILL APPLICATION

REQUESTS BASED ON "ALLEN BILL" (CAL. EDUC. CODE § 48204(b)) – RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT

FOR SCHOOL YEAR: 2021/2022

Requested Grade: _____

Date of Request: _____

Student Name (Please Print Clearly) _____ Current Grade _____ Date of Birth (MM/DD/YY) _____ Male / Female
(Please circle)

Home Address _____ Street _____ City, State _____ Zip Code _____

Current School of Attendance: _____ Current District of Residence: _____

Parent/Guardian _____ Phone (Home / Work / Cell) _____

Parent/Guardian _____ Phone (Home / Work / Cell) _____

Parent/Guardian Email _____

To determine if space is available in the appropriate class/program, the following information MUST be provided.

Does the student have an Individualized Education Program (IEP)? ☐ Yes ☐ No

Does the student have a 504 Plan? ☐ Yes ☐ No

*Note: If the answer to either of the above questions is "Yes," please **attach a copy of the student's latest IEP or 504 Plan.**

Verification – Parent/Guardian Employment

Education Code 48204, subdivision (b), commonly known as the "Allen Bill," allows residency to be established for students based on parent/guardian employment within the district. **The North County Joint Union School District (District) is currently accepting requests from parents of out-of-District students seeking to attend school in the District under the Allen Bill, pursuant to applicable District policies and regulations.** When applying for admission to a District school based on employment, the parent/guardian shall provide evidence of physical employment within District boundaries **annually**. **Evidence shall also indicate the number of hours per school week employed at that location.** The Governing Board of the District may initially deny enrollment based on parent/guardian employment if any of the following circumstances exists:

1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer. (Educ. Code 48204)
2. The school facilities are overcrowded at the relevant grade level.
3. Other non-arbitrary circumstances exist, including false or misleading information on application. (Educ. Code 48204)

Father's/Guardian's Employer _____ Employer's address _____ Employer's phone _____

Mother's/Guardian's Employer _____ Employer's address _____ Employer's phone _____

Employment verification attached: _____ Letter from Employer _____ Payroll Voucher/Statement _____ W2 or 1099

Parent/Guardian Acknowledgement: I / We declare, under penalty of perjury, that the information contained on this form is accurate and complete, and that I have read and understood the regulations and policies of North County Joint Union School District pertaining to parent-based employment, including:

- ✓ Approved transfers are valid only as long as parent/guardian maintains physical employment within District boundaries.
- ✓ Once an initial application is approved, the student need not reapply to continue attending school in the District.
- ✓ It is the parent's/guardian's responsibility to furnish transportation for any student accepted under this application.

Parent(s)/Guardian(s) Signature(s): _____ Date: _____

*****DISTRICT USE ONLY*****

Date Received: _____ Application is: ____Approved ____Denied

Date: _____ District Office Administrator: _____

.....

EXHIBIT
DRAFT

NORTH COUNTY JOINT UNION SCHOOL DISTRICT

500 Spring Grove Rd.

Hollister, CA 95023

District 831-637-5574 ** School 831-637-3745 ** Fax 831-637-0682

PROOF OF RESIDENCY

Spring Grove School

Parent/Guardian Name: _____

Residence Address: _____

Student(s): _____

Proof of residency must be provided in the following forms:

TWO (2) of the following documents (must be original) AND a current California Driver's License or California Identification Card verifying the residence address.

1. County tax bill or title report in homeowner's name showing residence property address.
2. Homeowner's insurance policy showing residence property address.
3. A notarized official rental agreement or letter from landlord which includes starting date of residency, landlord's name and telephone number and a copy of renter's receipt or cancelled check reflecting the most recent rental payment.
4. A notarized Declaration of Residency stating the student's family is currently living in someone else's home ("doubled up"). *Declaration of Residency form available in school office.
5. Gas/Electric bill showing residence property address.
6. W-2 or 1099 tax form showing residence address only.
7. Official pay stub from current month which reflects current address.
8. Cal-Fresh Medical
9. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552

VALID DOCUMENTATION RECEIVED	VALID DOCUMENTATION UNAVAILABLE
Enrollment Approved DATE:	Enrollment DENIED DATE:

Superintendent/Designee Signature: _____ Date: _____

Policy 5117: Interdistrict Attendance

Status: ADOPTED

Original Adopted Date: 06/25/2014 | **Last Revised Date:** 11/09/2018

The Board of Trustees recognizes that parents/guardians of students who reside within the geographic boundaries of one district may, for a variety of reasons, desire to enroll their children in a school in another district.

(cf. 5111.1 - District Residency)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5118 - Open Enrollment Act Transfers)

Interdistrict Attendance Permits

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code 46600)

The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed to by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600)

Upon receiving a permit for transfer into the district that has been approved by the student's district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the interdistrict attendance agreement.

Transportation

The district shall not provide transportation beyond its geographical boundaries. Upon request of a student's parent/guardian, the Superintendent or designee may authorize transportation for an interdistrict transfer student to and from designated bus stops within the attendance area of the school that the student attends if space is available.

Policy 5117: Interdistrict Attendance

Status: DRAFT

| Last Revised Date: 11/09/2018

Interdistrict Attendance Agreements and Permits

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code 46600)

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

State References

CA Constitution Article 1, Section 31

Ed. Code 41020

Ed. Code 46600-46610

Ed. Code 48204

Ed. Code 48300-48317

Ed. Code 48900

Ed. Code 48915

Ed. Code 48915.1

Ed. Code 48918

Ed. Code 48980

Ed. Code 48985

Ed. Code 52317

Ed. Code 8151

Description

[Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin](#)

[Requirement for annual audit](#)

[Interdistrict attendance agreements](#)

[Residency requirements for school attendance](#)

[Student attendance alternatives, school district of choice program](#)

[Grounds for suspension or expulsion; definition of bullying](#)

[Expulsion; particular circumstances](#)

[Expelled individuals; enrollment in another district](#)

[Rules governing expulsion procedures](#)

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[Regional Occupational Center/Program, enrollment of students, interdistrict attendance](#)

[Apprentices, exemption from interdistrict attendance agreement](#)

Management Resources References

Attorney General Opinion

Attorney General Opinion

Court Decision

Court Decision

Website

Website

Description

[87 Ops.Cal.Atty.Gen. 132 \(2004\)](#)

[84 Ops.Cal.Atty.Gen. 198 \(2001\)](#)

[Walnut Valley Unified School District v. the Superior Court of Los Angeles County, \(2011\) 192 Cal.App.4th 234](#)

[Crawford v. Huntington Beach Union High School District, \(2002\) 98 Cal.App.4th 1275](#)

[CSBA](#)

[California Department of Education](#)

Cross References

Description

1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3540	Transportation
3540	Transportation
3541	Transportation Routes And Services
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5111.1-E(1)	District Residency
5112.2	Exclusions From Attendance
5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5131.2	Bullying
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.6	Parental Notifications
5145.6-E(1)	Parental Notifications
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
7160	Charter School Facilities
7160	Charter School Facilities
9000-B	Role Of The Board

Regulation 5117: Interdistrict Attendance

Status: ADOPTED

Original Adopted Date: 11/09/2018

Interdistrict Attendance Permits

In accordance with an agreement between the Board of Trustees and the board of another district, a permit authorizing a student's attendance outside his/her district of residence may be issued upon approval of both the district of residence and the district of proposed attendance.

The Superintendent or designee may approve an interdistrict attendance permit for a student for any of the following reasons when stipulated in the agreement:

1. When the student has been determined by staff of either the district of residence or district of proposed attendance to be a victim of an act of bullying as defined in Education Code 48900(r). Such a student shall be given priority for interdistrict attendance under any existing interdistrict attendance agreement or, in the absence of an agreement, shall be given consideration for the creation of a new permit. (Education Code 46600)

(cf. 5131.2 - Bullying)

2. To meet the child care needs of the student. Such a student may be allowed to continue to attend the district school only as long as he/she continues to use a child care provider within district boundaries.

(cf. 5148 - Child Care and Development)

3. To meet the student's special mental or physical health needs as certified by a physician, school psychologist, or other appropriate school personnel.

(cf. 6159 - Individualized Education Program)

4. When the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance.

5. To allow the student to complete a school year when his/her parents/guardians have moved out of the district during that year.

6. To allow the student to remain with a class graduating that year from an elementary, middle, or senior high school.

7. When the parent/guardian provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the year in the district.

8. When the student will be living out of the district for one year or less.

9. When recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence.

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5113.12 - District School Attendance Review Board)

10. When there is valid interest in a particular educational program not offered in the district of residence.

11. To provide a change in school environment for reasons of personal and social adjustment.

The Superintendent or designee may deny initial requests for interdistrict attendance permits due to limited district resources, overcrowding of school facilities at the relevant grade level, or other considerations that are not arbitrary. However, once a student is admitted, the district may not deny him/her continued attendance because of overcrowded facilities at the relevant grade level.

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

Within 30 calendar days of a request for an interdistrict permit, the Superintendent or designee shall notify the parents/guardians of a student who is denied interdistrict attendance regarding the process for appeal to the County Board of Education as specified in Education Code 46601. (Education Code 46601)

(cf. 5145.6 - Parental Notifications)

Pending a decision by the two districts or an appeal by the County Board, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months. (Education Code 46603)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or decisions while expulsion proceedings are pending or during the term of the expulsion. (Education Code 46601)

(cf. 5119 - Students Expelled from Other Districts)

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

Once a student is admitted to the district school on the basis of an interdistrict attendance permit, he/she shall not be required to reapply for an interdistrict transfer and shall be

allowed to continue to attend the school in which he/she is enrolled, unless reapplication standards are otherwise specified in the interdistrict attendance agreement. Existing interdistrict attendance permits shall not be rescinded for students entering grade 11 or 12 in the subsequent school year. (Education Code 46600)

Transfers Out of the District

A child whose parent/guardian is in active military duty shall not be prohibited from transferring out of the district, provided the school district of proposed enrollment approves the application for transfer. (Education Code 46600, 48307)

The district may limit transfers out of the district to a school district of choice under any of the following circumstances: (Education Code 48307)

1. The number of student transfers out of the district to a school district of choice has reached the limit specified in Education Code 48307 based on the district's average daily attendance.
 2. The County Superintendent of Schools has given the district a negative budget certification or has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice.
 3. The Board determines that the transfer would negatively impact any of the following: (Education Code 48307)
 - a. A court-ordered desegregation plan
 - b. A voluntary desegregation plan of the district, consistent with the California Constitution, Article 1, Section 31
 - c. The racial and ethnic balance of the district, consistent with the California Constitution, Article 1, Section 31
-

Regulation 5117: Interdistrict Attendance

Status: DRAFT

| Last Revised Date: 11/09/2018

Interdistrict Attendance Agreements and Permits

In accordance with an agreement between the Governing Board and the board of another district, a permit authorizing a student of either district to enroll in the other district may be issued upon approval of both districts.

The district shall post on its web site the procedures and timelines for requesting an interdistrict transfer permit, including a link to BP 5117 - Interdistrict Attendance. The posted information shall include, but is not limited to: (Education Code 46600.1, 46600.2)

1. The date upon which the district will begin accepting and processing interdistrict transfer requests for the following school year
2. The reasons for which the district may approve or deny a request, and any information or documents that must be submitted as supporting evidence
3. If applicable, the process and timelines by which a denial of a request may be appealed within the district before the district renders a final decision
4. A statement that failure of a parent/guardian to meet any timelines established by the district shall be deemed an abandonment of the request
5. Applicable timelines for processing a request, including the following statements:
 - a. For an interdistrict transfer request received by the district 15 or fewer calendar days before the commencement of instruction in the school year for which the transfer is sought, the district will notify the parent/guardian of its final decision within 30 calendar days from the date the request was received.
 - b. For an interdistrict transfer request received by the district more than 15 days before the commencement of instruction in the school year for which the interdistrict transfer is sought, the district will notify the parent/guardian of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which transfer is sought.
6. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded

Priority for interdistrict attendance shall be given to a student who has been determined, through an investigation by either the district of residence or district of proposed enrollment, to be a victim of an act of bullying, as defined in Education Code 48900(r), committed by a student of the district of residence. (Education Code 46600)

Until the district is at maximum capacity, the district shall accept any student whose interdistrict transfer application is based on being the victim of an act of bullying or a child of an active duty military parent/guardian. The district shall ensure that such students are admitted through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a student should be enrolled based on academic or athletic performance, physical condition, proficiency in English, family income, or any of the individual characteristics set forth in Education Code 220, including, but not limited to, race or ethnicity, gender, gender identity, gender expression, and immigration status. (Education Code 46600)

In addition, the Superintendent or designee may approve an interdistrict attendance permit for a student for any of the following reasons when stipulated in the agreement:

1. To meet the child care needs of the student, only as long as the student's child care provider remains within district boundaries
2. To meet the student's special mental or physical health needs as certified by a physician, school psychologist,

- or other appropriate school personnel
- 3. When the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance
- 4. To allow the student to complete a school year when the student's parents/guardians have moved out of the district during that year
- 5. To allow the student to remain with a class graduating that year from an elementary, middle, or senior high school
- 6. When the parent/guardian provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the school year in the district
- 7. When the student will be living out of the district for one year or less
- 8. When recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence
- 9. When there is valid interest in a particular educational program not offered in the district of residence
- 10. To provide a change in school environment for reasons of personal and social adjustment

The Superintendent or designee may deny initial requests for interdistrict attendance permits due to limited district resources, overcrowding of school facilities at the relevant grade level, or other considerations that are not arbitrary. However, once a student is admitted, the district shall not deny continued attendance because of overcrowded facilities at the relevant grade level.

If the transfer request is for a school year that begins within 15 calendar days of the receipt of the request, the Superintendent or designee shall notify the parent/guardian of the final decision within 30 calendar days of receiving the request. If the transfer request is for a school year that begins more than 15 calendar days after the receipt of the request, the parent/guardian shall be notified of the final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction during that school year. (Education Code 46600.2)

If a student's interdistrict transfer request is denied, the Superintendent or designee shall, in writing, notify the parents/guardians of their right to appeal to the County Board of Education within 30 calendar days from the date of the final denial. (Education Code 46600.2)

All notices to parents/guardians regarding the district's decision on any request for interdistrict transfer shall conform to the translation requirements of Education Code 48985, and may be provided by regular mail, electronic format if the parent/guardian provides an email address, or by any other method normally used to communicate with parents/guardians in writing. (Education Code 46600.2)

Pending a decision by the two districts or by the County Board on appeal, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months, provided the district is the district of proposed enrollment. If the decision has not been rendered by the conclusion of two school months and the districts or County Board is still operating within the prescribed timelines, the student shall not be allowed to continue attending the district school to which the student was provisionally admitted. (Education Code 46603)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or rescissions while expulsion proceedings are pending or during the term of the expulsion. (Education Code 46601)

Once a student is admitted to a school on the basis of an interdistrict attendance permit, the student shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school of enrollment, unless reapplication standards are otherwise specified in the interdistrict attendance agreement. (See Exhibit) (Education Code 46600)

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

State References

Description

CA Constitution Article 1, Section 31

Ed. Code 41020

Ed. Code 46600-46610

Ed. Code 48204

Ed. Code 48300-48317

Ed. Code 48900

Ed. Code 48915

Ed. Code 48915.1

Ed. Code 48918

Ed. Code 48980

Ed. Code 48985

Ed. Code 52317

Ed. Code 8151

Management Resources References

Attorney General Opinion

Attorney General Opinion

Court Decision

Court Decision

Website

Website

Cross References

1312.3

1312.3

3460

3460

3540

3540

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3553

5020

5020

5111

5111

5111.1

5111.1

5111.1-E(1)

5112.2

[Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin](#)

[Requirement for annual audit](#)

[Interdistrict attendance agreements](#)

[Residency requirements for school attendance](#)

[Student attendance alternatives, school district of choice program](#)

[Grounds for suspension or expulsion; definition of bullying](#)

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[Regional Occupational Center/Program, enrollment of students, interdistrict attendance](#)

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Description

[87 Ops.Cal.Atty.Gen. 132 \(2004\)](#)

[84 Ops.Cal.Atty.Gen. 198 \(2001\)](#)

[Walnut Valley Unified School District v. the Superior Court of Los Angeles County, \(2011\) 192 Cal.App.4th 234](#)

[Crawford v. Huntington Beach Union High School District, \(2002\) 98 Cal.App.4th 1275](#)

[CSBA](#)

[California Department of Education](#)

Description

[Uniform Complaint Procedures](#)

[Uniform Complaint Procedures](#)

[Financial Reports And Accountability](#)

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[Transportation](#)

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[Transportation Routes And Services](#)

[Free And Reduced Price Meals](#)

[Free And Reduced Price Meals](#)

[Parent Rights And Responsibilities](#)

[Parent Rights And Responsibilities](#)

[Admission](#)

[Admission](#)

[District Residency](#)

[District Residency](#)

[District Residency](#)

[Exclusions From Attendance](#)

5113.1	Chronic Absence And Truancy
5113.1	Chronic Absence And Truancy
5113.12	District School Attendance Review Board
5113.12	District School Attendance Review Board
5131.2	Bullying
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.6	Parental Notifications
5145.6-E(1)	Parental Notifications
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
7160	Charter School Facilities
7160	Charter School Facilities
9000-B	Role Of The Board



INTERDISTRICT ATTENDANCE REQUEST
NORTH COUNTY JOINT UNION SCHOOL DISTRICT
500 SPRING GROVE ROAD – HOLLISTER, CA 95023
PHONE: 831-637-5574 – FAX: 831-637-0682
SCHOOL YEAR 2021-2022

STUDENT AND PARENT/GUARDIAN INFORMATION

Please list Student Name (Last Name, First Name)

Student 1: _____ M ___ F ___ Grade: _____ School Requested _____

Student 2: _____ M ___ F ___ Grade: _____ School Requested _____

Student 3: _____ M ___ F ___ Grade: _____ School Requested _____

Parent/Guardian Name: _____

Address: _____ City/Zip: _____

Home Phone: (____) _____ Cell Phone: (____) _____ Email _____

If student(s) receive(s) special services, check which type below:

	<u>Resource Specialist</u>	<u>Special Day Class</u>	<u>Speech</u>	<u>504 Plan</u>
Student 1	(____)	(____)	(____)	(____)
Student 2	(____)	(____)	(____)	(____)
Student 3	(____)	(____)	(____)	(____)

SCHOOL AND DISTRICT TRANSFER INFORMATION

District of Residence: North County Joint USD	District Requested: _____
Address: 500 Spring Grove Rd.	Address: _____
City/Zip: Hollister, CA 95023	City/Zip: _____

REASON(S) FOR REQUEST

Please check the following reasons that apply and attach supporting documentation to verify compliance with your reason, as needed.

- | | |
|---|---|
| 1. _____ Child Care | Verification required on reverse of this form |
| 2. _____ Mental/Physical Needs | Attach certification by a physician, school psychologist, or other appropriate personnel |
| 3. _____ Sibling | To avoid splitting the family's attendance |
| 4. _____ Change of Residence | Moving into a new district of residence and want student(s) to remain where currently attending |
| 5. _____ 8 th Grader | To allow 8 th grader to attend same school attended in 7 th grade if family moved out of district |
| 6. _____ Moving into district | Official documentation required |
| 7. _____ Temporarily out of Dist | When student will be out of district for one year or less |
| 8. _____ Recommended by Social Services | When social services recommends it is inadvisable for student to attend school of residence |
| 9. _____ Education Program | Education program not offered in district of residence: _____ |
| 10. _____ School Environment | For reasons of personal and social adjustment. Reason: _____ |

PARENT GUARDIAN STATEMENT

I/we understand the conditions if approval is granted: (1) this request is subject to available space (2) there will be no additional costs to either district (3) approval by both district(s) is required (4) students transportation to and from school will be provided by parents (5) students must maintain attendance, behavior and academic requirements; (6) district may verify information on this form and students attendance, behavior and academic records (7) once a student is enrolled in a school, he/she shall not be required to reapply for an interdistrict transfer. If the request is denied and all appeal rights have been exhausted in the district, I/we have the right to appeal the decision to the County Office of Education of the denying district. I/we hereby certify all the information provided is accurate and understand and agree to the stated conditions.

Signature of Parent/Guardian: _____ Date: _____

See Reverse for Decision

VERIFICATION OF CHILD CARE

Child care

Provider must be in requested district's attendance boundaries

Provider: _____

Provider Address: _____

DECISION

District of Residence

Check One: Approved: _____ Denied: _____ Approved for SY 21/22 only: _____

Reason(s) for decision if denied:

Administrator Approval: _____ Date: _____

District Requested

Check One: Approved: _____ Denied: _____

Reason(s) for decision if denied:

Administrator Approval: _____ Date: _____



SOLICITUD DE ASISTENCIA INTERDISTRITAL
DISTRITO ESCOLAR DE LA UNIÓN CONJUNTA DEL CONDADO DE NORTH
500 SPRING GROVE ROAD – HOLLISTER, CA 95023
TELÉFONO: 831-637-5574 – FAX: 831-637-0682
AÑO ESCOLAR 2021-2022

INFORMACIÓN DE ESTUDIANTES Y PADRES/TUTORES

Por favor enumere el nombre del estudiante (apellido, primer nombre)

Estudiante 1: "_____" M _ F ____ grado: La escuela pidió _____

Estudiante 2: "_____" M _ F ____ grado: La escuela pidió _____

Estudiante 3: "_____" M _ F ____ grado: La escuela pidió _____

Nombre del padre o tutor: _____

Dirección: Ciudad/Código postal: _____

Teléfono de casa: Teléfono de trabajo: Teléfono celular: () _____

Si los estudiantes reciben (s) servicios especiales, verifique qué tipo a continuación:

	<u>Especialista en</u> <u>recursos</u>	<u>Clase de día</u> <u>especial</u>	<u>Discurso</u>	<u>Plan 504</u>
Estudiante 1	()	()	()	()
Estudiante 2	()	()	()	()
Estudiante 3	()	()	()	()

INFORMACIÓN SOBRE TRANSFERENCIAS ESCOLARES Y DISTRITALES

Distrito de residencia: North County Joint USD distrito solicitado: _____

Dirección: 500 Spring Grove Rd.

Dirección: Ciudad/Código postal: Hollister, CA 95023

Ciudad/Código postal: _____

RAZÓN (S) PARA SOLICITAR

Por favor, compruebe las siguientes razones que se aplican y adjuntar documentación de apoyo para verificar el cumplimiento de su razón, según sea necesario.

1. El cuidado infantil **La verificación necesaria en el reverso de este formulario**
2. Las necesidades físicas y mentales Adjunte la certificación de un médico, un psicólogo escolar u otro personal apropiado
3. _ Para evitar dividir la asistencia de la familia
4. El cambio de residencia mudarse a un nuevo distrito de residencia y desea que los estudiantes permanezcan donde actualmente asisten
5. ^{El} Para permitir que el estudiante de 8° grado asista a la misma escuela asistió en el 7^{mo} año si la familia se mudó del distrito
6. Se requiere el traslado a la documentación oficial del distrito
7. ¡ Temporalmente fuera de Dist Cuando el estudiante estará fuera del distrito por un año o menos
8. Se recomienda por Cuando los servicios sociales recomiendan que no es aconsejable que el estudiante asista a la escuela de residencia
Servicios sociales
9. El programa de educación del programa de educación no se ofrece en el distrito de residencia: _____
10. El medio ambiente escolar por razones de ajuste personal y social. Razón: _____

DECLARACIÓN DE PADRE GUARDIAN

Yo/nosotros entendemos las condiciones si se concede la aprobación: (1) esta solicitud está sujeta a espacio disponible (2) no habrá costos adicionales para cualquiera de los distritos (3) la aprobación de ambos distritos (s) se requiere (4) los estudiantes de transporte a y desde la escuela serán proporcionados por los padres (5) los estudiantes deben mantener la asistencia, comportamiento y los requisitos académicos; (6) Distrito puede verificar la información en este formulario y los estudiantes de asistencia, comportamiento y

registros académicos (7) una vez que un estudiante está inscrito en una escuela, él/ella no tendrá que volver a solicitar una transferencia interdistrital. Si la solicitud es denegada y todos los derechos de apelación se han agotado en el distrito, yo/nosotros tenemos el derecho de apelar la decisión a la oficina del Condado de educación del distrito de denegación. Por la presente Certifico que toda la información proporcionada es precisa y comprende y acepta las condiciones indicadas.

Firma del padre o tutor: _ _ _ _ - _ _ _ _

Consulte invertir para la decisión

VERIFICACIÓN DE CUIDADO INFANTIL

El cuidado infantil

El proveedor debe estar en los límites de asistencia del distrito solicitado

Proveedor: _____

Dirección proveedor: _____

DECISIÓN DE LA

Distrito de residencia

Marque uno: Aprobado: Denegado Solo aprobado para SY 21/2022: _____

Motivo (s) de decisión si se deniega:

Aprobación del administrador: _ _ _ _ _ . Fecha: _ _ _

Distrito solicitado

Marque uno: Aprobado: Denegado _____

Motivo (s) de decisión si se deniega:

Aprobación del administrador: _ _ _ _ _ . Fecha: _ _ _

NORTH COUNTY JOINT UNION SCHOOL DISTRICT BOARD REPORT

DATE: February 11, 2021

REPORT BY: Jennifer Bernosky, Superintendent/Principal

TOPIC: Pre-K, TK, Kindergarten Registration for 2021/2022 School Year Report

ACTION TO BE TAKEN: None - Informational

BACKGROUND INFORMATION: Each year Spring Grove begins its registration for the following year in early February. This allows the District time to determine staffing needs. Registration will begin on Monday, February 8, 2021. Kindergarten registration is for students who will turn 5 by September 1, 2021. TK registration is for students who will turn 5 by December 2, 2021.

Students who live within the NCJUSD boundaries will register.

Students who plan to attend Spring Grove on an Allen Bill (parent works within the District boundaries) will be required to fill out an Allen Bill and provide the required proof to the District Office. The student will then be placed on a waitlist and notified by the end of May as to space availability.

Students who plan to attend Spring Grove on an Interdistrict Transfer will need to apply for an IDT with their district of residence. Once the transfer has been approved and received by the District Office, the student will be placed on a waitlist and notified by the end of May as to space availability as well.

Spring Grove hopes to have 4 TK/K classes for the 2021-2022 school year.

The Pre-K registration will also begin on February 8, 2021. Families will be able to register their child if they will be 4 years old by September 1, 2021. This is a 5 day program running from 8:15-12:15 and following the school calendar. The Pre-K is a private program and is open to all children. Children who have a sibling attending, are from an alumni family, or have a parent who works in the school will have priority and will be able to register between February 8-19. After February 19th, students are accepted on a first come, first serve basis. The Pre-K class will have a ratio of 12 students to 1 teacher. If the interest is great, then the ratio can move to 20 students to 2 teachers.

CONCLUSION: The District looks forward to the registration process and welcoming our new Tigers!

NORTH COUNTY JOINT UNION SCHOOL DISTRICT BOARD REPORT

DATE: February 11, 2021

REPORT BY: Jennifer Bernosky, Superintendent/Principal

TOPIC: Operations Report

ACTION TO BE TAKEN: None - Informational

SECURITY CAMERAS: Superintendent Bernosky will share the security cameras in action during the Board meeting.

BUILDING/FACILITIES: On January 15th, Superintendent Bernosky and Lead Custodian Nelson Moreta did a safety walk thru with the Doug Evers who supports our safe campus as our Risk Manager. The inspection included thorough inspection of the entire campus including the maintenance shop. The inspection went very well with minor corrections. Nelson Moreta took care of most of them within the week. The District has contracted to have the ramp to the bookroom replaced as the wood has become worn. This is one of the original existing portables. A small section of siding on Room 17 is also being replaced. The Maintenance Shop was in outstanding shape and many old items had been removed. Great efforts from our custodial staff.

The District will begin working on a list of summer projects including painting the next section of the campus: District Office and Rooms 11-24. The District will also look into replacing the campus alarm system in the future.

CONCLUSION: The report provided is informational only. The goal is to keep the Board of Trustees informed.

NORTH COUNTY JOINT UNION SCHOOL DISTRICT BOARD REPORT

DATE: February 11, 2021

REPORT BY: Jennifer Bernosky, Superintendent/Principal

TOPIC: Principal's Report

ACTION TO BE TAKEN: None - Informational

STUDENT ACTIVITIES: On February 3rd our Technology/Library Specialist, Mrs. Firstbrook organized a World Read Aloud Day for our teachers to participate in. Each teacher was able to sign up to have a virtual ZOOM visit from a children's/young adult author. The authors shared about their books, their lives, and also answered many well thought questions from our students. The feedback from both students and teachers were fantastic. What a wonderful way to get students excited about reading. A huge thank you to Mrs. Firstbrook for making this happen.

Also, on February 3rd, our 8th graders participated in a virtual Feeder School Assembly from San Benito High School. The assembly took place in the PM class, so the AM students, ROAR students, and students out on contract were able to log into the ZOOM meeting from home. Thank you to San Benito High School for making it work. Our Top 10 students were also recognized.

On January 28th, Superintendent Bernosky visited all 1st-8th grade classes and awarded students for their i-Ready growth in December. She also celebrated the Honor Roll students with the 4th-8th grade students as well. It is always exciting to recognize our students' successes.

Student incentives:

i-ready minutes contest across the grade levels.

i-ready certificates for passing 20,40,60... lessons

Student of the Week- announced weekly.

STUDENT ACADEMICS: The Winter District Writing Assessments took place between February 1st-11th. The teachers will begin to score the assessments after the winter break.

SATURDAY SCHOOL: Saturday School began on January 30th and will continue once a month through May. The purpose of Saturday School is to provide additional supports to students in 2nd-8th grade. Students were invited based on 1st semester grades, lack of internet reliability at home, low assessment scores, or lack of support outside of the school day. Students are provided additional instruction, one on one support, reteaching, and time to work. 92 students were invited, and 69 students attended the first session. Parents received a letter with all the Saturday School dates and will receive reminders the week before each session. Teachers will add students to the invitation list as needed.

PROFESSIONAL LEARNING COMMUNITIES (PLCs): Friday PLC meetings continue to be productive times of planning, reviewing data, meeting with SPED, Student Success Meetings, IEP meetings, and time to prep for the next week and post in the Google Classroom. Teachers will spend 2 weeks in February scoring the writing assessments with their grade level team.

DISCIPLINE/SUSPENSIONS: No new suspensions to report as of February 4, 2021

NORTH COUNTY JOINT UNION SCHOOL DISTRICT BOARD REPORT

DATE: February 11, 2021

REPORT BY: Jennifer Bernosky, Superintendent/Principal

TOPIC: Board Member Report

ACTION TO BE TAKEN: None - Informational

BACKGROUND INFORMATION: This regular agenda item provides an opportunity for individual Trustees to make requests for information and/or suggest future Board agenda items supported by the Board and provide direction to staff based on Board agreement. In addition, it provides an opportunity for Trustees to make brief reports to the Board.

CONCLUSION: This report provides an opportunity for Board input.

NORTH COUNTY JOINT UNION SCHOOL DISTRICT BOARD REPORT

DATE: February 11, 2021

REPORT BY: Jennifer Bernosky, Superintendent/Principal

TOPIC: Area Trustee Report

ACTION TO BE TAKEN: None - Informational

BACKGROUND INFORMATION: The California Voting Rights Act (CVRA) was enacted in 2002. Districts who elect board members by “trustee areas” are immune to the CVRA. The NCJUSD currently elects its board member at large. For a District to move towards “trustee area” elections, a District would work with a law firm who has experience in the process. This regular agenda item provides an opportunity for the Superintendent to keep the Board of Trustees updated on the District’s status as it pertains to this issue.

CONCLUSION: The Superintendent will provide up to date information available at the time of the meeting.

NORTH COUNTY JOINT UNION SCHOOL DISTRICT BOARD REPORT

DATE: February 11, 2021

REPORT BY: Jennifer Bernosky – Superintendent/Principal

TOPIC: Superintendent's Report

ACTION TO BE TAKEN: None - Informational

Student Enrollment: Enrollment remains consistent with 738 students as of February 8, 2021.

Learning Continuity and Attendance Plan: The District will begin to work on the new LCAP which will be a new 3 year plan. Details will be shared over the next few months.

COVID-19 Prevention Program: The required COVID-19 Prevention Plan is posted on the District website as required by February 1st. This will be shared at the Board Meeting from the District website.

REOPEN Plan: The current plan is to continue with the AM/PM Hybrid until the District is able to go back to a full schedule. As of February 8th, there are 70 students in the ROAR program (9%), 48 students on an Independent Study Contract with teacher support (7%) and 620 students attending the hybrid (84%). The District continues to communicate with families via Powerschool announcements as to when to stay home (positive case, direct contact...)

The state of California is now in the Tier 1B for vaccines. San Benito County is currently vaccinating those who are 75 and older. The District continues to meet with Public Health and SBCOE and will be ready when it is time to vaccinate school employees.

CONCLUSION: This report provides the Superintendent an opportunity to share current information.

CONSENT ITEMS

NORTH COUNTY JOINT UNION SCHOOL DISTRICT

MEETING MINUTES

BOARD OF TRUSTEES REGULAR MEETING

January 14, 2021

CALL TO ORDER	The meeting (held virtually via ZOOM) was called to order at 6:00PM by Board President, Ted Zanella.
	Members Present: Cindy King, Trustee, Frank O'Connell, Trustee, Ted Zanella, Board President, Renee Faught, Board Clerk
1. Pledge of Allegiance	The Pledge of Allegiance was led by Board President, Ted Zanella .
2. Approval of Agenda	Motion to approve agenda by Cindy King, 2 nd by Renee Faught VOTE: Cindy King , Aye, Frank O'Connell, No Vote (technology error), Ted Zanella, Aye, Renee Faught, Aye
3. Recognition of Visitors	NONE
PUBLIC COMMENTS	NONE
2020/2021 PRINCIPAL APPORTIONMENT ATTENDANCE REVENUE REPORT	Sheila Maes (Manager, Fiscal Services) reviewed the provided report and added that since school districts will be funded based on the 2019/2020 P2 attendance due to COVID-19, there is nothing new to report.
WILLIAMS COMPLAINT SUMMARY	Mrs. Bernosky (Superintendent/Principal) reported that there were no complaints relating to the Williams Settlement during the reporting period of October 2020 through December 2020.
ANNUAL REPORT ON DEVELOPER FEES	Sheila Maes (Manager, Fiscal Services) reviewed the provided report and explained that the District collected \$29,243.39 in developer fees during the 2019/2020 school year. Interest earned on this amount was \$5,398.91. Nothing has been spent out of this fund.
FISCAL SERVICES REPORT	Sheila Maes (Manager, Fiscal Services) reviewed the provided report and added that revenues were \$2.6 million. Expenses have been \$3.1 million. Mrs. Maes has just completed the reporting for Cycle 3 of the CARES Act funding. These funds are used for learning loss mitigation. The revenue that was required to be spent by December 31, 2020 has been spent. These funds were used to install air purifiers, technology, and PPE.
OPERATIONS REPORT	Mrs. Bernosky (Superintendent/Principal) reviewed the provided report and added: CHILD NUTRITION: All students will be able to receive free breakfast and lunch throughout the 2020/2021 school year. Additionally, Food Services will be providing meals to Migrant students during the upcoming Winter Break. Independent Study and ROAR students can get meals through drive-through pick up each day. TRANSPORTATION: San Benito High School is doing a great job transporting Spring Grove students. They are very cooperative and great with the kids. BUILDING/FACILITIES: The District has added ionized air purifiers to every classroom. The cost for this project was \$28,000 and was paid for with CARES Act funds. The disinfecting teams are doing well at getting all classrooms disinfected between school sessions. David Traveria (Groundskeeper/Custodian) is making great progress with the grounds. He is thatching the lawns and is very knowledgeable about landscaping. He takes great pride in his work and the campus. Mrs. Bernosky will have a safety walkthrough with Doug Evers on January 15 th . Mrs. Bernosky will be reaching out for legal and professional service in further researching a solar project for the District. The District has now received 2 new sets of Chromebooks for a total off approximately 500. Karen Firstbrook (Library/Technology Specialist) has been instrumental in launching a Virtual Library, organizing District technology, and updating the reading materials in the library. Recently surplussed books will soon be available to Spring Grove students for free. Mrs. Bernosky continues to communicate with San Benito County Health Office and District staff about the upcoming availability of the COVID-19 vaccine.
PRINCIPAL'S REPORT	Mrs. Bernosky (Superintendent/Principal) reviewed the provided report and added the following:

Regular Board Meeting Minutes: January 14, 2021

	<p>STUDENT ACTIVITIES Students have just returned from the holiday break. Mrs. Bernosky is preparing for Girl's Inc to meet with 7th grade girls during the second semester.</p> <p>STUDENT ACADEMICS: Report cards went out today. The District will be honoring Honor Roll students and those who have shown growth in iReady.</p> <p>PLCS: Teachers participated in an iReady training as well as grade level meetings during the January 11, 2021 professional development day.</p> <p>BPST/READING RESULTS ROUND 2: ROAR students will be testing next week. Students who were already tested have shown some growth but not quite as much as Mrs. Bernosky and teachers would like to see. Those students who are struggling need more support.</p> <p>iREADY: The first round was all done by students at home during Distance Learning. The second round has been done at school and is much more accurate. There will be a new contest starting soon. 22% of students have shown typical or stretch growth. The third assessment will take place in March or April.</p> <p>STUDENT DISCIPLINE: None</p>
BOARD MEMBER REPORT	NONE
AREA TRUSTEE REPORT	NONE
SUPERINTENDENT'S REPORT	<p>Mrs. Bernosky (Superintendent/Principal) reviewed the provided report and added:</p> <p>STUDENT ENROLLMENT: TK, Kinder and Pre-K registration will begin on February 8, 2021. As of today, enrollment at Spring Grove School is 733. The District has received a couple of denied Inter-District transfer requests from Hollister School District for the 2021/2022 school year. Currently, Spring Grove families have 3 education options: On-campus hybrid (78%), ROAR (9%) and Independent Study with Support (12%). The Supported Independent Study program is a fluid program that supports students with exposure, high risk situations, etc. These students do their work in their Google Classroom, iReady, a PE log, and meet in small groups with a teacher for 1 hour a week. If the work and meeting is not completed, students will receive unexcused absences.</p> <p>SCHOOL PLAN DURING COVID: Mrs. Bernosky shared that Governor Newsom recently unveiled the beginning of a new plan to return California students to in person instruction. This plan has not been approved yet. Mrs. Bernosky will continue to update the Board as more information becomes available. The Governor's budget for next year is better than expected and will include come COLA increases.</p>
CONSENT	<p>Motion to approve by Frank O'Connell, 2nd by Renee Faught</p> <p>VOTE: Frank O'Connell, Aye, Ted Zanella, Aye, Renee Faught, Aye, Cindy King, Aye</p>
DISCUSSION / ACTION	<p>1. Approve 2019/2020 School Accountability Report Card (SARC)</p> <p>Mrs. Bernosky added that this was a standard report to the CDE and there were no changes for the 19/20 school year. This will be added to the District website.</p> <p>Motion to approve by Cindy King, 2nd by Frank O'Connell</p> <p>VOTE: Frank O'Connell, Aye, Ted Zanella, Aye, Renee Faught, Aye, Cindy King, Aye</p>
TRUSTEE FUTURE AGENDA ITEMS	The Board would like an update on the new security camera system.
PUBLIC COMMENTS ON CLOSED SESSION	None
ADJOURN TO CLOSED SESSION	<p>At 6:50 PM Motion to Adjourn to Closed Session by Frank O'Connell, 2nd by Cindy King</p> <p>VOTE: Frank O'Connell, Aye, Ted Zanella, Aye, Renee Faught, Aye, Cindy King, Aye</p>
CLOSED SESSION	<p>The Board of Trustees met in closed session to consider and/or discuss the following, pursuant to Government Code Section 54954.5</p> <ol style="list-style-type: none"> Existing/Anticipated Litigation/Significant Exposure to Litigation pursuant to Government Code 54956.9 Public Employee Employment, Appointment, Performance Evaluation pursuant to Government Code Section 54957 and 54947.1 <ul style="list-style-type: none"> Superintendent <p>At 7:30 pm motion to reconvene to open session by Cindy King, 2nd by Renee Faught. No action was taken.</p> <p>At 7:32pm motion to adjourn by Cindy King, 2nd by Ted Zanella</p> <p>VOTE: Frank O'Connell, Aye, Ted Zanella, Aye, Renee Faught, Aye, Cindy King, Aye</p>

Regular Board Meeting Minutes: January 14, 2021

Respectfully Submitted,



Jenny Bernosky, Secretary
North County Joint Union School District
Board of Trustees

NORTH COUNTY JOINT UNION SCHOOL DISTRICT

Fiscal Services

BOARD REPORT

DATE: February 11, 2021

REPORT BY: Sheila Maes, Manager, Fiscal Services

TOPIC: Ratify District Services and Operating Agreements and/or Contracts

ACTION TO BE TAKEN: Consent Approval

BACKGROUND INFORMATION: Each year the District enters into many contracts for services. Service and consultant contracts are routinely brought to the Board with a recommendation for ratification. Copies of contracts are available for review at the meeting or prior to the meeting upon request. Contracts under consideration are for the 2020/2021 school year.

CURRENT CONSIDERATIONS:

1. **San Mateo-Foster City School District:** School Year Annual Renewal of Services Super Co-Op a California USDA Foods Cooperative. San Mateo -Foster City School District is the Lead agency for the Super Co-Op and has been given authority to contract with USDA foods for the 2021-22 school year on behalf of North County Joint Union School District. The Lead agency of the Super Co-Op distribute and maintain inventory for all direct delivery of processed USDA Foods end products and commercial food products.

CONCLUSION: Board ratification of the specific contract as presented.

FINANCIAL IMPLICATIONS: All contracts to be charged to the appropriate allocated fund and resource as per adopted budget for the 2021/2022 school year.

Warrant Number	Reference Number	Issue Date	Payee and Purpose	Fnd Resc Y	Objt SO	Goal Func	Cstctr Ste Mngr	Expenditure
07	00384588	01/19/2021	AMERICAN FIDELITY ASSURANCE CO Jul-Dec Flex & DepCare	010-0000-0-9522-00-0000-0000-0000000-000-0000				1,574.82 Sub total: 1,574.82
07	00384304	01/05/2021	AMERICAN FIDELITY ASSURANCE CO Health Savings Account	010-0000-0-9522-00-0000-0000-0000000-000-0000				50.00 Sub total: 50.00
07	00384589	01/19/2021	AT&T Phone Service Phone Service ATL OTHER LOCAL REVENUE	010-0000-0-5930-00-0000-8200-0000000-000-0000 010-0000-0-5930-00-0000-8200-0000000-000-0000 010-0000-0-8699-00-0000-0000-0000000-000-0000				330.60 1,549.58 195.76- Sub total: 1,684.42
07	00384590	01/19/2021	BAKER SUPPLIES & REPAIRS Sml Equip Repairs/Supplies Sml Equip Repairs/Supplies Sml Equip Repairs/Supplies Sml Equip Repairs/Supplies	010-8150-0-4380-00-0000-8200-0000000-000-0000 010-8150-0-4380-00-0000-8200-0000000-000-0000 010-8150-0-5830-00-0000-8200-0000000-000-0000 010-8150-0-5830-00-0000-8200-0000000-000-0000 010-8150-0-5830-00-0000-8200-0000000-000-0000				33.55 212.77 35.00 85.00 Sub total: 366.32
07	00384305	01/05/2021	CDW GOVERNMENT INC. Chromebooks Chromebooks	010-3215-0-4400-00-1110-1000-0000000-000-0000 010-3215-0-4400-00-1110-1000-0000000-000-0000				4,819.20 53,767.20 Sub total: 58,586.40
07	00384306	01/05/2021	D&J LUMBER CO. INC. Maint. Supplies Maint. Supplies Maint. Supplies Maint. Supplies	010-0000-0-4380-00-0000-8200-0000000-000-0000 010-0000-0-4380-00-0000-8200-0000000-000-0000 010-0000-0-4380-00-0000-8200-0000000-000-0000 010-0000-0-4380-00-0000-8200-0000000-000-0000				88.11 45.85 32.75 46.38 Sub total: 213.09
07	00384591	01/19/2021	DASSEL'S PETROLEUM FUEL	010-0000-0-4380-00-0000-8200-0000000-000-0000				58.04 Sub total: 58.04
07	00384307	01/05/2021	Eide Bailly LLP 20-21 Audit	010-0000-0-5820-00-0000-7110-0000000-000-0000				4,375.00 Sub total: 4,375.00
07	00384592	01/19/2021	Fastenal Company MAINT/OPERATIONS SUPPLIES	010-7388-0-4380-00-0000-8200-0000000-000-0000				332.91 Sub total: 332.91
07	00384308	01/05/2021	GAVILAN PEST CONTROL Weed/Pest Control Weed/Pest Control Weed/Pest Control	010-8150-0-5830-00-0000-8200-0000000-000-0000 010-8150-0-5830-00-0000-8200-0000000-000-0000 010-8150-0-5830-00-0000-8200-0000000-000-0000 010-8150-0-5830-00-0000-8200-0000000-000-0000				55.00 130.00 80.00 Sub total: 265.00

Warrant Number	Reference Number	Issue Date	Payee and Purpose	Fnd Resc Y	Objt SO	Goal Func	Cstctr Ste Mngr	Expenditure
07	00384309	01/05/2021	HILLYARD/ SAN FRANCISCO Operational Supplies	010-0000-0-4380-00-0000-8200-000000-000-0000			Sub total:	16.85 16.85
07	00384593	01/19/2021	HILLYARD/ SAN FRANCISCO Operational Supplies Operational Supplies Operational Supplies SUPPLIES	010-0000-0-4380-00-0000-8200-000000-000-0000 010-0000-0-4380-00-0000-8200-000000-000-0000 010-0000-0-4380-00-0000-8200-000000-000-0000 010-3210-0-4310-00-1110-1000-000000-000-0000 130-5310-0-4380-00-0000-3700-000000-000-0000			Sub total:	346.36 159.38 43.30 183.07 732.11
07	00384594	01/19/2021	Image Source Usage/Copies Usage/Copies Usage/Copies	010-0000-0-5610-00-0000-7200-000000-000-0000 010-0000-0-5610-00-1110-1000-000000-000-0000 010-0000-0-5610-00-1110-2700-000000-000-0000			Sub total:	175.21 406.99 50.30 632.50
07	00384595	01/19/2021	KRAKAR, JAMIE Website Maintenance	010-0000-0-5830-00-0000-7150-000000-000-0000			Sub total:	180.00 180.00
07	00384310	01/05/2021	MANDEGO APPAREL Staff Supplies	010-0100-0-4310-00-0000-7110-000000-000-0000			Sub total:	1,328.77 1,328.77
07	00384311	01/05/2021	METROPOLITAN LIFE INSURANCE CO Insurance Premiums	010-0000-0-9944-00-0000-0000-000000-000-0000			Sub total:	67.55 67.55
07	00384312	01/05/2021	MISSION LINEN SUPPLY Towel Service Towel Service Towel Service Towel Service	010-0000-0-4380-00-0000-8200-000000-000-0000 010-0000-0-4380-00-0000-8200-000000-000-0000 130-5310-0-4380-00-0000-3700-000000-000-0000 130-5310-0-4380-00-0000-3700-000000-000-0000			Sub total:	10.00 10.00 37.30 29.50 86.80
07	00384313	01/05/2021	Marin County Office of Ed CONFERENCE EXPENSES	010-0000-0-5220-00-0000-7400-000000-000-0000			Sub total:	50.00 50.00
07	00384314	01/05/2021	NEW SV MEDIA INC eRate Legal Notice	010-0000-0-5818-00-0000-7300-000000-000-0000			Sub total:	245.00 245.00
07	00384596	01/19/2021	Ohana Shave Ice Staff Incentives	010-0000-0-5830-00-0000-7110-000000-000-0000			Sub total:	319.00 319.00
07	00384315	01/05/2021	PACIFIC GAS & ELECTRIC CO Gas & Electric	010-0000-0-5522-00-0000-8200-000000-000-0000			Sub total:	121.99 121.99

Warrant Number	Reference Number	Issue Date	Payee and Purpose	Fnd Resc Y	Objt SO	Goal Func	Cstctr	Ste Mngr	Expenditure
07	00384597	01/19/2021	PACIFIC GAS & ELECTRIC CO Gas & Electric Gas & Electric	010-0000-0-5522-00-0000-8200-000000-000-0000	010-0000-0-5522-00-0000-8200-000000-000-0000				6,414.54 121.99 6,536.53
									Sub total:
07	00384316	01/05/2021	PALACE BUSINESS SOLUTIONS Multi-Task Chair - K. Firstbro	010-0000-0-4310-00-0000-7200-000000-000-0000					465.37 465.37
									Sub total:
07	00384598	01/19/2021	REGISTRAR OF VOTERS ASSESSMENT AND FEES	010-0000-0-5818-00-0000-7110-000000-000-0000					4.37 4.37
									Sub total:
07	00384599	01/19/2021	RJR ENVIRONMENTAL INC. Garbage/Recycling Service	010-0000-0-5515-00-0000-8200-000000-000-0000					843.12 843.12
									Sub total:
07	00384600	01/19/2021	Ramirez, Noe Field Leak Repair	010-8150-0-5670-00-0000-8100-000000-000-0000					512.00 512.00
									Sub total:
07	00384601	01/19/2021	S.W. SCHOOL SUPPLY INC Portable Desk Guards	010-3210-0-4310-00-1110-1000-000000-000-0000					603.51 603.51
									Sub total:
07	00384602	01/19/2021	SELF-INSURED SCHOOLS OF CALIF. Employee Benefits Employee Benefits Employee Benefits Employee Benefits Employee Benefits	010-0000-0-9521-00-0000-0000-000000-000-0000 010-0000-0-9525-00-0000-0000-000000-000-0000 010-0000-0-9940-00-0000-0000-000000-000-0000 010-0000-0-9941-00-0000-0000-000000-000-0000 010-0000-0-9942-00-0000-0000-000000-000-0000					6,895.90 15,725.99 1,320.83 4,429.58 34,800.00 63,172.30
									Sub total:
07	00384603	01/19/2021	SMRCB FEES Annual Permit Fee	010-0000-0-5818-00-0000-8200-000000-000-0000					1,474.00 1,474.00
									Sub total:
07	00384317	01/05/2021	U.S. BANK Classroom/Computer Supplies COMPUTER SUPPLIES Landscaping Supplies MAINT/OPERATIONS SUPPLIES CONFERENCE EXPENSES CONTRACTED SERVICES ACCTS PAYABLE-USE TAX Safety Supplies APPROVED TEXTBOOKS & CURRI BOOKS & REFERENCE MATERIALS BOOKS & REFERENCE MATERIALS BOOKS & REFERENCE MATERIALS	010-0000-0-4310-00-1110-1000-000000-000-0000 010-0000-0-4320-00-1110-1000-000000-000-0000 010-0000-0-4380-00-0000-8200-000000-000-0000 010-0000-0-4380-00-0000-8200-000000-000-0000 010-0000-0-5220-00-0000-7400-000000-000-0000 010-0000-0-5830-00-0000-8200-000000-000-0000 010-0000-0-9512-00-0000-0000-000000-000-0000 010-0000-0-4100-00-1110-1000-000000-000-0000 010-0000-0-4100-00-1110-1000-000000-000-0000 010-0000-0-4200-00-1110-1000-000000-000-0000 010-0000-0-4200-00-1110-1000-000000-000-0000 010-0000-0-4200-00-1110-1000-000000-000-0000					31.28 730.60 169.94 1,021.72 89.00 374.00 554.67 11.90 115.00 1,239.09 286.57 540.25
									Sub total:

007 NORTH COUNTY JOINT UNION
Board Warrants/Cafeteria

Board Warrant Approval List
01/01/2021 - 01/31/2021

J54054 WABRDSC L.00.00 02/05/21 PAGE

4

Warrant Number	Reference Number	Issue Date	Payee and Purpose	Fnd Resc Y	Objt SO Goal Func Cstctr Ste Mngr	Expenditure
	P0120113	Earbuds		010-1100-0-	4310-00-1110-1000-000000-000-0000	550.00
	P0120113	Earbuds		010-1100-0-	4310-00-1110-1000-000000-000-0000	45.38
	P0120110	TCEA Conference		010-1100-0-	5220-00-0000-2420-000000-000-0000	199.00
	P0120113	Earbuds		010-1100-0-	9512-00-0000-0000-000000-000-0000	45.38-
	PV100040	CLASSROOM/OFFICE SUPPLIES		010-3210-0-	4310-00-1110-1000-000000-000-0000	24.24-
	P0110010	Ongoing Maint. Supplies		010-8150-0-	4380-00-0000-8200-000000-000-0000	1,217.02
	P0110010	Ongoing Maint. Supplies		010-8150-0-	4380-00-0000-8200-000000-000-0000	118.79
			Sub total:			7,224.59
07	00384604	01/19/2021 VERDEGAAL INC.				
	P0120109	Air Purifier/Installation		010-7420-0-	4310-00-1110-1000-000000-000-0000	8,455.00
	P0120109	Air Purifier/Installation		010-7420-0-	4310-00-1110-1000-000000-000-0000	15,035.00
	PV100043	REPAIRS, CONTRACTED		010-8150-0-	5670-00-0000-8100-000000-000-0000	188.00
			Sub total:			23,678.00
		Total Warrants Issued:				175,800.36
		Total Warrants Canceled:				.00
		Total Warrants (Issued - Canceled):				175,800.36

NORTH COUNTY JOINT UNION SCHOOL DISTRICT BOARD REPORT

DATE:	February 11, 2021
PRESENTED BY:	Erin Livingston Human Resources
TOPIC:	Personnel Exhibit
ACTION TO BE TAKEN:	Approval Recommended

CERTIFICATED

<u>NAME</u>	<u>ACTION</u>	<u>POSITION/FTE</u>	<u>EFFECTIVE</u>
Aaron Griffin	HIRE	Saturday School AND MIGRANT Saturday School Teacher	S2 20/21
Julie Brantome	HIRE	Saturday School AND MIGRANT Saturday School Teacher	S2 20/21
Julie Canez	HIRE	Saturday School Teacher	S2 20/21
Addie Hain	HIRE	Saturday School Teacher	S2 20/21
Rachelle Lalande	HIRE	Saturday School AND MIGRANT Saturday School Teacher	S2 20/21
Lauren Martarano	HIRE	Saturday School Teacher	S2 20/21
Cathie Scimeca	HIRE	Saturday School Teacher	S2 20/21
Jenny Bernosky	HIRE	Saturday School Administrator	S2 20/21
Gabriella Armenta	HIRE	MIGRANT Saturday School Administrator	S2 20/21

CLASSIFIED

<u>NAME</u>	<u>ACTION</u>	<u>POSITION/FTE</u>	<u>EFFECTIVE</u>
Cassie Lopez	Accept	Request to reduce hours by 1 (from .375 FTE to .250 FTE)	2/9/21

DISCUSSION / ACTION

NORTH COUNTY JOINT UNION SCHOOL DISTRICT BOARD REPORT

DATE: February 11, 2021

REPORT BY: Jennifer Bernosky, Superintendent/Principal

TOPIC: Approve NCJUSD Emergency Preparedness Plan

ACTION TO BE TAKEN: Approval Recommended

BACKGROUND INFORMATION: Each year the District is required to review and update its Emergency Preparedness Plan. The plan presented today includes all updated Board Policies, revised contacts, and additional information required by the California Department of Education. The presented plan was viewed by the School Site Council in October 2020.

CONCLUSION: The District request Board approval. Once the plan is approved, it will be posted on the District website and sent to both the San Benito County Office of Education and the California Department of Education.

NORTH COUNTY JOINT UNION SCHOOL DISTRICT



EMERGENCY PREPAREDNESS SAFETY PLAN

Presented at February 11, 2021 Board of Trustee Meeting
Board Approved:

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EMERGENCY PLAN

Every student, teacher, and school employee is to be familiar with his/her own School Emergency Plan. Periodic drills are to be conducted. Please be familiar with the procedures which will be followed in case of an emergency.

North County Joint Union School District Members of the Governing Board

Ted Zanella	President
Renee Faught	Member
Cindy King	Member
Stan Pura	Member
Frank O'Connell	Member

School District Superintendent/Principal

Jennifer Bernosky

PREFACE

The Administration of North County Joint Union School District has prepared this document as a guide for use by all staff members in time of an emergency. This Emergency Preparedness Safety Plan contains procedural information for expected responses by staff members to earthquakes, fires, and the event of a terrorist threat or dangerous intruder on campus. Specific discussion includes:

1. Warning signals appropriate to each situation.
2. Action responses to each warning signal.
3. Staff assignments and responsibilities.

OBJECTIVES OF THIS PLAN

The objectives of this planning guide follow.

1. To provide a standardized emergency action plan that will assist school personnel to meet their responsibilities to their students, fellow citizens, communities, and the state and federal government in times of emergency.
2. To provide an action plan for meeting the need to address major natural and man-made disasters.
3. To provide a means of standardizing the necessary training in emergency procedures for school personal through the development of a guide for ongoing in-service training.
4. To provide an emergency action guide that would include revised plans that were developed as new information comes forth in the area of man-made disasters.

School Site Council and District Safety Committee

District Safety Committee meets bimonthly to review safety on campus and safety practices. The committee is made up of administration, certificated staff, classified staff and confidential management. Minutes of the safety meeting are provided to all staff members.

School Site Council meetings take place 5 times during the school year. The SSC is made up of 5 staff members and 5 parents. The Safety Plan and safety on the campus is discussed and this plan is reviewed annually.

North County Joint Union School District
500 Spring Grove Road
Hollister, CA 95023
(831) 637-5574

***Emergency Preparedness Safety Plans for the
North County Joint Union School District***

To: All Parents and Guardians
From: Jennifer Bernosky, Superintendent/Principal

Under some circumstances, **school cannot open** due to loss of utilities (water, heat, electricity), severe weather, or dangerous road conditions. If this happens, the District will contact the radio and television stations listed below. They will broadcast spot announcements as often as possible. When there is threatening weather such as freezing rain, snow, or strong winds, you are asked to listen for public service announcements regarding our schools, beginning about 6:30 a.m. Please assume that if no public announcement is made by 7:30 a.m., school will be open. You may also call the school, which will have a voicemail announcement when closed:
Spring Grove School - (831) 637-3745

The Superintendent/Principal will notify the stations listed below by 6:30 a.m. in the event that our school cannot open.

It is important for you to be aware that our district has **evacuation and emergency plans** in case of disaster. Due to the unpredictability of the varied types of potential disasters that can occur, it is difficult to give specific details of each emergency plan. However, it is important for you to be aware of several important points:

1. In the event of a disaster, **students will remain at school**. School personnel will remain to look after the safety of your student. The District plans to notify parents through local radio and television stations, or through other means that may be at our disposal, when it is safe to pick up the students. **Please be aware that students will be released by staff only to parents, guardians, or parent designee.**

2. For the above reason, the District strongly urges parents to have a battery-operated radio available since, in some disasters, electricity may be off and telephone communications will be limited or impossible.
3. We advise that each family develop an emergency plan at home so that all family members know emergency contacts, where to meet, etc.
4. Make it a priority to update your Emergency Cards at school. **Make sure that we have at least one (1) local emergency contact and add anyone you might possibly want to pick up your child in case of emergency or disaster.**

Local radio and television stations the District will use to provide parents and guardians with up to date information:

KUSP FM 88.9 (public radio)	(831) 476-2800	
KCBS AM 74 (all news radio)	(415) 765-4074	
KGO AM 810 (radio)	(415) 954-8142	
KION, Channel 5 or 46 (TV)	(831) 422-3500	www.kionrightnow.com
KSBW, Channel 7 or 8 (TV)	(831) 422-8206	www.ksbw.com
KCBA, Channel 35 (TV)	(831) 642-4400	www.kcba.com
KFOX FM 98.5 (radio)	(877) 410-5369	www.kfox.com

OTHER NUMBERS YOU MAY WISH TO HAVE ON FILE:

American Red Cross	(831) 636-2100 (Designated Site)
Emergency Medical Services	(831) 636-4066
Hollister Fire Station	(831) 637-4475
PG&E – Local Information	(800) 743-5000
Sheriff's Dispatcher (San Benito)	(831) 636-4080
Hollister Police Department	(831) 636-4430
SB County Office of Emergency Services	(831) 637-4168 (Designated Site)

CHAIN OF RESPONSIBILITY

Should the Superintendent/Principal be unavailable in an emergency situation, the following positions are authorized in order to serve as designee:

1. Director of Student Services, Curriculum and Instruction or Designee
 - a. Board President will be notified. Clerk if necessary, or other member.
 - b. County Superintendent of Schools will be put on standby to provide any needed support.
2. Manager, Fiscal Services
 - a. Board President will be notified. Clerk if necessary, or other member.
 - b. County Superintendent of Schools will be asked to provide needed support and will assign credentialed personnel to serve in acting capacity as needed. In the case of extreme emergency, this includes the external support authorized through the authority of the County Superintendent of Schools. The County Superintendent will be advised of Incident Command designation and work through the Santa Clara and San Benito County Offices of Emergency Services to expedite support as needed.
3. The District Coordinator, Special Education/District Administrative Psychologist
 - a. Board President will be notified. Clerk if necessary, or other member.
 - b. County Superintendent of Schools will be asked to provide needed support and will assign credentialed personnel to serve in acting capacity as needed. In the case of extreme emergency, this includes the external support authorized through the authority of the County Superintendent of Schools. The County Superintendent will be advised of Incident Command designation and work through the San Benito and Santa Clara County Offices of Emergency Services to expedite support as needed.

EMPLOYEE RESPONSIBILITY

The responsibility to providing maximum safety for the pupils and employees of a school district required serious attention to the development of rules and regulations. These regulations will serve as policy statements and guidelines. It is the legal and moral responsibility of every employee of the North County Joint Union School District, as Employee of the State of California, to read this plan and become thoroughly familiar with all procedures set forth.

The following excerpts from the Government Code and the Education Code affect all staff members of the North County Joint Union School District.

All public employees are hereby declared to be disaster workers subject to such disaster service activities as may be assigned to them by their superiors or by law.
(Government Code, Chapter 8, Division 4 of Title I, Section 3100.)

No school district employee shall be held personally liable for civil damages on account of personal injury to or death of any person resulting from civil defense and fire drills.
(Education Code, Section 32200.)

ASSIGNMENT OF DUTIES

Every staff member has a responsibility for performing certain duties in times of an emergency. Assignments are as follows:

Superintendent/Principal:

The Superintendent/Principal or his/her designated representative will assume overall direction of the emergency procedures. He/she will do the following:

- A. Direct the evacuation of the buildings using fire signals and other procedures as required in the event of fire, threat of explosion, or following the occurrence of earthquake tremors.
- B. Arrange for the physical transfer of students when students' safety is threatened by flood approaching fire or other such peril.
- C. Issue orders to teachers to move students to designated areas of safety within the school, when such action is deemed necessary.

Teachers:

Each teacher will be responsible for the direct supervision of his/her students. Each teacher will do the following:

- A. Give the TAKE COVER command during an earthquake.
- B. Direct the evacuation of the students to designated areas.
- C. Take roll when the class regroupes at the designated assembly areas.
- D. Report to the principal or designee the names of any students who are missing.
- E. Alert trained staff to administer first aid as needed.

Fiscal Services/Maintenance Department:

Fiscal Services/Maintenance personnel and their assistants will be responsible for the use of emergency equipment, the handling of supplies, and the safe use of available utilities. They will do the following:

- A. Control main shut-off valves for gas, water, and electricity and take preventative measures to minimize hazards that may result from broken or down lines.
- B. Disburse emergency equipment as needed.

- C. Direct and assist in rescue operations, as needed.
- D. Direct and assist in fire-fighting activities until regular fire-fighting personnel take over.
- E. Direct and control traffic.
- F. Survey the school plant and report damage to the principal or designee.
- G. Take steps necessary to conserve usable water supplies.
- H. Survey data network and communication systems.

Principal's Secretary:

The principal's secretary will assist the principal as needed. She will provide for the security of essential school records and documents and perform duties of emergency preparedness as necessary.

District Office Staff:

The District Office support staff will monitor telephones, monitor radio emergency broadcasts, and act as messengers and carriers when directed.

Other Staff:

Other staff members evacuate to the closest safe area or command center area. Stand by for orders from an administrator.

EMERGENCY ACTION PLAN

In the threat of disaster, as in the disaster itself, mass panic will become one of the greatest dangers to students. Staff members are reminded that in a time of stress, students will look for leadership from those who are normally in an authoritative position. It is therefore the responsibility of adults to remain calm, size up the situation, and take action based on known facts. As an example, the teacher who has made the decision to evacuate an immediate area with his/her students must also remember to keep a register of pupils with him/her during this procedure. This is necessary in order to account for all pupils once the group reaches a place of safety. Additionally, knowing where a classroom first aid kit is located, and the ability to easily access it, is also important. This detail may prove to be critically important as the emergency situation continues to evolve. With both of these evacuation details, the employee's ability to remain calm and focused is important.

At least once each semester, staff and students practice emergency procedure drills to reinforce appropriate actions and responses. Unfortunately, no one can accurately predict the future and these practices are therefore very general in their approach. Because of this, each staff member must: (a) take the responsibility to read this plan, (b) digest the basic text in order to know how to understand it, and (c) survey his/her work station to determine how this plan may dictate modification within this environment to be most effective.

A well-prepared and tested plan for prompt and positive action minimizes injuries and loss of life in a major disaster. The following are plans for specific situations that may pose the greatest threats to students and staff of North County Joint Union School District.

MANDATED POLICIES AND PROCEDURES

The School Safety Planning Committee has reviewed the site safety plan and made necessary updates and revision. The safety plan must include the following components: (Ed Code 35294.2)

- ☐ Child abuse reporting consistent with Penal Code 11164.
- ☐ Policies pursuant to Educational Code 48915 and other school-designated serious acts which would lead to suspension, expulsion or mandatory expulsion recommendations.
- ☐ Procedures to notify teachers and counselors (amended Welfare and Institutions Code 827) of dangerous students pursuant to Education Code 49079.
- ☐ A sexual harassment policy pursuant to Education Code 212.6
- ☐ Procedures for safe entrance and exit of students, parents/guardians and employees to and from the school
- ☐ The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5 (5411-discipline) in order to create a safe and orderly environment conducive to learning at school.
- ☐ If the school has adopted a dress code prohibiting students from wearing “gang related apparel,” the provisions of that dress code.
- ☐ Routine and Emergency Disaster Procedures that include:
 - Emergency and Disaster Preparedness Plan
 - Fire Drills
 - Bomb Threats
 - Earthquake Emergency Procedure System
 - Transportation Safety and EmergenciesFire Department inspection annually.
Safety inspection annually.
Self inspection by annually.

As the team reviews the following mandated components, critical questions to review include:

- What is the policy or procedure?
- How are staff, students and/or parents notified that this policy exists?
- How are staff, students and/or parents notified relative to a specific incident?
- What staff/student training(s) have been completed?
- What additional trainings are needed?

North County Jt Un SD

Board Policy

Child Abuse Prevention And Reporting

BP 5141.4

Students

Child Abuse Prevention

The Board of Trustees recognizes the district's responsibility to educate students about the dangers of child abuse so that they will acquire the skills and techniques needed to identify unsafe situations and to react appropriately and promptly.

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, inform them of available support resources, and teach them how to obtain help and disclose incidents of abuse. The curriculum also shall include training in self-protection techniques.

(cf. 6143 - Courses of Study)

The Superintendent or designee shall seek to incorporate community resources into the district's child abuse prevention programs. To the extent feasible, the Superintendent or designee shall use these community resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

(cf. 1020 - Youth Services)

Child Abuse Reporting

The Board recognizes that child abuse 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 such incidents in accordance with law.

(cf. 0450 - Comprehensive Safety Plan)

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.

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
33308.1 Guidelines on procedure for filing child abuse complaints
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

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
11164-11174.4 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

Management Resources:

CDE LEGAL ADVISORIES

0514.93 Guidelines for parents to report suspected child abuse

WEB SITES

California Attorney General's Office, Crime and Violence Prevention Center: <http://safestate.org>

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

California Department of Social Services, Children and Family Services Division:

<http://www.childsworld.ca.gov>

U.S. Department of Health and Human Services, National Clearinghouse on Child Abuse and

Neglect Information: <http://nccanch.acf.hhs.gov>

Policy NORTH COUNTY JOINT UNION SCHOOL DISTRICT

adopted: June 25, 2014 Hollister, California

North County Jt Un SD

Administrative Regulation

Child Abuse Prevention And Reporting

AR 5141.4

Students

Definitions

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect of a child as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code 11165.6)

(cf. 3515.3 - District Police/Security Department)

3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself,

or to obtain weapons or other dangerous objects within the control of the student (Education Code 49001)

(cf. 5144 - Discipline)

5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student (Education Code 49001)

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; administrators and employees of a licensed day care facility; Head Start teachers; district police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. (Penal Code 11166)

Reportable Offenses

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11166.05, 11167)

Any district employee who reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer. (Penal Code 152.3, 288)

Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual

agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

Reporting Procedures

1. Initial Telephone Report

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166)

San Benito County CWS Agency
1111 San Felipe Road, Suite 206
Hollister, CA 95023
831-636-4190 days
831-636-4330 nights

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168)

The Department of Justice form may be obtained from the district office or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location, and, where applicable, school, grade, and

class

- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code 11167)

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167)

3. Internal Reporting

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor 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 Superintendent or designee as soon as possible after the initial telephone report to the appropriate agency.

The Superintendent or designee 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 Superintendent or designee may assist in completing and filing the necessary forms.

Reporting the information to an employer, or the Superintendent, supervisor, 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

Training of mandated reporters shall include identification and mandated reporting of child abuse and neglect. (Penal Code 11165.7)

Training shall also include guidance in the appropriate discipline of students, physical contact with students, and maintenance of ethical relationships with students to avoid actions that may be misinterpreted as child abuse.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 5145.7 - Sexual Harassment)

Victim Interviews by Social Services

Whenever a representative from the Department of Social Services or another government agency investigating suspected child abuse or neglect deems it necessary, a suspected victim may be interviewed during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. 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 child. (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 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)

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

Parent/Guardian Complaints

Upon request, the Superintendent or designee shall provide parents/guardians with a copy of this administrative regulation which contains procedures for reporting suspected child abuse occurring at the school to appropriate agencies. For parents/guardians whose primary language is not English,

such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at the school, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

(cf. 1312.1 - Complaints Concerning District Employees)

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code 11166, and their confidentiality rights under Penal Code 11167. The district also shall provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code 11166 and will comply with those provisions. The signed statement shall be retained by the Superintendent or designee. (Penal Code 11166.5)

(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.

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 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. (Penal Code 11166)

Regulation NORTH COUNTY JOINT UNION SCHOOL DISTRICT
approved: June 25, 2014 Hollister, California

North County Jt Un SD

Board Policy

Employee Security

BP 4158

Personnel

The Board of Trustees desires to provide a safe and orderly work environment for all employees. As part of the district's comprehensive safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for providing them with necessary assistance and support when emergency situations occur.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 5131.4 - Student Disturbances)

Any employee against whom violence or any threat of violence has been directed in the workplace shall notify the Superintendent or designee immediately. The Superintendent or designee shall initiate legal and security measures to protect the employee and others in the workplace. In addition, the Superintendent or designee may initiate legal proceedings against any individual to recover damages for injury caused by the willful misconduct of that individual to the person or property of an employee or another person on district premises.

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

(cf. 3515.4 - Recovery for Property Loss or Damage)

The Superintendent or designee shall ensure that employees are trained in crisis prevention and intervention techniques in order to protect themselves and students. Staff development may include training in classroom management, effective communication techniques, and crisis resolution.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee also shall ensure that employees are informed, in accordance with law, of crimes and offenses committed by students who may pose a danger in the classroom.

The Superintendent or designee may make available at appropriate locations, including, but not limited to, district and school offices, gyms, and classrooms, communication devices that would enable two-way communication with law enforcement and others when emergencies occur.

(cf. 5141 - Health Care and Emergencies)

Reporting of Injurious Objects

The Board requires employees to take immediate action upon being made aware that any person is in possession of an unauthorized injurious object on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the potential danger involved and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately call 911 and the principal

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

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

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

When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

Legal Reference:

EDUCATION CODE

32210-32212 Willful disturbance, public schools or meetings

32225-32226 Communication devices

35208 Liability insurance

35213 Reimbursement for loss, destruction or damage of school property

44014 Report of assault by pupil against school employee

44807 Duty concerning conduct of students

48201 Transfer of student records

48900-48926 Suspension or expulsion

49079 Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion

49330-49335 Injurious objects

CIVIL CODE

51.7 Freedom from violence or intimidation

CODE OF CIVIL PROCEDURE

527.8 Workplace violence safety

GOVERNMENT CODE

995-996.4 Defense of public employees

3543.2 Scope of representation

PENAL CODE

71 Threatening public officers and employees and school officials
240-246.3 Assault and battery, including:
241.3 Assault against school bus drivers
241.6 Assault on school employee includes board member
243.3 Battery against school bus drivers
243.6 Battery against school employee includes board member
245.5 Assault with deadly weapon; school employee includes board member
290 Registration of sex offenders
601 Trespass by person making credible threat
626-626.11 School crimes
646.9 Stalking
12403.7 Weapons approved for self defense
WELFARE AND INSTITUTIONS CODE
827 Juvenile court proceedings; reports; confidentiality
828.1 District police or security department, disclosure of juvenile records
COURT DECISIONS
City of San Jose v. William Garbett, (2010) 190 Cal. App. 4th 526

Management Resources:

WEB SITES

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

California Department of Education, Safe Schools and Violence Prevention Office:
<http://www.cde.ca.gov/lss/ss>

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Administrative Regulation

Employee Security

AR 4158

Personnel

An employee may use reasonable and necessary force for his/her self-defense, defense of another person, or protection of property; to quell a disturbance threatening physical injury to others; or to obtain possession of weapons or other dangerous objects within the control of a student. (Education Code 44807, 49001)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

Employees shall promptly report to the principal or other immediate supervisor any attack, assault, or physical threat made against them by a student.

Both the employee and the principal or other immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency. (Education Code 44014)

In addition, employees shall promptly report to the principal or supervisor, and may report to law enforcement, any attack, assault, or threat made against them on school grounds by any other individual.

(cf. 3515.2 - Disruptions)

Reports of attack, assault, or threat shall be forwarded immediately to the Superintendent or designee.

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

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 3530 - Risk Management/Insurance)

Notice Regarding Student Offenses Committed While Under School Jurisdiction

The Superintendent or designee shall inform the teacher(s) of each student who has engaged in, or is reasonably suspected of, any act during the previous three school years which could constitute grounds for suspension or expulsion under Education Code 48900, with the exception of the possession or use of tobacco products, or Education Code 48900.2, 48900.3, 48900.4, or 48900.7.

This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

(cf. 5125 - Student Records)

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

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform the student's teacher(s) that the student was suspended or expelled from his/her former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)

Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 49079)

Notice Regarding Student Offenses Committed While Outside School Jurisdiction

When informed by the court that a minor student has been found by a court to have committed any felony or any misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism, or graffiti, the Superintendent or designee shall so inform the school principal. (Welfare and Institutions Code 827)

The principal shall disseminate this information to any teacher or administrator he/she thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)

Any court-initiated information that a teacher or administrator receives shall be kept confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff, and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

When a student is removed from school as a result of his/her offense, the Superintendent shall hold the court's information in a separate confidential file until the student is returned to the district. If the student is returned to a different district, the Superintendent shall transmit the information provided by the student's parole or probation officer to the superintendent of the new district of attendance. (Welfare and Institutions Code 827)

Any confidential file of court-initiated information shall be kept until the student becomes 18, graduates from high school, or is released from juvenile court jurisdiction, whichever occurs first, and shall then be destroyed. (Welfare and Institutions Code 827)

Procedures to Maintain Confidentiality of Student Offenses

In order to maintain confidentiality when providing information about student offenses to teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification that one of his/her students has committed an offense that requires his/her review of a student's file in the school office. This notice shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the principal or

designee.

The staff member shall also initial the student's file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education Code 49079 and Welfare and Institutions Code 827, an employee's failure to review the file constitutes district compliance with the requirement to provide notice to the teacher.

Regulation NORTH COUNTY JOINT UNION SCHOOL DISTRICT
approved: June 25, 2014 Hollister, California

North County Jt Un SD

Board Policy

Sexual Harassment

BP 4119.11, 4219.11, 4319.11

Personnel

The Board of Trustees prohibits sexual harassment of district employees and job applicants. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and administrative regulation.

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

(cf. 4030 - Nondiscrimination in Employment)

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to staff

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

3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (5 CCR 4964)

Any district employee or job applicant who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately report the incident to his/her supervisor or the Superintendent.

A supervisor or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

Complaints of sexual harassment shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor in filing a complaint

where the supervisor is the subject of the complaint.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment against a district employee, job applicant, or student is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

7287.8 Retaliation

7288.0 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL
Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/offices/OCR>

Policy NORTH COUNTY JOINT UNION SCHOOL DISTRICT

adopted: June 25, 2014 Hollister, California

North County Jt Un SD

Administrative Regulation

Sexual Harassment

AR 4119.11, 4219.11, 4319.11

Personnel

Definitions

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work or has the purpose or effect of creating an intimidating, hostile, or offensive work environment. The conduct is sufficiently severe, persistent, pervasive, or objectively offensive so as to create a hostile or abusive working environment or to limit the individual's ability to participate in or benefit from an education program or activity.
4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs, or activities available at or through the district.

Other examples of actions that might constitute sexual harassment, whether committed by a supervisor, a co-worker, or a non-employee, in the work or educational setting, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors

2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Prohibited sexual harassment may also include any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

Training

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the supervisory position. (Government Code 12950.1)

The district's training and education program for supervisory employees shall include information and practical guidance regarding the federal and state laws on the prohibition against and the prevention and correction of sexual harassment, and the remedies available to the victims of sexual harassment in employment. The training shall also include all of the content specified in 2 CCR 7288.0 and practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1; 2 CCR 7288.0)

In addition, the Superintendent or designee shall ensure that all employees receive periodic training regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures.

Notifications

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year or whenever a new employee is hired

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

3. Appear in any school publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

All employees shall receive either a copy of information sheets prepared by the California

Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee

(cf. 4031 - Complaints Concerning Discrimination in Employment)

5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC
7. The protection against retaliation provided by 2 CCR 7287.8 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

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approved: June 25, 2014 Hollister, California

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Board Policy

Sexual Harassment

BP 5145.7

Students

The Board of Trustees is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any person who files a complaint, testifies, or otherwise participates in district complaint processes.

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

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
5. Information about the rights of students and parents/guardians to file a criminal complaint, as applicable

Complaint Process

Any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity (e.g., by a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 5141.4 - Child Abuse Prevention and Reporting)

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

Disciplinary Actions

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-8, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Confidentiality and Record-Keeping

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in the school.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.71 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

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

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

OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Sexual Violence, April 4, 2011

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance, January 2001

WEB SITES

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

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

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

Policy NORTH COUNTY JOINT UNION SCHOOL DISTRICT

adopted: June 25, 2014 Hollister, California

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Administrative Regulation

Sexual Harassment

AR 5145.7

Students

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, when made on the basis of sex and under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation

4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion

School-Level Complaint Process/Grievance Procedure

Complaints of sexual harassment, or any behavior prohibited by the district's Nondiscrimination/Harassment policy - BP 5145.3, shall be handled in accordance with the following procedure:

1. **Notice and Receipt of Complaint:** Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within 24 hours of receiving a complaint, the school employee shall report it to the district Coordinator for Nondiscrimination/Superintendent. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the Coordinator/Superintendent, whether or not the victim files a complaint.

In any case of sexual harassment involving the Coordinator/Superintendent to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall instead report to the Board of Trustees.

2. **Initiation of Investigation:** The Coordinator/Superintendent shall initiate an impartial investigation of an allegation of sexual harassment within five school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The district shall be considered to have "notice" of the need for an investigation upon receipt of information from a student who believes he/she has been subjected to harassment, the student's parent/guardian, an employee who received a complaint from a student, or any employee or student who witnessed the behavior.

If the Coordinator/Superintendent receives an anonymous complaint or media report about alleged sexual harassment, he/she shall determine whether it is reasonable to pursue an investigation considering the specificity and reliability of the information, the seriousness of the alleged incident,

and whether any individuals can be identified who were subjected to the alleged harassment.

3. Initial Interview with Student: When a student or parent/guardian has complained or provided information about sexual harassment, the Coordinator/Superintendent shall describe the district's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit the district's ability to investigate.

4. Investigation Process: The Coordinator/Superintendent shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

The Coordinator/Superintendent shall interview individuals who are relevant to the investigation, including, but not limited to, the student who is complaining, the person accused of harassment, anyone who witnessed the reported harassment, and anyone mentioned as having relevant information. The Coordinator/Superintendent may take other steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place.

When necessary to carry out his/her investigation or to protect student safety, the Coordinator/Superintendent also may discuss the complaint with the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth, law enforcement and/or child protective services, and district legal counsel or the district's risk manager.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

5. Interim Measures: The Coordinator/Superintendent shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.

6. Optional Mediation: In cases of student-on-student harassment, when the student who complained and the alleged harasser so agree, the Coordinator/Superintendent may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.

(cf. 5138 - Conflict Resolution)

7. Factors in Reaching a Determination: In reaching a decision about the complaint, the Coordinator/Superintendent may take into account:

- a. Statements made by the persons identified above
- b. The details and consistency of each person's account
- c. Evidence of how the complaining student reacted to the incident
- d. Evidence of any past instances of harassment by the alleged harasser
- e. Evidence of any past harassment complaints that were found to be untrue

To judge the severity of the harassment, the Coordinator/Superintendent may take into consideration:

- a. How the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them
- d. The number of persons engaged in the harassing conduct and at whom the harassment was directed
- e. The size of the school, location of the incidents, and context in which they occurred
- f. Other incidents at the school involving different students

8. **Written Report on Findings and Follow-Up:** No more than 30 days after receiving the complaint, the Coordinator/Superintendent shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Coordinator/Superintendent shall notify the student who complained and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If it is determined that harassment occurred, the report shall also include any corrective actions that have or will be taken to address the harassment and prevent any retaliation or further harassment. This report shall be presented to the student who complained, the person accused, the parents/guardians of the student who complained and the student who was accused.

In addition, the Coordinator/Superintendent shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The Coordinator/Superintendent shall make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

(cf. 5131.5 - Vandalism and Graffiti)

2. Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

3. Disseminating and/or summarizing the district's policy and regulation regarding sexual harassment

4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to parents/guardians and the community

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

(cf. 5125 - Student Records)

5. Taking appropriate disciplinary action

In addition, disciplinary measures may be taken against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

(cf. 4118 - Suspension/Disciplinary Action)

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

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

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

Notifications

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted, including the school web site (Education Code 231.5)

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
5. Be provided to employees and employee organizations

Regulation NORTH COUNTY JOINT UNION SCHOOL DISTRICT
approved: June 25, 2014 Hollister, California

North County Jt Un SD

Board Policy

Suspension And Expulsion/Due Process

BP 5144.1

Students

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

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

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

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

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

(cf. 5112.5 - Open/Closed Campus)

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

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

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

Appropriate Use of Suspension and Expulsion

Except when a student commits an act that violates Education Code 48900(a)-(e) or his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct.

Except when a student commits an act listed in Education Code 48915(c), the Superintendent or designee shall have the discretion to determine whether to recommend to the Board that the student be expelled.

(cf. 5131.7 - Weapons and Dangerous Instruments)

To correct the behavior of any student who is subject to discipline, the Superintendent or designee shall, to the extent allowed by law, first use alternative disciplinary strategies specified in AR 5144 - Discipline. (Education Code 48900.5, 48900.6)

(cf. 1020 - Youth Services)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

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

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

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

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

District staff shall not suspend any student for disruption or willful defiance, unless the suspension is warranted by documented repetitive behavior of the student or the disruption or willful defiance occurred in conjunction with another violation for which the student may be suspended.

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to classroom or school removal.

Due Process

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

(cf. 5119 - Students Expelled from Other Districts)

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

Removal from Class by a Teacher and Parental Attendance

When suspending a student from class for committing an obscene act, engaging in habitual profanity or vulgarity, disrupting school activities, or otherwise willfully defying valid staff authority, the teacher of the class may require any parent/guardian who lives with the student to attend a portion of the school day in the class from which the student is being suspended, to assist in resolving the classroom behavior problems. (Education Code 48900.1)

Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the teacher and the student and his/her parents/guardians and to improve the student's behavior.

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is required pursuant to law and that, if there are reasonable factors that may prevent the parent/guardian from complying with the requirement, he/she should contact the school. (Education Code 48900.1)

(cf. 5145.6 - Parental Notifications)

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

At the meeting with the student's parent/guardian, the principal or designee shall explain the district's and school's discipline policies, including the disciplinary strategies that may be used to achieve proper student conduct.

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by any method that maintains the confidentiality of the student's records.

(cf. 5125 - Student Records)

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

Supervised Suspension Classroom

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

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

Decision Not to Enforce Expulsion Order

Upon voting to expel a student, the Board may suspend enforcement of the expulsion order pursuant to the requirements of law and administrative regulation. (Education Code 48917)

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

The report shall be disaggregated by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, foster youth, and students with disabilities. The report also shall include information about whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48666 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

52060-52077 Local control and accountability plan

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors, or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

7151 Gun-free schools

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267
Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421
Board of Education of Sacramento City Unified School District v. Sacramento County Board of
Education and Kenneth H. (2001) 85 Cal.App.4th 1321
Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807
Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182
John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)
80 Ops.Cal.Atty.Gen. 348 (1997)
80 Ops.Cal.Atty.Gen. 91 (1997)
80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

CSBA PUBLICATIONS

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

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

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

WEB SITES

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

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

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

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

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

U.S. Department of Education, Office of Safe and Drug-Free Schools:

<http://www.ed.gov/about/offices/list/osdfs>

Policy NORTH COUNTY JOINT UNION SCHOOL DISTRICT

adopted: June 25, 2014 Hollister, California

North County Jt Un SD

Administrative Regulation

Suspension And Expulsion/Due Process

AR 5144.1

Students

Definitions

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

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level.
2. Referral to a certificated employee designated by the principal to advise students.
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

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

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(u))

Notice of Regulations

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

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows:

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

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

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

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

(cf. 5131.6 - Alcohol and Other Drugs)

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

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

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

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

8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but

not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))

(cf. 5131.62 - Tobacco)

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

10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))

11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

12. Knowingly received stolen school property or private property (Education Code 48900(l))

13. Possessed an imitation firearm (Education Code 48900(m))

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

14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))

15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))

16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))

17. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

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

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

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 (items #21-23 below), that has any of the effects described above on a reasonable student.

Electronic act means the creation or transmission of a communication originated on or off school site, including, but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet web site shall include, but is not limited to, the posting or creation of a burn page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

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

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

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

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

19. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31. (Education Code 48900(t))

20. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

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

A student in grades 4-8 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

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

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

(cf. 5145.7 - Sexual Harassment)

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

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

Removal from Class by a Teacher and Parental Attendance

A teacher may remove a student from his/her class for the remainder of the day and the following day only for acts specified in Education Code 48900 and listed under "Grounds for Suspension and Expulsion" above. (Education Code 48910)

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

As soon as possible after the teacher decides to remove the student, he/she shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

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

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

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

Pursuant to Board policy, a teacher may require the parent/guardian of a student whom the teacher has removed to attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

The notice may:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date
2. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student
3. Direct the parent/guardian to meet with the principal after the visit and before leaving school
4. Direct the parent/guardian to contact the school if there are reasonable factors that would prevent him/her from complying with the attendance requirement

Suspension by Superintendent, Principal, or Designee

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g)
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
5. Possessing an explosive as defined in 18 USC 921

In addition, the Superintendent, principal, or designee may impose a suspension upon a first offense if he/she determines that the student violated any of items #1-5 listed under "Grounds for Suspension

and Expulsion" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

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

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

(cf. 5125 - Student Records)

Length of Suspension

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

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

(cf. 6184 - Continuation Education)

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

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

1. Informal Conference: Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, presented with the evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose

of the conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)

3. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911)

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

In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

Although the parent/guardian is required to respond without delay to a request for a conference about his/her child's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911)

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

(cf. 6173.1 - Education for Foster Youth)

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

Suspension by the Board

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

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed under "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

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

(cf. 9321 - Closed Session Purposes and Agendas)

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

Authority to Expel

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

The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion." (Education Code 48915)

For all other grounds listed above under "Grounds for Suspension and Expulsion," the Board shall order a student expelled, upon the recommendation of the Superintendent, principal, or designee, only if the Board makes a finding of either or both of the following: (Education Code 48915(b) and (e))

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

Superintendent, Principal, or Designee's Authority to Recommend Expulsion

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

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g) or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

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

Mandatory Recommendation and Mandatory Expulsion

The Superintendent, principal, or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence

However, possession of an imitation firearm, as defined in Education Code 48900(m), shall not be regarded as an offense requiring a mandatory recommendation for expulsion and mandatory expulsion.

2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4

5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

Student's Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed one of the acts listed above under "Grounds for Suspension and Expulsion." (Education Code 48918(a))

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

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

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

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

Stipulated Expulsion

After a determination that a student has committed an offense listed above under "Grounds for Suspension and Expulsion" for which expulsion is permitted or mandatory, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

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

A stipulated expulsion shall be effective upon approval by the Board.

Rights of Complaining Witness

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

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

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

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

Written Notice of the Expulsion Hearing

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

1. The date and place of the hearing.
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

(cf. 5119 - Students Expelled from Other Districts)

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

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

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

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

Additional Notice of Expulsion Hearing for Foster Youth

At least 10 days prior to a hearing to determine if a student who is a foster youth as defined under Education Code 48853.5 should be expelled for an offense not requiring a mandatory recommendation for expulsion, the Superintendent or designee shall notify the student's attorney and a representative of an appropriate county child welfare agency. If the hearing is pursuant to an offense requiring a mandatory expulsion recommendation, the Superintendent or designee may provide the same notification. The notice shall be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code 48918(c))

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any

means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has

commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. Although no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

5. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)

- a. Any complaining witness shall be given five days' notice before being called to testify.
- b. Any complaining witness shall be entitled to have up to two adult support persons, including,

but not limited to, a parent/guardian or legal counsel, present during his/her testimony.

c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.

d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.

e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.

f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.

g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.

(1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.

(2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.

(3) The person conducting the hearing may:

(a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness

(b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours

(c) Permit one of the support persons to accompany the complaining witness to the witness stand

6. Decision: The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (Education Code 48917, 48918)

Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918(j))

(cf. 9321.1 - Closed Session Actions and Reports)

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any act listed under

"Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

Decision Not to Enforce Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)
6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County

Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation. (Education Code 48919)

The student shall submit a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance. In addition, law enforcement authorities shall be notified regarding any

acts by students regarding the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

Post-Expulsion Placements

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle or at any elementary school, unless the program is offered at a community day school established at such a site
3. Not housed at the school site attended by the student at the time of suspension

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

When the placement described above is not available and when the County Superintendent so certifies, students expelled for acts described in items #6-13 and #21-23 under "Grounds for Suspension and Expulsion" above may be referred to a program of study that is provided at another

comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference, the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073- 49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school. (Education Code 48916)
7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

Maintenance of Records

The district shall maintain a record of each suspension and expulsion, including its specific cause(s).
(Education Code 48900.8)

Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school.
(Education Code 48918(k))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

(cf. 5119 - Students Expelled from Other Districts)

Regulation NORTH COUNTY JOINT UNION SCHOOL DISTRICT
approved: June 25, 2014 Hollister, California

North County Jt Un SD

Board Policy

Dress And Grooming

BP 5132

Students

The Board of Trustees believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to give proper attention to personal cleanliness and to wear clothes that are suitable for the school activities in which they participate. Students' clothing must not present a health or safety hazard or a distraction which would interfere with the educational process.

(cf. 4119.22 - Dress and Grooming)

(cf. 5145.2 - Freedom of Speech/Expression)

Students and parents/guardians shall be informed about dress and grooming standards at the beginning of the school year and whenever these standards are revised. A student who violates these standards shall be subject to appropriate disciplinary action.

(cf. 5144 - Discipline)

Gang-Related Apparel

The Superintendent, staff, and parents/guardians may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a dress code may be included as part of the school safety plan and must be presented to the Board for approval. The Board shall approve the plan upon determining that it is necessary to protect the health and safety of the school's students.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5136 - Gangs)

Legal Reference:

EDUCATION CODE

32281 School safety plans

35183 School dress codes; uniforms

35183.5 Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

CODE OF REGULATIONS, TITLE 5

302 Pupils to be neat and clean on entering school

COURT DECISIONS

Marvin H. Jeglin et al v. San Jacinto Unified School District et al, (C.D. Cal. 1993)

827 F.Supp. 1459

Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251

Hartzell v. Connell, (1984) 35 Cal. 3d 899

Policy NORTH COUNTY JOINT UNION SCHOOL DISTRICT

adopted: June 25, 2014 Hollister, California

North County Jt Un SD

Administrative Regulation

Dress And Grooming

AR 5132

Students

In cooperation with teachers, students and parents/guardians, the Superintendent or designee shall establish school rules governing student dress and grooming which are consistent with law, Board policy and administrative regulations. These school dress codes shall be regularly reviewed.

(cf. 0420 - School Plans/Site Councils)

The school shall allow students to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day. (Education Code 35183.5)

Examples of inappropriate and negative clothing and guidelines for regular school activities:

1. Gang related apparel
2. Hats, beanies and visors may only be worn to school on Fridays. Students who need to wear a hat for sun protection on any school day may wear one that is available at the school office. Sweatshirt hoods may be worn outside on cold days only
3. Sunglasses cannot be worn in classrooms
4. Strapless/spaghetti strap racer back, see through, cut out and low cut tops or dresses (width of 2 inches for tank tops)
5. Clothing that reveals undergarments
6. Loose hanging or baggy pants
7. Short skirts, shorts (shorts must be longer than fingertips), and midriff baring tops
8. Clothing advertising drugs and alcohol
9. Tongue studs, nose and eyebrow rings or studs, pointed earrings, gages
10. High heels, flip-flops, sandals, or backless shoes (closed toed shoes required)

11. Loose baggy shirts that hide baggy pants
12. Ripped or torn clothing
13. Hoods except when it's raining
15. Excessively tight clothing
16. Writing on body or clothing with a pen/marker
17. No pajama bottoms or slippers
18. Spraying or dyed colors in hair (except on crazy hair day/Halloween)
19. No chains, lanyards or other items hanging from pants, shorts, skirts or sweats.

Clothing that signifies identification as part of a group, when the groups have By-Laws such as 4-H, Scouts, and are under the direct supervision of adults shall be exempt.

Coaches and teachers may impose more stringent dress requirements to accommodate the special needs of certain sports and/or classes.

(cf. 3260 - Fees and Charges)

No grade of a student participating in a physical education class shall be adversely affected if the student does not wear standardized physical education apparel because of circumstances beyond the student's control. (Education Code 49066)

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

The Superintendent, staff, students and parent/guardians may establish reasonable dress and grooming regulations for times when students are engaged in extracurricular or other special school activities.

Gang-Related Apparel

The Superintendent, staff and parents/guardians participating in the development of the school safety plan shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on school campus. (Education Code 32282)

Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever related information is received.

Uniforms

The Superintendent, staff and parents/guardians shall jointly select the specific uniform to be worn. (Education Code 35183)

At least six months before the school uniform policy is implemented, the Superintendent or designee shall notify parents/guardians of this policy. (Education Code 35183)

Parents/guardians shall also be informed of their right to have their child exempted.

The Superintendent or designee shall also repeat this notification at the end of the school year so that parents/guardians are reminded before school clothes are likely to be purchased.

The Superintendent or designee shall establish criteria for determining student eligibility for financial assistance when purchasing uniforms.

The Superintendent or designee shall establish a method for recycling or exchanging uniforms as students grow out of them.

Students who participate in a nationally recognized youth organization shall be allowed to wear organization uniforms on days when the organization has a scheduled meeting. (Education Code 35183)

Regulation NORTH COUNTY JOINT UNION SCHOOL DISTRICT
approved: June 25, 2014 Hollister, California

Policy 5141.52: Suicide Prevention

Status: ADOPTED

Original Adopted Date: 06/25/2020 | **Last Reviewed Date:** 06/25/2020

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

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

(cf. 1220 - Citizen Advisory Committees)

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

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

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

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

(cf. 6142.8 - Comprehensive Health Education)

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

4. The provision of information to parents/guardians regarding risk factors and warning signs of suicide, the severity of the suicide problem among youth, the district's suicide prevention curriculum, basic steps for helping suicidal youth, and/or school and community resources that can help youth in crisis

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

6. Crisis intervention procedures for addressing suicide threats or attempts

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

As appropriate, these measures and strategies shall specifically address the needs of students who are at high risk of

suicide, including, but not limited to, students who are bereaved by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning. (Education Code 215)

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

(cf. 5141.6 - School Health Services)

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

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

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

Legal Reference:

EDUCATION CODE

215 Student suicide prevention policies

215.5 Suicide prevention hotline contact information on student identification cards

216 Suicide prevention online training programs

234.6 Posting suicide prevention policy on website

32280-32289.5 Comprehensive safety plan

49060-49079 Student records

49602 Confidentiality of student information

49604 Suicide prevention training for school counselors

GOVERNMENT CODE

810-996.6 Government Claims Act

PENAL CODE

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

5698 Emotionally disturbed youth; legislative intent

5850-5886 Children's Mental Health Services Act

COURT DECISIONS

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

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

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

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

NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS PUBLICATIONS

Preventing Suicide: Guidelines for Administrators and Crisis Teams, 2015

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

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

Preventing Suicide: A Toolkit for High Schools, 2012

Management Resources: (continued)

WEB SITES

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

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

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

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

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

California Department of Health Care Services, Mental Health Services: <http://www.dhcs.ca.gov/services/MH>

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

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

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

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

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

U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration:
<http://www.samhsa.gov>

Regulation 5141.52: Suicide Prevention

Status: ADOPTED

Original Adopted Date: 06/25/2020 | **Last Reviewed Date:** 06/25/2020

SUICIDE PREVENTION

Staff Development

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

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

1. The higher risk of suicide among certain groups, including, but not limited to, students who are impacted by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning
2. Individual risk factors such as previous suicide attempt(s) or self-harm, history of depression or mental illness, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe stressor or loss, family instability, impulsivity, and other factors
(cf. 5131.6 - Alcohol and Other Drugs)
3. Warning signs that may indicate depression, emotional distress, or suicidal intentions, such as changes in students' personality or behavior and verbalizations of hopelessness or suicidal intent
4. Protective factors that may help to decrease a student's suicide risk, such as resiliency, problem-solving ability, access to mental health care, and positive connections to family, peers, school, and community
5. Instructional strategies for teaching the suicide prevention curriculum and promoting mental and emotional health
6. School and community resources and services, including resources and services that meet the specific needs of high-risk groups
(cf. 5141.6 - School Health Services)
(cf. 6164.2 - Guidance/Counseling Services)
7. Appropriate ways to interact with a student who is demonstrating emotional distress or is suicidal and procedures for intervening when a student attempts, threatens, or discloses the desire to die by suicide, including, but not limited to, appropriate protocols for monitoring the student while the immediate referral of the student to medical or mental health services is being processed
8. District procedures for responding after a suicide has occurred

Instruction

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

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

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5141.6 - School Health Services)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6164.2 - Guidance/Counseling Services)

Student Identification Cards

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

Intervention

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

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

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

(cf. 5141 - Health Care and Emergencies)

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

(cf. 5138 - Conflict Resolution/Peer Mediation)

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

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

4. Removing other students from the immediate area as soon as possible

(cf. 0450 - *Comprehensive Safety Plan*)
(cf. 5141 - *Health Care and Emergencies*)

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

(cf. 5125 - *Student Records*)

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

(cf. 5141.4 - *Child Abuse Prevention and Reporting*)

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

Postvention

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

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

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

(cf. 1112- *Media Relations*)

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

Policy 5131.2: Bullying**Status:** ADOPTED**Original Adopted Date:** 11/12/2015 | **Last Revised Date:** 04/02/2020 | **Last Reviewed Date:** 04/02/2020

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student. No individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel or retaliate against them for filing a complaint or participating in the complaint resolution process.

(cf. 5131 - Conduct)
(cf. 5136 - Gangs)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

(cf. 1220 - Citizen Advisory Committees)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 6020 - Parent Involvement)

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable district and school plans.

(cf. 0420 - School Plans/Site Councils)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 0460 - Local Control and Accountability Plan)

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

(cf. 1312.3 - Uniform Complaint Procedures)

If the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education Code 48900, the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code 46600, the Superintendent or designee shall allow the transfer in accordance with law and district policy on intradistrict or interdistrict transfer, as applicable.

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

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

(cf. 5145.2 - Freedom of Speech/Expression)

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the

local control and accountability plan, and other applicable district and school plans.

(cf. 0420 - School Plans/Site Councils)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 1220 - Citizen Advisory Committees)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 6020 - Parent Involvement)

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

(cf. 1020 - Youth Services)

Bullying Prevention

To the extent possible, district schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying.

(cf. 5137 - Positive School Climate)

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

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

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

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

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

Intervention

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

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

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

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

(cf. 6164.2 - Guidance/Counseling Services)

Reporting and Filing of Complaints

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

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

(cf. 1312.3 - Uniform Complaint Procedures)

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

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

Investigation and Resolution of Complaints

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

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

Discipline

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

- (cf. 5138 - Conflict Resolution/Peer Mediation)
- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
- (cf. 6159.4 - Behavioral Interventions for Special Education Students)

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

- (cf. 4118 - Dismissal/Suspension/Disciplinary Action)
- (cf. 4119.21/4219.21/4319.21 - Professional Standards)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)

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

State References

5 CCR 4600-4670

Description

[Uniform complaint procedures](#)

Ed. Code 200-262.4	Educational equity; prohibition of discrimination on the basis of sex
Ed. Code 32282	School safety plans
Ed. Code 32283.5	Bullying; online training
Ed. Code 35181	Governing board policy on responsibilities of students
Ed. Code 35291-35291.5	Rules
Ed. Code 46600	Student transfers
Ed. Code 48900-48925	Suspension and expulsion
Ed. Code 48985	Translation of notices
Ed. Code 52060-52077	Local control and accountability plan
Pen. Code 422.55	Definition of hate crime
Pen. Code 647	Use of camera or other instrument to invade person's privacy; misdemeanor
Pen. Code 647.7	Use of camera or other instrument to invade person's privacy; punishment
Pen. Code 653.2	Electronic communication devices, threats to safety

Federal References

28 CFR 35.107	Nondiscrimination on basis of disability; complaints
34 CFR 104.7	Designation of responsible employee for Section 504
34 CFR 106.8	Designation of responsible employee for Title IX
34 CFR 110.25	Notification of nondiscrimination on the basis of age
47 USC 254	Universal service discounts (E-rate)

Management Resources References

CA Office of the Attorney General Publication	Description Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018
California Department of Education Publication	Bullying at School, 2003
California Department of Education Publication	Bullying Module
California Department of Education Publication	California's Social and Emotional Learning: Guiding Principles, 2018
California Department of Education Publication	Social and Emotional Learning in California: A Guide to Resources, 2018
California Department of Education Publication	Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
Court Decision	Lavine v. Blaine School District, (2002) 279 F.3d 719
Court Decision	J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
Court Decision	Wynar v. Douglas County School District, (2013) 728 F.3d 1062
CSBA Publication	Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
CSBA Publication	Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
CSBA Publication	Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014

U.S. DOE Office for Civil Rights Publication	Guidance to America's Schools: Bullying of Students with Disabilities, October 2014
U.S. DOE Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
U.S. DOE Office for Civil Rights Publication	Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on Basis of Sex, Race, Color, Oct 2010
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Harassment and Bullying, October 2010
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Website	Collaborative for Academic Social and Emotional Learning
Website	Common Sense Media
Website	Partnership for Children and Youth
Website	National School Safety Center
Website	California Department of Education, Safe Schools
Website	California Office of the Attorney General
Website	U.S. Department of Education
Website	CSBA

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Regulation 5131.2: Bullying**Status:** ADOPTED**Original Adopted Date:** 04/02/2020 | **Last Reviewed Date:** 04/02/2020**BULLYING****Examples of Prohibited Conduct**

Bullying is an aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and may involve a single severe act or repetition or potential repetition of a deliberate act. Bullying includes, but is not limited to, any act described in Education Code 48900(r).

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images. Cyberbullying also includes breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

(cf. 5145.2 - Freedom of Speech/Expression)
(cf. 6163.4 - Student Use of Technology)

Examples of the types of conduct that may constitute bullying and are prohibited by the district include, but are not limited to:

1. Physical bullying: An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
2. Verbal bullying: An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm
3. Social/relational bullying: An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
4. Cyberbullying: An act such as sending demeaning or hateful text messages or emails, spreading rumors by email or by posting on social networking sites, or posting or sharing embarrassing photos, videos, web site, or fake profiles

Measures to Prevent Bullying

The Superintendent or designee shall implement measures to prevent bullying in district schools, including, but not limited to, the following:

1. Ensuring that each school establishes clear rules for student conduct and implements strategies to promote a positive, collaborative school climate
(cf. 5131 - Conduct)
(cf. 5137 - Positive School Climate)
2. Providing information to students, through student handbooks, district and school web sites and social media, and other age-appropriate means, about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying
3. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously
4. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as playgrounds, hallways, restrooms, and cafeterias
5. Annually notifying district employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe

to do so

Staff Development

The Superintendent or designee shall annually make available to all certificated staff and to other employees who have regular interaction with students the California Department of Education (CDE) online training module on the dynamics of bullying and cyberbullying, including the identification of bullying and cyberbullying and the implementation of strategies to address bullying. (Education Code 32283.5)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

Information and Resources

The Superintendent or designee shall post on the district's web site, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)

1. The district's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6

(cf. 5141.52 - Suicide Prevention)

2. The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8

3. Title IX information included on the district's web site pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's web site pursuant to Education Code 221.6

4. District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

5. A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media

6. A link to statewide resources, including community-based organizations, compiled by CDE pursuant to Education Code 234.5.

7. Any additional information the Superintendent or designee deems important for preventing bullying and harassment

(cf. 1113 - District and School Web Sites)

Student Instruction

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

AR 5131.2(d)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.94 - History-Social Science Instruction)

The district shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff shall be expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

Reporting and Filing of Complaints

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee.

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

(cf. 1312.3 - Uniform Complaint Procedures)

Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

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

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

Discipline/Corrective Actions

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

(cf. 5116.2 - Involuntary Student Transfers)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)
 (cf. 5144.1 - Suspension and Expulsion/Due Process)
 (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
 (cf. 6159.4 - Behavioral Interventions for Special Education Students)

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

Support Services

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

(cf. 6164.2 - Guidance/Counseling Services)

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement.

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

State References

5 CCR 4600-4670
 Ed. Code 200-262.4
 Ed. Code 32282
 Ed. Code 32283.5
 Ed. Code 35181
 Ed. Code 35291-35291.5
 Ed. Code 46600
 Ed. Code 48900-48925
 Ed. Code 48985
 Ed. Code 52060-52077
 Pen. Code 422.55
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[Local control and accountability plan](#)
[Definition of hate crime](#)
[Use of camera or other instrument to invade person's privacy; misdemeanor](#)
[Use of camera or other instrument to invade person's privacy; punishment](#)
[Electronic communication devices, threats to safety](#)

Federal References

28 CFR 35.107
 34 CFR 104.7
 34 CFR 106.8
 34 CFR 110.25
 47 USC 254

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[Nondiscrimination on basis of disability; complaints](#)
[Designation of responsible employee for Section 504](#)
[Designation of responsible employee for Title IX](#)
[Notification of nondiscrimination on the basis of age](#)
[Universal service discounts \(E-rate\)](#)

Management Resources References

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CA Office of the Attorney General Publication	Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018
California Department of Education Publication	Bullying at School, 2003
California Department of Education Publication	Bullying Module
California Department of Education Publication	California's Social and Emotional Learning: Guiding Principles, 2018
California Department of Education Publication	Social and Emotional Learning in California: A Guide to Resources, 2018
California Department of Education Publication	Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008
Court Decision	Lavine v. Blaine School District, (2002) 279 F.3d 719
Court Decision	J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094
Court Decision	Wynar v. Douglas County School District, (2013) 728 F.3d 1062
CSBA Publication	Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
CSBA Publication	Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
CSBA Publication	Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014
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PROCEDURES FOR SAFE INGRESS AND EGRESS

Beyond planning for daily ingress/egress routes and emergency evacuation routes, schools must plan for assisting students, staff and visitors with disabilities. Under the Americans with Disabilities Act of 1990, individuals who are deaf/hard of hearing, blind/partially sighted, mobility impaired and/or cognitively/emotionally impaired must be assisted.

A. Schools must include plans for:

- Identifying the population of people with disabilities
- Determining proper signage and equipment
- Training staff to assist individuals with disabilities
- Coordinating with emergency response personnel

B. Planning It is recommended that schools identify the location of potential evacuation sites based on the potential circumstances that may cause movement/relocation of the school population in the event of an emergency.

On-Campus Evacuation/Assembly Location

Review your school site layout and determine where the safest outdoor location is on campus to assemble your students and staff.

Off-Campus Evacuation/Assembly Location

Determine if there is a facility close to your school that can potentially house your staff and student body.

Prior to an event:

- a. Identify off-campus evacuation site(s).
- b. Establish a memorandum of agreement with the evacuation site(s).

Provide the addresses of at least two off-campus locations that have agreed to provide an assembly area for your school population.

Primary Off-Site Evacuation/Assembly Location

Organization: Kingdom Hall - Jehovah's Witness

Address: 2410 Fallon Road, Hollister, CA 95023

Contact Phone Number: 831.637.0956

Date of Agreement:

Secondary Off-Site Evacuation/Assembly Location

Organization: Hollister Municipal Airport

Address: 90 Airport Drive, Hollister, CA 95023

Contact Phone Number: 831.636.4365

Date of Agreement:

In the event of an airborne chemical or biological release, it is safest for students and staff to remain indoors at the school site. Follow the “Shelter-in-Place” procedures.

BOMB THREAT

(PEACETIME)

In the event of a bomb within the school, the following will be accomplished:

- A. Do not sound the fire alarm or use radios or cellular phones! **Leave Building.** Action command will be enacted through intercom or verbally.
- B. Caution all personnel against picking up any strange object: it could be a bomb.
- C. Notify the Sheriff's Department. The emergency telephone number is 911. Each person should check his or her own work area as they know it best. The Police Department will automatically respond to the 911 call.
- D. Notify the District Office if a bomb threat call comes to the School. If the call comes to the District Office the principal will be notified.
- E. Students and staff should not return to the school until the school administration officials, after conferring with police, declare the school safe.
- F. The person receiving a bomb threat on the telephone should note as much information as possible about the caller, the time, the location, etc.

CHEMICAL ACCIDENT

Chemical accidents of disaster magnitude would include such chemical spills as tank truck accidents involving large quantities of toxic gases or spills involving other hazardous materials. Should such an accident endanger the students or staff, the following will be accomplished:

- A. Notify the Fire Department. Call 911.
- B. Determine the need to implement Action **LEAVE BUILDING**. If spill is outside, remain inside. If spill is inside, go outside.
- C. Determine whether the students and staff should leave the school grounds.
- D. If appropriate, take action to evacuate the buildings and, if necessary, the area.
- E. Move upwind, never downwind, to avoid fumes. **Do not light any fires during a chemical accident.**
- F. With the school staff, maintain control of the students at a safe distance.
- G. Render First Aid if necessary.
- H. Take roll.
- I. Notify the District Office.
- J. The Principal will direct other action as required.
- K. Students and staff should not return to the school until the school administration officials, after conferring with Fire Department officials, declare the school safe.

CIVIL DISTURBANCE

(i.e.; riot, larger group action)

In the event that civil disorder threatens the school, school administrators must be prepared to take the following actions:

- A. Evaluate the situation and determine a course of action.
- B. Contact the Sheriff's Department at 911 as necessary.
- C. Notify appropriate persons of action plan and implementation schedule.
- D. Request assistance as necessary; arrange for transportation and police escort if required.
- E. Notify parents and community of the action ahead including directions to pick up students. Such notification can be accomplished via radio, TV, or other means.
- F. If after receiving a warning, the administrator decides that the situation does not require immediate school action, but wishes to be kept informed of subsequent developments, appoint a liaison to keep informed.
- G. If the situation does warrant emergency action, initiate one or more of the following actions:

FOLLOW ASSIGNMENT OF DUTIES, SEE PAGES 5 AND 6.

- H. If the school is to be closed, consider the advisability of any of the following actions:
 - 1. Leave the custodians or other personnel on duty.
 - 2. Remove all cash from premises.
 - 3. Remove vital records for safekeeping.
 - 4. Remove valuable equipment or supplies.
 - 5. Board up windows and doors.
 - 6. Shut off utilities at outside source.
 - 7. Request police to protect school property.

EARTHQUAKE

Earthquakes strike without warning; therefore, every employee will have to use his/her own personal judgement to determine the severity of the tremor and what immediate action to take. In the event of an earthquake of significant magnitude, the following plans of action should be followed.

INSIDE OF A BUILDING DURING A CLASS PERIOD

- A. Teachers give the command to "Drop and Cover". Do so, yourself.
- B. All students are to drop to the floor and cover their heads with their hands.
- C. Students should try to get their heads and torso beneath their desks.
- D. All students and staff should turn away from windows.
- E. All students and staff should avoid "drop and cover" beneath overhanging objects.
- F. When the initial tremor has stopped, teacher gives direction to "Evacuate the Building".
- G. During evacuation, students are to remain quiet, orderly and proximal to teacher.
- H. Use assigned "Emergency Exit Route" (Appendix A) to designated location.
- I. Teacher may lead students on alternative route if he/she believes that the situation dictates this.
- J. Organize students by "Assembly Organizational Layout Plan" (Appendix B).

INSIDE OF BUILDING BUT NOT ASSIGNED TO A CLASS PERIOD

(This includes teachers during a preparation period and all classified personnel.)

- A. Give command to any visitor or student proximal to you to "Drop and Cover". Do so, yourself.
- B. Follow same precautions that you would use in a classroom. For example, in a hallway, get under a door jam, or up against the base of a wall. Cover your head with your hands.
- C. When tremor has stopped, give the direction to "Evacuate the Building".
- D. Lead students and visitors to the designated area via a safe route.
- E. After arriving at the designated area, help students you have lead to find the teacher for that period. Direct visitors to the designated area.
- F. When you have completed step 5, report to the "Command Station" for assignment from the administration. All personnel are expected to help in an emergency.

INSIDE OF A BUILDING OUTSIDE OF CLASS TIME

(This includes lunch-time, tutorial, passing periods, or just before and after school, when students are not assigned to a particular teacher.)

- A. Give the command to "Drop and Cover". Do so, yourself.
- B. Follow same procedure as if you were "INSIDE OF A BUILDING BUT NOT ASSIGNED TO A CLASS". Direct all students and visitors to follow you. '
- C. Guide all people you can to the designated area via the safest route possible.

ADDITIONAL FOR MIDDLE SCHOOL

- D. If you are a teacher with a period one class, go to your normal "Assembly Organizational Layout Plan" position. If you are a teacher with a period 1 prep, Go to the "Command Station" to assist.
- E. Staff will bring first period roll sheets to teachers.
- F. Administrators and teachers on prep will assist in directing students to period 1 teachers for attendance.

OUTSIDE OF A BUILDING ON SCHOOL GROUNDS

(This includes any employee on campus outside of a building. It could be during class time, or outside of it. It is similar to all of the above with the exception that you would not "drop and cover". In this situation, you would be more concerned about moving away from tall structures.)

- A. Give command to students and any visitors around you to move away from buildings, trees, and exposed wires.
- B. Direct students and visitors to follow you.
- C. Guide all people to front of school via safe route.
- D. If you are a teacher, continue to follow steps 4,5, and 6 under "INSIDE OF BUILDING, OUTSIDE OF CLASS TIME".

During an earthquake, maintenance, custodial and grounds personnel will shut off all gas lines and appropriate electrical circuits. Office staff will report to the principals and assist with:

- 1. Emergency attendance materials
- 2. The establishment of a first aid station/triage location at the designated area.

The principal will hold a communications site at the designated area. Following the gathering of initial attendance-taking responsibilities, classified staff will move to the designated area to set up a parent-student reunification center. This operation will be shared with the "Command Center" located at the District Office. All of these locations are subject to change as the severity of the disaster may dictate.

EXPLOSION OR THREAT OF EXPLOSION

In the event of an explosion at the school, or the threat of an explosion, such as those caused by leaking gas or a faulty boiler within a school building, the following will be accomplished.

EXPLOSION

- A. Notify the Fire Department. Call 911.
- B. Command **TAKE COVER** is given.
- C. If the explosion occurred within the building, or is in danger of damaging the building, the teachers should immediately implement Action: **LEAVE BUILDING**.
- D. Sound the school fire alarm.
- E. Move to an area of safety and maintain control of the students.
- F. Render first aid as necessary.
- G. Take roll.
- H. Notify the District Office.
- I. The Fire Department will notify utility companies of a break or suspected breakage.
- J. The Principal will direct further action as required.
- K. Students and staff should not return to the school until the Administration, after conferring with the Fire Department, declares the building safe.

THREAT OF EXPLOSION

- A. Sound school fire alarm. This will automatically implement Action: **LEAVE BUILDING**.
- B. Follow procedures numbers four through eleven under "Explosion".

FIRE

FIRE WITHIN THE SCHOOL BUILDING

In the event a fire is detected within a school building, the following will be accomplished:

- A. Sound the school fire alarm. This will implement Action...
LEAVE BUILDING, NOTIFY OFFICE, OR CALL 911.
- B. Office personnel will call the Fire Department. The phone number is 911. The Fire Department will notify the utility companies if necessary.
- C. Maintain control of students at a safe distance from the building and fire fighting equipment.
- D. Take roll.
- E. Render first aid as necessary.
- F. Fight small fires without endangering life, but still call 911.
- G. Keep access roads open for emergency vehicles.
- H. The Office personnel will notify the District Office.
- I. The Principal will determine whether parents should be notified to pick up students or if any further action should be implemented.
- J. Students and staff should not return top school until Fire Department official declare the area safe.

FIRE NEAR SCHOOL

In the event of a fire near the school, the Principal will:

- A. Notify the Fire Department. Call 911.
- B. Determine whether students and staff should leave building.
- C. If nearby fire poses an immediate threat to the students or building, staff members should take the necessary actions to evacuate the building.

- D. If appropriate, take action to leave the area.
- E. With the school staff, maintain control of the students at a safe distance from the fire.
- F. Take roll if evacuated from building. Return to building when safe.
- G. The office personnel will notify District Office.
- H. Determine if parents should be notified to pick up students.

FLOOD

FLOOD WARNING

- A. Warning should be **received** by radio alert monitor or by telephone from the District Civil Defense Coordinator.
- B. To be **announced** by school intercom or phone system.

The extent of the flood and the time before it arrives will dictate the course of action taken. The Principal may indicate one of the following Emergency Actions:

- A. Provide necessary care for students at school.
- B. Execute Action **LEAVE BUILDING**.
- C. Alert parents by radio to pick up students.

INTRUDER PROCEDURES

Any staff member observing an **UNFAMILIAR PERSON** on campus should:

- A. Notify office immediately - Classify the stranger as a:
 - Level 1 intruder - an unrecognized person who is behaving normally.
 - Level 2 intruder - a person who appears strange or is behaving strangely.
 - Level 3 intruder - an obviously dangerous, agitated, or armed person.
- B. For a Level 2 or Level 3 intruder, call 911 and give a description.
- C. Call back into the office.

OFFICE RESPONSE

- A. Level 1 - administrator will investigate or intervene.
- B. Level 2 - office personnel will initiate procedures to secure the campus.
- C. Level 3 - Office personnel will initiate procedures to secure the campus.

SECURING THE CAMPUS

The office personnel will announce to staff, "Please secure the campus", over the PA system.

STAFF IN CLASSROOMS WILL

- A. Ensure that students are inside the classroom.
- B. Lock classroom doors.
- C. Pull drapes or close blinds.
- D. Have students crouch under desks or elsewhere so they are not visible from outside.
- E. Maintain silence.

INTRUDER PROCEDURES

STAFF OUTDOORS WILL

- A. Direct students to take cover or get close to the ground.
- B. Assess the situation.
- C. Lead students to an indoor location or a safe off-campus position.
- D. Maintain silence.

The office will notify 911, the District Office and any nearby local agencies of the situation.

Staff will maintain SECURE AND HOLD until an announcement is made over the PA system followed by an all-clear signal (bell system).

INTRUDER IN THE OFFICE PROCEDURE

In the case of a dangerous or extremely hostile person in the office, all uninvolved staff should leave the office and move to a safe location and call 911.

Adult runners should go to each classroom (out of view of the office) to announce the **SECURE AND HOLD** action.

MASS CARE

In the event of a disaster and the need of schools for shelter purposes, each school will become available as a mass care shelter. The Principal will have an inventory list supplied by and kept at the Red Cross Offices in Hollister, California for reference. The Red Cross provides an ARC (portable container) which houses emergency bedding in case of disaster. The ARC will be located on the far end of the school play field.

SMOG CONDITIONS

The Bay Area Pollution Control District will notify the County Superintendent of Schools when it is predicted that meteorological conditions within the county are such as to result in pollutant concentrations which need action on the part of the schools. The County Superintendent will pass this notification along to school districts by radio alert or phone each day that the condition exists. While the following stages may not actually exist at North County Joint Union School District, staff should be aware of alerts and actions when off site with students in an affected area.

WARNING

Smog warning will be announced on school intercom, phone system, note, or other communication to staff.

How received: after Radio Alert, or call from District Office.

There are several degrees of pollution condition. The Principal and staff, upon receipt of the notification, will be responsible for implementing the following action in each condition.

- A. **Smog Advisory Alert (Stage 1):** This condition is announced at or on expected Pollution Standards Index level of 200 to 300.

Action: Stop strenuous outdoor physical activity.

Students with respiratory difficulties aggravated by smog must be allowed to remain indoors.

- B. **Smog Advisory Alert (Stage 2):** This condition is announced at the expected Pollution Standards Index Level of 300 to 400.

Action: Eliminate outside activities.

Students should remain indoors as much as possible and as inactive as possible. Schools may be directed to close.

- C. **Smog Emergency (State 3):** This condition is announced at expected Pollution Standards Index Level of 400 and above.

Action: Local state of emergency will be declared. School will be closed.

WINDSTORM

WARNING

To be announced by school intercom or phone system.

The U.S. Weather Bureau can usually forecast severe windstorms with a high degree of accuracy. If time and conditions permit, parents will be notified to pick up students. However, if high winds develop during school hours with little or no warning, the following Emergency actions will be instituted.

- A. Students and staff should be assembled inside shelters or buildings.
- B. Close windows and blinds.
- C. Evacuate classrooms bearing full force of wind.
- D. Remain near an inside wall.
- E. Avoid auditoriums, gymnasiums, and other structures with large roof spans.
- F. Implement Action **TAKE COVER**.
- G. Take roll.
- H. Notify utility companies of any break or suspected breakage.
- I. Contact the District Office with update of the situation.

POWER OUTAGE/ROLLING BLACKOUTS

IT IS THE DISTRICT'S INTENT THAT SCHOOLS WILL REMAIN OPEN DURING A POWER OUTAGE.

There are several stages of alerts that are being broadcast over the radio:

- STAGE 1 EMERGENCY indicates that the operating reserves in the realtime market are forecasted to be less than the California Independent System Operator (CAISO) Minimum Operating Reserves criteria.
- STAGE 2 EMERGENCY indicates that the operating reserves in the realtime market are forecasted to be less than five (5) percent.
- STAGE 3 EMERGENCY indicates that the operating reserves in the realtime market are forecasted to be less than 1.5 percent.

If the district is notified of a STAGE 3 EMERGENCY, possible-affected sites will be contacted as soon as practicable. Once notified, turn off PCs, monitors, printers, copiers, and lights when not in use or not needed. If you cannot turn off the whole computer, turn off the monitor and the printer. Shut off lights in unoccupied rooms. In spite of everyone's best effort to communicate, it is possible that an outage will occur with no notice to the district. To keep abreast of the daily situation, listen to 740AM (KCBS) radio station as you are driving into work for the status of the day.

PREPARING FOR AN OUTAGE

Update each student's emergency card.

Determine availability of portable lighting at site, i.e. flashlights & batteries.

Find out that when power is lost, do emergency lights go on and do the "Exit" signs remain lit?

Clear away materials and boxes from hallways and pathways.

Check school district's PG&E Block list to determine in which PG&E block your site is located. As a note, Block 50's power will not be interrupted.

Ask your teachers to have alternative teaching methods and plans to be used at STAGE 3 only.

Conduct a survey of your site for the classrooms and offices with no windows and prepare relocation plans.

Plan alternative communication methods that suit your site, such as runners, cell phones, or radios.

Develop a site plan such as a buddy system or chaperone, for restrooms or any other necessary leave during this period.

Have flashlights & replacement batteries available for the restrooms and other locations with no windows.

Ask your staff and students to have seasonal warm clothing available.

Use surge protectors for all computer equipment, major appliances and electronic devices.

If you have electric smoke detectors, use a battery-powered smoke detector as a backup.

DURING AN OUTAGE

CONTACT MAINTENANCE & OPERATIONS IMMEDIATELY IF YOUR SITE IS EXPERIENCING A BLACKOUT.

According to SBC (Telephone Company), phones connected directly to a phone jack will be operable. Phones that require power from an electrical outlet will not work.

If an outage lasts more than 30 minutes, have pre-designated people walk through the campus and check on the status of individuals in each building.

Use a buddy system when going to the restrooms.

DO NOT USE barbeques, Coleman-type stoves, hibachis and other outdoor-cooking devices indoors.

DO NOT USE candles or gas lanterns.

Turn off PCs, monitors, printers, copiers, major appliances and lights when not in use or not needed. If you cannot turn off the whole computer, turn off the monitor and the printer.

Shut off lights in unoccupied rooms.

The rolling outages should not last more than two hours and, with some preparation, business can be conducted as close to normal as possible.

If a power outage is prolonged, the principal should contact the Superintendent for directions (release students/staff, evacuation to another site, etc.).

EMERGENCY SHUT-OFF LOCATIONS FOR THE KITCHEN

GAS

Located behind the stove or out at the gas meter in front of the school (LOOK FOR THE RED WRENCH AND THE RED VALVE)

WATER

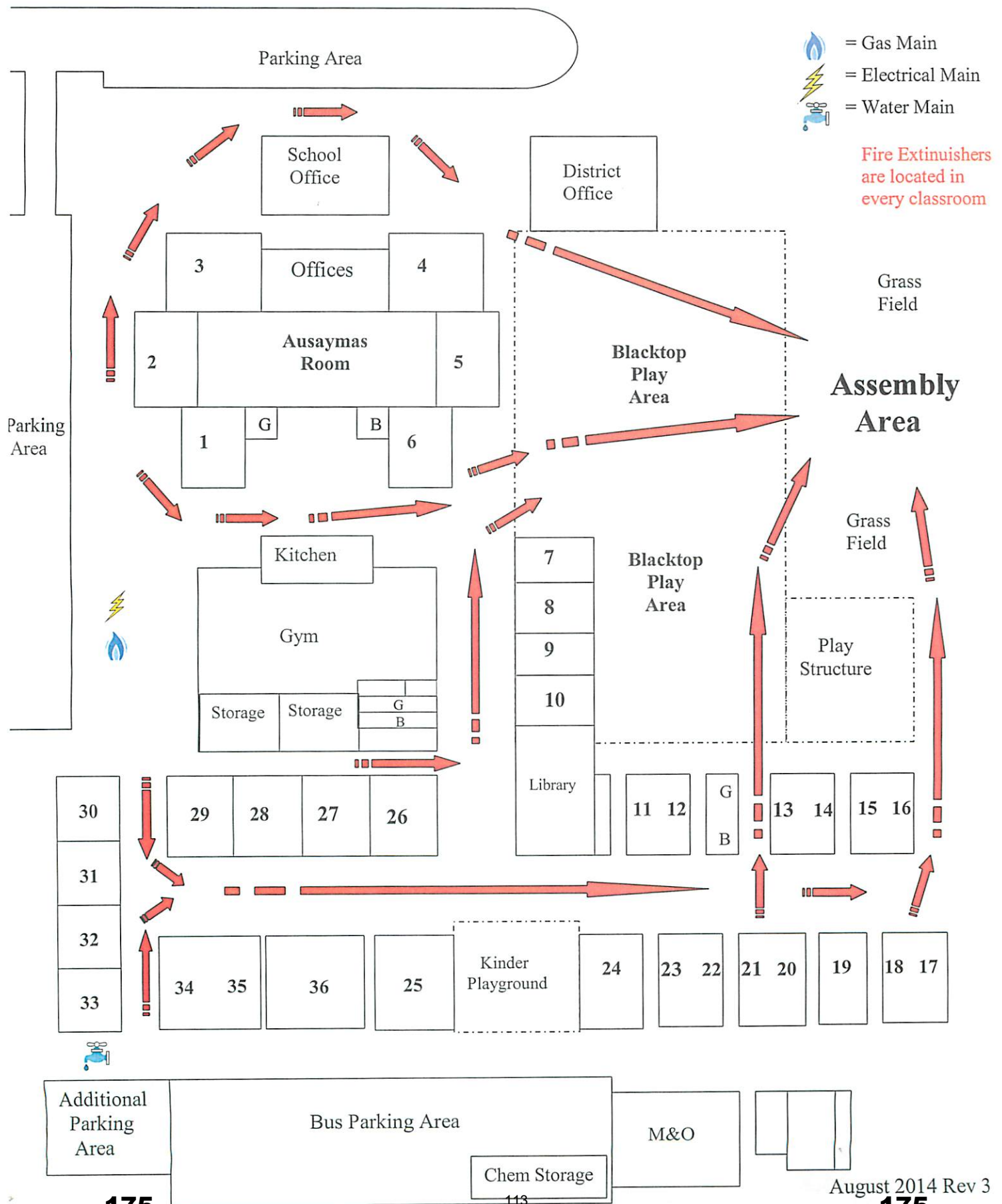
Located in the furnace room on the south side of the Gym. The valve is located on the water softener. If you can't get there you will have to go to the Pump and turn off the Main Valve (Painted Yellow)

ELECTRIC

Main Panel located in the Kitchen or at the School Main Panel located next to the Gas Meter in front of the school, the second to the last door on the right.

Emergency Evacuation Diagram

Spring Grove School



SUSPECTED CHILD ABUSE REPORT

To Be Completed by **Mandated Child Abuse Reporters**

Pursuant to Penal Code Section 11166

CASE NAME: _____

PLEASE PRINT OR TYPE

CASE NUMBER: _____

A. REPORTING PARTY	NAME OF MANDATED REPORTER		TITLE		MANDATED REPORTER CATEGORY						
	REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS		Street	City	Zip	DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO					
	REPORTER'S TELEPHONE (DAYTIME) ()		SIGNATURE		TODAY'S DATE						
B. REPORT NOTIFICATION	<input type="checkbox"/> LAW ENFORCEMENT <input type="checkbox"/> COUNTY PROBATION		AGENCY								
	<input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)										
	ADDRESS		Street	City	Zip	DATE/TIME OF PHONE CALL					
C. VICTIM One report per victim	NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE	SEX	ETHNICITY				
	ADDRESS				Street	City	Zip	TELEPHONE ()			
	PRESENT LOCATION OF VICTIM				SCHOOL	CLASS	GRADE				
	PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		OTHER DISABILITY (SPECIFY)			PRIMARY LANGUAGE SPOKEN IN HOME			
	IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO		IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME				TYPE OF ABUSE (CHECK ONE OR MORE) <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY)				
	RELATIONSHIP TO SUSPECT				PHOTOS TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO		DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK				
D. INVOLVED PARTIES	VICTIM'S SIBLINGS	NAME		BIRTHDATE	SEX	ETHNICITY	NAME		BIRTHDATE	SEX	ETHNICITY
		1. _____		3. _____		2. _____		4. _____			
	VICTIM'S PARENTS/GUARDIANS	NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY		
		ADDRESS				Street	City	Zip	HOME PHONE ()	BUSINESS PHONE ()	
		NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY		
		ADDRESS				Street	City	Zip	HOME PHONE ()	BUSINESS PHONE ()	
	SUSPECT	SUSPECT'S NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE		SEX	ETHNICITY		
		ADDRESS				Street	City	Zip	TELEPHONE ()		
		OTHER RELEVANT INFORMATION									
	E. INCIDENT INFORMATION	IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> IF MULTIPLE VICTIMS, INDICATE NUMBER: _____									
DATE / TIME OF INCIDENT				PLACE OF INCIDENT							
NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incidents involving the victim(s) or suspect)											

SS 8572 (Rev. 12/02)

DEFINITIONS AND INSTRUCTIONS ON REVERSE

DO NOT submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code Section 11169 to submit to DOJ a Child Abuse Investigation Report Form SS 8583 if (1) an active investigation was conducted and (2) the incident was determined not to be unfounded.

WHITE COPY- Police or Sheriff's Department; BLUE COPY-County Welfare or Probation Department; GREEN COPY- District Attorney's Office; YELLOW COPY- Reporting Party

NORTH COUNTY JOINT UNION SCHOOL DISTRICT

Fiscal Services

BOARD REPORT

DATE: February 11, 2021

REPORT BY: Sheila Maes, Manager, Fiscal Services

TOPIC: 2021 District Budget Calendar and Guidelines

ACTION TO BE TAKEN: Approval Recommended

BACKGROUND INFORMATION: The Annual Budget process begins with the release of the Governor's Proposed Budget in January. The District begins to develop a budget based on this proposal, knowing that the Governor will release a May Revise- essentially a revision to this January proposal based on several more months of economic data.

Throughout the spring, the Board meets at regularly scheduled Board Meetings and in special Budget Workshops if necessary, to determine funding priorities with the resources available. Budget refinement continues as more information becomes known.

The District must have a Board Adopted Budget and Local Control Accountability Plan (LCAP) approved by the June 30. The District's approved Budget and LCAP will go to the County Office of Education who shall approve or disapprove the District's adopted budget and LCAP by August 15.

CONCLUSION: The budget calendar and guidelines are the first steps to budget development for the upcoming school year. It is recommended that the Board adopt the Budget Calendar and Guidelines.

North County Joint Union School District Budget Calendar 2021	
January 14	Board Meeting <ul style="list-style-type: none"> • Release of the Governor's proposed budget • Principal Apportionment P-1 Report • Annual Report Developer Fee
February 11	Board Meeting <ul style="list-style-type: none"> • Review of Budget Calendar • Fiscal Report-Review of Governor's proposed budget • Review special program(s) expansions or reductions as needed
March 11	Board Meeting <ul style="list-style-type: none"> • Present 2020-21 Second Interim Report • By March 15, 2021 issue preliminary notices (if required) • Quarterly Investment of Funds Report
April 8	Board Meeting <ul style="list-style-type: none"> • Final enrollment and ADA with completion of P-2
May 13	Board Meeting <ul style="list-style-type: none"> • Governor's May Revision released • Issue final notices if necessary, by May 15, 2021 • Present draft budget & Local Control Accountability Plan (LCAP) for review by Board of Trustees • Quarterly Investment of Funds Report
May 17	<ul style="list-style-type: none"> • Publish notice of public hearing for budget & LCAP adoption 10 days prior to meeting date (May 27)
May 27	Board Meeting <ul style="list-style-type: none"> • Public hearing held for budget & LCAP adoption by Board of Trustees
June 10	<ul style="list-style-type: none"> • Last Day of School
June 24	Board Meeting <ul style="list-style-type: none"> • Budget and LCAP adoption • Annual review of attendance
By June 30	<ul style="list-style-type: none"> • Governor signs/vetoes final State Budget
August 12	Board Meeting <ul style="list-style-type: none"> • First day of School • State Budget Review • Adopted Budget & LCAP due to San Benito County Office of Education • County Superintendent (SBCOE) shall approve or disapprove the District's adopted budget & LCAP
By every August 15	
September 9	Board Meeting <ul style="list-style-type: none"> • Gann Limits • Unaudited Actuals Report
October 14	<ul style="list-style-type: none"> • Board Meeting
November 11	Board Meeting <ul style="list-style-type: none"> • Quarterly Investment of Funds Report
December 16	Board Meeting <ul style="list-style-type: none"> • Present 2021-22 First Interim Report



California School Boards Association

REQUIRES BOARD ACTION

Due: Mon. March 15—return ballot in enclosed envelope

January 29, 2021

MEMORANDUM

To: All Board Presidents and Superintendents — CSBA Member Boards
From: Suzanne Kitchens, CSBA President
Re: 2021 Ballot for CSBA Delegate Assembly — **U.S. Postmark Deadline is Mon. March 15**

Enclosed is the ballot material for election to CSBA's Delegate Assembly from your region or subregion. It consists of: 1) the ballot (on red paper), the reverse side of which contains the names of ALL current members of the Delegate Assembly from your region or subregion; and 2) the required candidate biographical sketch form and, if submitted, a resume. In addition, provided is a copy of the ballot on white paper to include with your board agenda. **Only the ballot on red paper is to be completed and returned to CSBA. It must be postmarked by the U.S. Post Office on or before Monday, March 15, 2021.**

Your Board may vote for up to the number of vacancies in the region or subregion as indicated on the ballot. For example, if there are three vacancies, the Board may vote for up to three candidates. However, your Board may cast no more than one vote for any one candidate. The ballot also contains a provision for write-in candidates; their name and district must be clearly printed in the space provided.

The ballot must be signed by the Superintendent or Board Clerk and returned in the enclosed envelope; if the envelope is misplaced, you may use your district's stationery. Please write **DELEGATE ELECTION** prominently on the envelope along with the region or subregion number on the bottom left corner of the envelope (this number appears at the top of the ballot).

If there is a tie vote, a run-off election will be held. All re-elected and newly elected Delegates will serve two-year terms beginning April 1, 2021 – March 31, 2023. Following the election, an updated list of all Delegates will be available on CSBA's website no later than April 1, 2021. The next meeting of the Delegate Assembly takes place on Saturday, May 15 and Sunday, May 16, 2021. Please do not hesitate to contact Jamille Peters at jpeters@csba.org should you have any questions.

Encs: Ballot on red paper and watermarked "copy" of ballot on white paper
List of all current Delegates on reverse side of ballot
Candidate(s)' required Biographical Sketch Forms and optional resumes
CSBA-addressed envelope to send back ballots

REQUIRES BOARD ACTION

This complete, **ORIGINAL** Ballot must be **SIGNED** by the Superintendent or Board Clerk and returned in the enclosed envelope postmarked by the post office No later than **MONDAY, MARCH 15, 2021**. Only ONE Ballot per Board. Be sure to mark your vote "X" in the box. *A PARTIAL, UNSIGNED, PHOTOCOPIED, OR LATE BALLOT WILL NOT BE VALID.*

OFFICIAL 2021 DELEGATE ASSEMBLY BALLOT
SUBREGION 9-A
(San Benito, and Santa Cruz Counties)

Number of vacancies: 1 (Vote for no more than 1 candidate)

Delegates will serve two-year terms beginning April 1, 2021 - March 31, 2023

**denotes incumbent*

☐ Phil Rodriguez (Soquel Union Elementary SD)*

Provision for Write-in Candidate Name

School District

Signature of Superintendent or Board Clerk

Title

School District Name

Date of Board Action

See reverse side for list of all current Delegates in your Region.

REGION 9 – 8 Delegates (8 elected)

Director: Tami Gunther (Atascadero USD)

Below is a list of all elected or appointed Delegates from this Region.

Subregion 9-A (San Benito, Santa Cruz)

Phil Rodriguez (Soquel Union ESD), term expires 2021

Roger Snyder (Scotts Valley USD), term expires 2022

Deborah Tracy-Proulx (Santa Cruz City Schools), term expires 2022

Subregion 9-B (Monterey)

David Kong (Greenfield Union SD), 2021

Vacant, term expires 2022

Subregion 9-C (San Luis Obispo)

Mark Buchman (San Luis Coastal USD), term expires 2022

Vicki Meagher (Lucia Mar USD), term expires 2021

County Delegate:

Rose Filicetti (Santa Cruz COE), term expires 2021

Counties

San Benito, Santa Cruz (Subregion A)

Monterey (Subregion B)

San Luis Obispo (Subregion C)

Delegate Assembly Biographical Sketch Form for 2021 Election



Deadline: Thursday, January 7, 2021 | No late submissions accepted

This form is required. An optional, one-page, single-sided, résumé may also be submitted. Do not state "see résumé." Do not re-type this form. It is the candidate's responsibility to confirm that CSBA has received nomination materials prior to the deadline. Please submit completed form via e-mail to nominations@csba.org no later than 11:59 p.m. on January 7, 2021. Forms may also be submitted via mail to CSBA's Executive Office at 3251 Beacon Blvd., West Sacramento, CA 95691, with a postmark of no later than January 7, 2021.

Your signature indicates your consent to have your name placed on the ballot and to serve as a Delegate, if elected.

Signature: _____ Date: 12/9/20

Name: Phil Rodriguez CSBA Region & subregion #: 9A
District or COE: Soquel Union ESD Years on board: 8
Profession: Consultant Contact Number (☐ Cell ☒ Home ☐ Bus.): (831) 465-1711
Primary E-mail: prodriguez@suesd.org
Are you an incumbent Delegate? ☒ Yes ☐ No If yes, year you became Delegate: 2016

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

I am a strong advocate for public schools and want every child to succeed. The Delegate Assembly is an excellent forum for board members to share best practices and build networks. Having a strong network of fellow public education leaders will be invaluable as we negotiate Covid 19 and the natural disasters impacting our families and the health of our districts.

This is my second time on this school board with a total of 14 years of service. I am a fund accounting consultant, specializing in government accounting. The annual budget, interim budgets and annual audit are areas where I apply my expertise. I am a graduate of the CSBA Masters in Governance program and Leadership Santa Cruz County.

Please describe your activities and involvement on your local board, community, and/or CSBA.

I am a past president of my board. Before my board service I was a member and president of the Capitola Elementary School Site Council. I also served on the district budget advisory committee. I have served as a board member with the Friends of the Santa Cruz Public Libraries, Santa Cruz Employment Access, and Balance4kids. Currently I am the Executive Director of the Profile Job Club. Santa Cruz Employment Access is a nonprofit that sponsors the annual Santa Cruz Job Fair. Profile is a job club focused on assisting professionals with their job search. One of my focus areas is youth employment. I am working with Project Bike Trip to grow our Bike Tech in Schools program by creating a state certified Bicycle Mechanic Apprenticeship career pathway. I've been a Cub Scout den leader and put in my time at the Little League snack shack.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

The greatest immediate challenge is to develop an adequate funding source to stem learning loss. Very much as important are resources for staff retention and retirement programs. We also need to find a way to assist staff trying to secure affordable housing. Another area of concern is inadequate funding for CTE programs and facilities. California needs to improve and fix infrastructure, it would be great if Californians could do that work. CSBA can help on the funding side by working with the CDE, the CCCCO, governor and legislators to make career readiness a priority. CSBA can also help by conducting a study of GenZ, our students, to help us plan our educational programs to meet their needs.