

Table of Contents

ACADEMICS

Ed Code	Title	Policy #
§ 48070 & 48070.5	Student promotion and retention	1.1
§ 51747 et seq.	Independent study	1.2
§ 51224.5	Course of study	1.3
	Instructional materials	1.4
	Education for English learners	1.5

EMPLOYEES

Ed Code	Title	Policy #
§ 44100	Equal opportunity	2.1
§ 44258.3	Teacher assignments outside scope of their credential	2.2
	Leaves of absence for certificated and classified employees	2.3
§§ 44978 & 45191	<i>Leave of absence for illness or injury</i>	
§§ 44981 & 45207	<i>Personal leaves</i>	
§§ 44984 & 45192	<i>Industrial accident and illness</i>	
§ 45207	<i>Personal necessity leave – manner of proving necessity</i>	
§§ 45103 & 45106	Exemptions from classified service	2.4
§ 45113	Probationary/permanent status for classified employees	2.5
Govt. Code § 1126(c)	Incompatible activities	2.6
	Lactation accommodation policy	2.7

FACILITIES & PURCHASING

Ed Code	Title	Policy #
§ 38134	Use of school facilities	3.1
Govt. Code § 54202	Purchase of supplies and equipment	3.2
Pub. Resources Code § 21082	Evaluation of projects	3.3

OPERATIONS & GOVERNANCE

Ed Code	Title	Policy #
	Flexibility in compliance	4.1
§ 220 & 234.1	Antidiscrimination, anti-harassment, anti-intimidation, and antibullying policy	4.2
§ 221.61, 231.5, & 48950	Prohibition of sexual harassment and sexual violence	4.3
§ 32212	Classroom interruptions	4.4
§ 32280; Title 5 CCR § 560	School safety plan	4.5
§§ 35140 & 35145.5	School board meetings	4.6
§ 35160.5	Participation in extracurricular and co-curricular activities	4.7
§ 49073	Release of directory information	4.8
§ 49073.1	Contracts for digital storage, management, and retrieval of pupil records	4.9
§ 52720	Patriotic exercise	4.10
Title 5 CCR, § 431	Student records	4.11
Title 5 CCR § 4415	General standards for designating students to be participants in SCE and/or title I	4.12
Title 5 CCR §§ 4621, 4960 et seq.	Uniform complaint procedures (“UCP”)	4.13

	Governing board authority and responsibilities	4.14
	Employee and district social media use	4.15

SPECIAL EDUCATION

Ed Code	Title	Policy #
§ 56195.8	Nonpublic schools/nonpublic agencies	5.1
§ 56195.8, § 56362	Resource specialists	5.2
§ 56195.8	Transportation for students with disabilities	5.3
§ 56195.8, § 56440	Caseloads for special education providers	5.4
§ 56195.8	Teachers right to request review of class assignment	5.5
§ 56195.8, § 56500	Procedural safeguards	5.6
§ 56195.8	Information on number of students being provided with special education services	5.7

STAKEHOLDER ENGAGEMENT

Ed Code	Title	Policy #
§ 11504	Parental involvement	6.1
51101	Parental involvement – mutually supportive partnership for improving student success	6.2

STUDENTS

Ed Code	Title	Policy #
	Student discipline	7.1
§ 35181	<i>Pupils' responsibilities</i>	
§ 35291 & 20 U.S.C. § 7961	<i>Weapons and dangerous instruments</i>	
§ 35291.5	<i>Rules and procedures</i>	
§ 48204.2	Investigation of residency	7.2
§ 48273	Reporting truancy	7.3
§ 48340	Pupil attendance	7.4
	Responsibilities and additional consequences for personal injury or property damage	7.5
§ 48907	Student exercise of free expression	7.6
Title 41 U.S.C. § 11432	Homeless youth policy	7.7
	Inter-district transfers/reciprocal agreements	7.8

HEALTH & WELLNESS

Ed Code	Title	Policy #
§ 215	Pupil suicide prevention	8.1
§ 51203	Instruction regarding alcohol, narcotics, and other restricted drugs	8.2
	Tobacco	8.3

1.1 Student Promotion and Retention

Intent of Policy

The purpose of this policy is to provide the identification of those students in the District who should be retained or are at risk of being retained. It is the belief of this board that due to the size and nature of our district students may be remediated in their age appropriate grade and therefore not require retention unless mitigating circumstances arise.

Basis for Retention

Any decision regarding the retention of a student may be based on the following:

1. The results of the assessments administered as part of the California Assessment of Student Performance and Progress (“CAASPP”) and the State adopted minimum levels of proficiency/performance standards for CAASP exams; and/or
2. Performance indicators for District students, including:
 - a. Grades
 - b. Progress reports
 - c. Maturity

Identification of Students to Be Retained Based on Grade Level

1. Between Transitional – Kindergarten, Kindergarten, and First Grade. (TK – 1st)

Retention decisions for students moving from these grades shall be *primarily* based on the student’s maturity.

2. Between Middle School and High School

Retention decisions for students moving from Middle School to High School (typically 8th-9th) shall be based on the student’s proficiency in reading, English language arts, mathematics, and their emotional maturity.

Early Identification of Student’s At-Risk of Being Retained

The District shall make all efforts to identify those student’s at-risk of being retained as early in the school year as practicable. In addition, District shall seek to identify at-risk students as early in their school careers as possible.

Notification to Parents When Student At Risk of Retention

The District shall notify student’s parent/guardian whenever a student is identified as being at-risk for retention. This notice shall be provided as early in the school year as practicable to do so. The notice will inform parent/guardian that they have the opportunity to consult with student’s teacher(s) responsible for making the decision to retain or promote student. Parent and teacher shall discuss options for assisting student in improving any academic deficiencies.

Decision to Retain

Any decision to retain a student in his/her current grade shall be made by the student's regular education teacher on the bases set forth above. If either measure identified above (CAASP or the District's indicators) indicate that a student is performing below the minimum standard for promotion, the student shall be retained in his/her current grade unless the student's regular education teacher makes a written determination as set forth in this policy.

Written Determination to Promote Student Not Meeting Minimum Standards

A student who has been identified for retention shall not be retained if the student's regular education teacher makes a written determination including each of the following:

1. Clear finding that retention is not the appropriate intervention for addressing the student's academic deficiencies;
2. Specify the reasons that retention is not appropriate for the student;
3. Recommend those alternatives to retention that the teacher believes are necessary to assist the student to attain acceptable levels of academic achievement; and
4. Specify whether promotion is contingent upon student attending remediation program during summer/interim session

Evaluation Following Summer/Interim Session Remediation Program

If the recommendation to promote a student is based on student's attendance in summer/interim session remediation program, student's academic performance shall be evaluated at the end of the remediation program.

Prior to making any decision based on the teacher's evaluation, the results of the evaluation will be provided to and discussed with the student's parent or guardian and the school principal.

Once the results of the evaluation have been discussed with parent/guardian and principal, the student's teacher will make the final determination on whether the student shall be promoted or retained. The parent/guardian will be provided with written notice of this decision.

Parent Appeal of District Decision to Retain/Promote

If a parent disagrees with the District's decision to retain or promote their child, they may appeal that decision in accordance with the following procedures:

Parent shall request an appeal of the decision to retain/promote within 30 calendar days of the date the teacher makes the final determination.

Parent appeals shall be reviewed by Administration. The Administration shall contact parent and obtain any information/evidence supporting the appeal. The Administration shall discuss the appeal with the teacher and review information/evidence supporting the decision to retain/promote. The appealing parent bears the burden of showing why the teacher's decision to retain/promote should be reversed. A written decision regarding the appeal will be provided to parent/guardian within 30 calendar days of the appeal.

Opportunities for Remedial Instruction

If a student is identified as at-risk for retention and/or recommended for retention, the District shall offer one or more of the following opportunities for obtaining remedial instruction:

1. Summer/interim session remedial program;
2. Homework labs

Adopted 10/14/2020

1.2 Independent Study

Intent of Policy

The Governing Board authorizes independent study as an optional alternative instructional strategy for students whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational plan to serve students who desire a more challenging educational experience, whose health or other personal circumstances make classroom attendance difficult, who are unable to access course(s) due to scheduling problems, and/or who need to make up credits or fill gaps in their learning. As necessary to meet student needs, independent study may be offered on a full-time basis or on a part-time basis in conjunction with part- or full-time classroom study.

The Superintendent may provide a variety of independent study opportunities, including, but not limited to, through a program or class within a comprehensive school, an alternative school or program of choice, a charter school, and an online course.

A student's participation in independent study shall be voluntary.

Independent study for each student shall be under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300. Students' independent study shall be coordinated, evaluated, and documented, as prescribed by law, and as follows:

Definitions

Live interaction means interaction between the student and classified or certificated staff, and may include peers, provided for the purpose of maintaining school connectedness, including, but not limited to, wellness checks, progress monitoring, provision of services, and instruction. This interaction may take place in person, or in the form of Internet or telephonic communication. (Education Code 51745.5)

Student-parent-educator conference means a meeting involving, at a minimum, all parties who signed the student's written independent study agreement pursuant to Education Code 51747 or the written learning agreement pursuant to Education Code 51749.6. (Education Code 51745.5)

Synchronous instruction means classroom-style instruction or designated small group or one-on-one instruction delivered in person, or in the form of Internet or telephonic communications, and involving live two-way communication between the teacher and student. Synchronous instruction shall be provided by the teacher of record for that student pursuant to Education Code 51747.5. (Education Code 51745.5)

Educational Opportunities

For the 2021-22 school year, the district shall offer independent study to meet the educational needs of students as specified in Education Code 51745 unless the district has obtained a waiver. (Education Code 51745)

Educational opportunities offered through independent study may include, but are not limited to: (Education Code 51745)

-
1. Special assignments extending the content of regular courses of instruction
AR 6158(b)
 2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum
 3. Individualized alternative education designed to teach the knowledge and skills of the core curriculum, but not provided as an alternative curriculum
 4. Continuing and special study during travel
 5. Volunteer community service activities and leadership opportunities that support and strengthen student achievement
 6. Individualized study for a student whose health, as determined by the student's parent/guardian, would be put at risk by in-person instruction

In addition, when requested by a parent/guardian due to an emergency or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in the student's regular classes.

Eligibility for Independent Study

Students are eligible for independent study as authorized in law, and as specified in board policy and administrative regulation.

For the 2022-23 school year and thereafter, the Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently provided that experienced certificated staff are available to effectively supervise students in independent study. The Superintendent or designee may also approve the participation of a student whose health would be put at risk by in-person instruction. A student whose academic performance is not at grade level may participate in independent study only if the program is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent or designee may consider the parent/guardian's level of commitment to assist the student.

A student participating in independent study must be a resident of the county or an adjacent county. Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. (Education Code 46300.2, 51747.3)

A student with disabilities, as defined in Education Code 56026, shall not participate in independent study unless the student's individualized education program specifically provides for such participation. (Education Code 51745)

A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 by means of independent study. (Education Code 51745)

The independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of the student's written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian
2. A meeting between the student and the teacher and/or counselor
3. A meeting between the student and the independent study administrator, including the parent/guardian if appropriate
4. An increase in the amount of time the student works under direct supervision

When the student has failed to make satisfactory educational progress or missed the number of assignments specified in the written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether or not independent study is appropriate for the student. This evaluation may result in termination of the independent study agreement and the student's return to the regular classroom program or other alternative program.

A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation. (Education Code 51747)

Responsibilities of Independent Study Administrator

The responsibilities of the independent study administrator include, but are not limited to:

1. Recommending certificated staff to be assigned as independent study teachers at the required teacher-student ratios pursuant to Education Code 51745.6 and supervising staff assigned to independent study functions who are not regularly supervised by another administrator
2. Approving or denying the participation of students requesting independent study
3. Facilitating the completion of written independent study agreements
4. Ensuring a smooth transition for students into and out of the independent study mode of instruction
5. Completing or coordinating the preparation of all records and reports required by law, Board policy, or administrative regulation

Assignment and Responsibilities of Independent Study Teachers

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or emergency credential pursuant to Education Code 44300, registered as required by law, and who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the district, unless a new higher or lower ratio for all other educational

programs offered is negotiated in a collective bargaining agreement or the district enters into a memorandum of understanding that indicates an existing collective bargaining agreement contains an alternative ratio. (Education Code 51745.6)

The responsibilities of the supervising teacher shall include, but are not limited to:

1. Completing designated portions of the written independent study agreement and signing the agreement
2. Supervising and approving coursework and assignments
3. Maintaining records of student assignments showing the date the assignment is given and the date the assignment is due
4. Maintaining a daily or hourly attendance register in accordance with item #4 in the section on "Records for Audit Purpose" in the accompanying Board policy AR 6158(g)
5. Providing direct instruction and counsel as necessary for individual student success
6. Regularly meeting with the student to discuss the student's progress
7. Determining the time value of assigned work or work products completed and submitted by the student
8. Assessing student work and assigning grades or other approved measures of achievement
9. Documenting each student's participation in live interaction and/or synchronous instruction pursuant to Education Code 51747 on each school day for which independent study is provided

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

The minimum period of time for any independent study option shall be three consecutive school days.

General Independent Study Requirements

For the 2021-22 school year, the district shall offer independent study, as specified in Education Code 51745, to meet the educational needs of students unless the district has obtained a waiver. (Education Code 51745)

For the 2022-23 school year and thereafter, the Superintendent or designee may continue to offer and approve independent study for an individual student upon determining that the student is prepared to meet the district's requirements for independent study and is likely to succeed in independent study as well as or better than the student would in the regular classroom setting.

Because excessive leniency in the duration of independent study assignments may result in a student falling behind peers and increase the risk of dropping out of school, independent study assignments shall be completed no more than one week after assigned for all grade levels and types of program. However, when necessary based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due, up to the termination date of the agreement.

An evaluation shall be conducted to determine whether it is in a student's best interest to remain in independent study whenever the student fails to make satisfactory educational progress and/or misses three assignments. Satisfactory educational progress shall be determined based on all of the following indicators: (Education Code 51747)

1. The student's achievement and engagement in the independent study program, as indicated by the student's performance on applicable student-level measures of student achievement and engagement specified in Education Code 52060
2. The completion of assignments, assessments, or other indicators that evidence that the student is working on assignments
3. Learning required concepts, as determined by the supervising teacher
4. Progress towards successful completion of the course of study or individual course, as determined by the supervising teacher

The Superintendent or designee shall ensure that students participating in independent study are provided with content aligned to grade level standards at a level of quality and intellectual challenge substantially equivalent to in-person instruction. (Education Code 51747)

The Superintendent or designee shall ensure that students participating in independent study for 15 school days or more receive the following throughout the school year: (Education Code 51747)

1. For students in grades transitional kindergarten, kindergarten, and grades 1 to 3, opportunities for daily synchronous instruction
2. For students in grades 4-8, opportunities for both daily live interaction and at least weekly synchronous instruction

The Superintendent or designee shall ensure that procedures for tiered reengagement strategies are used for all students who are not generating attendance for more than three school days or 60 percent of the instructional days in a school week, or who are in violation of their written agreement. This requirement only applies to students participating in an independent study program for 15 school days or more. The procedures shall include, but are not necessarily limited to, all of the following: (Education Code 51747)

1. Verification of current contact information for each enrolled student
2. Notification to parents/guardians of lack of participation within one school day of the absence or lack of participation
3. A plan for outreach from the school to determine student needs, including connection with health and social services as necessary
4. A clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being

The Superintendent or designee shall develop a plan to transition students whose families wish to return to in-person instruction from independent study expeditiously, and, in no case later than five instructional days. This requirement only applies to students participating in an independent study program for 15 school days or more. (Education Code 51747)

The Superintendent or designee shall ensure that a written master agreement exists for each participating student as prescribed by law. (Education Code 51747, 51749.5)

The district shall provide written notice to the parents/guardians of all enrolled students of the option to enroll their child in in-person instruction or independent study during the 2021-22 school year. This notice shall be posted on the district's web site, and shall include, at a minimum, information about the right to request a student-parent-educator conference before enrollment, student rights regarding procedures for enrolling, disenrolling, and reenrolling in independent study, and the instructional time, including synchronous and asynchronous learning, that a student will have access to as part of independent study. (Education Code 51747)

Upon the request of the parent/guardian of a student, before making a decision about enrolling or disenrolling in independent study and entering into a written agreement to do so, the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference or other meeting during which the student, parent/guardian, or their advocate may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51747)

Master Agreement

For the 2021-22 school year only, the district shall obtain a signed written agreement for independent study no later than 30 days after the first day of instruction.

A written agreement shall be developed and implemented for each student participating in independent study for three or more consecutive school days. (Education Code 46300, 51747; 5 CCR 11703)

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but are not limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

1. The frequency, time, place and manner for submitting the student's assignments, reporting the student's academic progress, and communicating with a student's parent/guardian regarding the student's academic progress
2. The objectives and methods of study for the student's work and the methods used to evaluate that work
3. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work

4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion, the level of satisfactory educational progress, and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study
5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one school year
6. A statement of measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion
7. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports.
8. A statement that independent study is an optional educational alternative in which no student may be required to participate
9. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction

Before the commencement of independent study, the agreement shall be signed and dated by the student, the student's parent/guardian, or caregiver if the student is under age 18 years, the certificated employee responsible for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the student.

Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the California Department of Education (CDE). (Education Code 51747)

The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through independent study.

Course-Based Independent Study

The district's course-based independent study program for students in grades K-12 shall be subject to the following requirements: (Education Code 51749.5)

1. A signed learning agreement shall be completed and on file for each participating student pursuant to Education Code 51749.6
2. Courses shall be taught under the general supervision of certificated employees who hold the appropriate subject matter credential and are employed by the district or by another district, charter school, or county office of education with which the district has a memorandum of understanding to provide the instruction.

3. Courses shall be annually certified by Board resolution to be of the same rigor and educational quality and to provide intellectual challenge that is substantially equivalent to in-person, classroom-based instruction, and shall be aligned to all relevant local and state content standards. The certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each school day that student is enrolled, number of equivalent total instructional minutes, and number of course credits for each course, consistent with that of equivalent classroom-based courses. The certification shall also include plans to provide opportunities for students in grades transitional kindergarten, kindergarten, and grades 1-3 to receive daily synchronous instruction, for students in grades 4-8, to receive both daily live interaction and at least weekly synchronous instruction.
4. Students enrolled in independent study courses shall meet the applicable age requirements established pursuant to Education Code 46300.1, 46300.4, 47612, and 47612.1, and the applicable residency and enrollment requirements established pursuant to Education Code 46300.2, 47612, 48204, and 51747.3.
5. For each student participating in an independent study course, satisfactory educational progress shall be determined based on the student's achievement and engagement in the independent study program, as indicated by their performance on applicable student-level measures of student achievement and student engagement set forth in Education Code 52060, completion of assignments, assessments, or other indicators that evidence that the student is working on assignments, learning of required concepts, as determined by the supervising teacher, and progress toward successful completion of the course of study or individual course, as determined by the supervising teacher.

If satisfactory educational progress in an independent study class is not being made, the teacher shall notify the student and, if the student is under age 18 years, the student's parent/guardian. The teacher shall conduct an evaluation to determine whether it is in the student's best interest to remain in the course or whether the student should be referred to an alternative program, which may include, but is not limited to, a regular school program. A written record of the evaluation findings shall be a mandatory interim student record maintained for three years from the date of the evaluation. If the student transfers to another California public school, the record shall be forwarded to that school.

Procedures for tiered reengagement strategies shall be used for all students who are not making satisfactory educational progress in one or more courses or who are in violation of the written learning agreement, as described in the section "Learning Agreement for Course-Based Independent Study" below. These procedures shall include, but are not necessarily limited to, the verification of current contact information for each enrolled student, notification to parents/guardians of lack of participation within one school day of the absence or lack of participation, a plan for outreach from the school to determine student needs, including connection with health and social services as necessary, and a clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being.

6. Examinations shall be administered by a proctor.
7. Statewide testing results shall be reported and assigned to the school at which the student is enrolled and shall be included in the aggregate results of the district. Test results also shall be disaggregated for purposes of comparisons with the test results of students enrolled in classroom-based courses.
8. A student shall not be required to enroll in courses included in the course-based independent study program.

-
9. The student-teacher ratio in the courses in this program shall meet the requirements of Education Code 51745.6.
 10. For each student, the combined equivalent daily instructional minutes for courses in this program and all other courses shall meet applicable minimum instructional day requirements, and the student shall be offered the minimum annual total equivalent instructional minutes pursuant to Education Code 46200-46208.
 11. A student participating in this program shall not be assessed a fee that is prohibited by Education Code 49011.
 12. A student shall not be prohibited from participating in independent study solely on the basis that the student does not have the materials, equipment, or access to Internet connectivity necessary to participate in the course.
 13. A student with disabilities, as defined in Education Code 56026, shall not participate in course-based independent study, unless the student's individualized education program specifically provides for that participation.
 14. A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 through course-based independent study.
 15. The district shall maintain a plan to transition any student whose family wishes to return to in-person instruction from course-based independent study expeditiously, and, in no case, later than five instructional days.

Learning Agreement for Course-Based Independent Study

Before enrolling a student in a course within this program, the Superintendent or designee shall provide the student and, if the student is under age 18 years, the student's parent/guardian with a written learning agreement that includes all the following: (Education Code 51749.6)

1. A summary of the district's policies and procedures related to course-based independent study pursuant to Education Code 51749.5
2. The duration of the enrolled course(s) and the number of course credits for each enrolled course, consistent with the Board certifications made pursuant to item #2 above
3. The duration of the learning agreement, which shall not exceed a school year or span multiple school years
4. The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a student evaluation is required to determine whether the student should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program
5. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work

6. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports.
7. A statement that enrollment is an optional educational alternative in which no student may be required to participate. In the case of a student who is suspended or expelled, or who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the student through course-based independent study only if the student is offered the alternative of classroom instruction.
8. The manner, time, frequency, and place for submitting a student's assignments, for reporting the student's academic progress, and for communicating with a student's parent/guardian regarding a student's academic progress.
9. The objectives and methods of study for the student's work, and the methods used to evaluate that work.
10. A statement of the adopted policies regarding the maximum length of time allowed between the assignment and the completion of a student's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether the student should be allowed to continue in course-based independent study.
11. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the learning agreement, to be earned by the student upon completion.
12. Before the commencement of an independent study course, the learning agreement shall be signed and dated by the student, the student's parent/guardian or caregiver, if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and all persons who have direct responsibility for providing assistance to the student. For purposes of this paragraph "caregiver" means a person who has met the requirements of Family Code 6550-6552.

However, for the 2021-22 school year only, the district shall obtain a signed written agreement for independent study from the student, or the student's parent/guardian if the student is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and all persons who have direct responsibility for providing assistance to the pupil no later than 30 days after the first day of instruction.

Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the CDE. (Education Code 51749.6)

The student's or parent/guardian's signature shall constitute permission for the student to receive instruction through independent study. (Education Code 51749.6)

The Superintendent or designee shall retain a physical or electronic copy of the signed learning agreement for at least three years and as appropriate for auditing purposes. (Education Code 51749.6)

Student-Parent-Educator Conferences

A student-parent-educator conference shall be held as appropriate including, but not limited to, as a reengagement strategy and/or if requested by a parent/guardian prior to enrollment or disenrollment from independent study. (Education Code 51745.5, 51747, 51749.5)

Records for Audit Purposes

The Superintendent or designee shall ensure that records are maintained for audit purposes. These records shall include, but not be limited to: (Education Code 51748; 5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study
2. A listing of the students, by grade level, program, and school, who have participated in independent study, along with the units of the curriculum attempted and completed by students in grades K-8 and the course credits attempted by and awarded to students in grades 9-12 and adult education
3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's notations indicating that the teacher has personally evaluated the work or personally reviewed the evaluations made by another certificated teacher
4. As appropriate to the program in which the students are participating, a daily or hourly attendance register that is separate from classroom attendance records, maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons
5. Appropriate documentation of compliance with the teacher-student ratios required by Education Code 51745.6 and 51749.5 (Education Code 51745.6 and 51749.5)
6. Appropriate documentation of compliance with the requirements pursuant to Education Code 51747.5 to ensure the coordination, evaluation, and supervision of the independent study of each student by a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300 (Education Code 51747.5)

The district shall document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which independent study is provided. A student who does not participate in independent study on a school day shall be documented as nonparticipatory for that school day. (Education Code 51747.5)

The Superintendent or designee also shall maintain a written or computer-based record such as a grade book or summary document of student engagement, for each class, of all grades, assignments, and assessments for each student for independent study assignments. (Education Code 51747.5)

The signed, dated agreement, any supplemental agreement, assignment records, work samples, and attendance records may be maintained on file electronically. (Education Code 51747)

Program Evaluation

The Superintendent or designee shall annually report to the Board the number of district students participating in independent study, the average daily attendance generated for apportionment purposes, student performance as measured by standard indicators and in comparison to students in classroom-based instruction, and the number and proportion of independent study students who graduate or successfully complete independent study. Based on the program evaluation, the Board and Superintendent shall determine areas for program improvement as needed.

Adopted 10/14/2021

1.3 Course of Study

Intent of Policy

The purpose of this policy is to ensure that the District's course of study for K-8 students properly prepares District students to pursue, in grades 9-12, the requirements for a high school diploma.

Preparatory Courses of Study for K-8 in a Self-Contained Classroom

The Board recognizes the grades K-8, play a critical role in preparing students for the academic challenges of grades 9-12. The course requirements in grades K-8 provide the foundation for high school graduation, college admission, technical and other vocations, and for meeting the various challenges of adult life. Therefore, in order to properly prepare students for the course of study required in grades 9-12, the District shall offer courses for K-8 students, inclusive, in each of the following areas:

- a. English language arts;
- b. English language development, including, but not limited to, reading; comprehension
- c. Social sciences;
- d. Physical education;
- e. Science;
- f. Mathematics;
- g. Visual and performing arts; and
- h. Other courses as may be prescribed by the District.

Certification

The District shall certify to the State Superintendent that the District's adopted course of study prepares K-8 students to pursue high school diploma requirements in grades 9-12.

(Ed. Code §§ 51220 *et seq.*; Title 5 Cal. Code Regs. §§ 1630 *et seq.*)

Adopted 10/14/2020

1.4 Instructional Materials

Intent of Policy

The Board desires that district instructional materials present a broad spectrum of knowledge and viewpoints, reflect society's diversity, and enhance the use of multiple teaching strategies and technologies. The Board shall adopt instructional materials based on a determination that such materials are an effective learning resource to help students achieve grade-level competency and that the materials meet criteria specified in law. Textbooks, technology-based materials, and other educational materials shall be aligned with state and district content standards and the district's curriculum to ensure that they effectively support the district's adopted courses of study.

The Superintendent or designee shall establish a process by which instructional materials shall be reviewed for recommendation to the Board.

This process shall involve teachers in a substantial manner and shall also encourage the participation of parents/guardians and community members. (Education Code 60002)

Individuals who participate in the selection or review of instructional materials shall not have a conflict of interest, as defined in administrative regulation, in the materials being reviewed.

All recommended instructional materials shall be available for public inspection at the district office.

Complaints concerning instructional materials shall be handled in accordance with law, Board policy, and administrative regulation.

The Board's priority in the selection of instructional materials is to ensure that all students in grades K-12 are provided with instructional materials that are aligned to state content standards in the core curriculum areas of reading/language arts, mathematics, science, and history-social science. Students in grades K-8 shall be provided with instructional materials adopted by the State Board of Education.

The district may pilot instructional materials, using a representative sample of classrooms for a specified period during a school year, in order to determine how well the materials support the district's curricular goals and academic standards. Feedback from teachers piloting the materials shall be made available to the Board before the materials are adopted.

Public Hearing on Sufficiency of Instructional Materials

The Board shall annually conduct one or more public hearings on the sufficiency of the district's textbooks and other instructional materials. (Education Code 60119; 5 CCR 9531)

The hearing shall be held on or before the end of the eighth week from the first day students attend school for that year. (Education Code 60119)

The Board encourages participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. Ten days prior to the hearing and in three public places within the district, the Superintendent or designee shall post a notice containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

At the hearing(s), the Board shall determine, through a resolution, whether each student in each school, including each English learner, has sufficient textbooks or instructional materials in each of the following subjects which are aligned to the state content standards adopted pursuant to Education Code 60605 and consistent with the content and cycles of the state's curriculum frameworks: (Education Code 60119)

1. Mathematics
2. Science
3. History/social science
4. English/language arts, including the English language development component of an adopted program
6. Health

In making these determinations, the Board shall consider whether each student has sufficient textbooks and/or instructional materials to use in class and to take home. However, this does not require that each student have two sets of materials. The materials may be in a digital format if each student, at a minimum, has and can access the same materials in the class and to take home as all other students in the same class or course in the district and has the ability to use and access them at home. However, the materials shall not be considered sufficient if they are photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage. (Education Code 60119)

The Board shall also decide that all students within the district who are enrolled in the same course have "identical" standards-aligned textbooks or instructional materials from the same adoption cycle, as defined in Education Code 1240.3, 60119, and 60422. (Education Code 1240.3, 42605)

If the Board determines that there are insufficient textbooks and/or instructional materials, the Board shall provide information to classroom teachers and to the public setting forth, for each school in which an insufficiency exists, the percentage of students who lack sufficient standards-aligned textbooks and/or instructional materials in each subject area and the reasons that each student does not have sufficient textbooks and/or instructional materials. The Board shall take any action, except an action that would require reimbursement by the Commission of State Mandates, to ensure that each student has sufficient materials within two months of the beginning of the school year in which the determination is made. (Education Code 60119)

Adopted 11/9/22

1.5 Education for English Learners

Intent of Policy

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

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

The Superintendent or designee shall encourage parent/guardian and community involvement in the development and evaluation of programs for English learners.

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

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

The district shall provide effective professional development to teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), administrators, and other school or community-based organization personnel to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. Such professional development shall be of sufficient intensity and duration to produce a positive and lasting impact on teachers' performance in the classroom. (20 USC 6825)

To support students' English language development, the Superintendent or designee may provide an adult literacy training program that leads to English fluency for parents/guardians and community members.

Identification and Assessment

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

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

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

Language Acquisition Programs

In establishing the district's language acquisition programs, the Superintendent or designee shall consult with parents/guardians and the community during the LCAP development process. He/she shall also consult with administrators, teachers, and other personnel with appropriate authorizations and experience in establishing a language acquisition program. (Education Code 305)

Language acquisition programs are educational programs that are designed to ensure English acquisition as rapidly and as effectively as possible and that provide instruction to students on the state-adopted academic content standards, including the English language development standards. The language acquisition programs provided to students shall be informed by research and shall lead to grade-level proficiency and academic achievement in both English and another language. (Education Code 306)

The district shall offer English learners a structured English immersion program to ensure that English learners have access to the core academic content standards, including the English language development standards, and become proficient in English. In the structured English immersion program, nearly all the classroom instruction shall be provided in English, but with the curriculum and presentation designed for students who are learning English. (Education Code 305-306)

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

In addition, language acquisition programs offered by the district may include, but are not limited to, the following: (Education Code 305-306)

1. The district may offer a dual-language immersion program that provides integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.
2. The district may offer a transitional or developmental program for English learners that provides literacy and academic instruction in English and a student's native language and that enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order thinking skills, including critical thinking, in order to meet state academic content standards.

Parents/guardians of English learners may choose a language acquisition program that best suits their child. To the extent possible, any language acquisition program requested by the parents/guardians of 30 or more students at the school or by the parents/guardians of 20 or more students at any grade level shall be offered by the school. (Education Code 310)

The district's language acquisition programs for grades K-3 shall comply with class size requirements specified in Education Code 42238.02. (Education Code 310)

At the beginning of each school year or upon a student's enrollment, parents/guardians shall be provided information on the types of language acquisition programs available to students enrolled in the district, including, but not limited to, a description of each program. (Education Code 310)

When an English learner is determined pursuant to state and district reclassification criteria to have acquired a reasonable level of English proficiency pursuant to Education Code 313 and 52164.6, or upon request by the student's parent/guardian, the student shall be transferred from a language acquisition program into an English language mainstream classroom.

Program Evaluation

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

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

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

Adopted 11/9/22

2.1 Equal Opportunity

Intent of Policy

It is the intent of the Board to take deliberate steps to recruit and retain a highly qualified diverse workforce. The District shall develop a program designed to seek, hire, and promote persons who are underrepresented in the District's work force, as compared to their numbers in the population, including, but not limited to, individuals with disabilities, women, men, and persons of minority racial and ethnic backgrounds.

Affirmative Action Employment Program

At the direction of the board, the District shall develop and implement an affirmative action employment program applicable to all areas of operation and at all levels of responsibility within the District. Pursuant to this program, the District shall take additional efforts to recruit, employ, and promote members of groups formerly excluded at the various levels of responsibility who are qualified or may become qualified through appropriate training or experience within a reasonable length of time.

Underrepresentation

Underrepresentation occurs when a group, such as women or a racial minority, is inadequately represented in the District's work force. The District's program shall focus on identifying and addressing the underrepresentation, if any, of the following groups within the District's workforce:

1. Individuals with disabilities;
2. Men or Women;
3. Individuals of minority racial background; and
4. Individuals of minority ethnic background.

Goals and Timetables

The District's affirmative action employment program shall develop goals based on the projected new levels of employment of underrepresented groups to be attained on an annual schedule. These goals will be based on the expected turnover in the work force and the availability of persons who are qualified or may become qualified through appropriate training or experience within a reasonable length of time.

The District staff shall ensure that the goals are not treated as quotas or rigid proportions. The goals shall relate to both the qualitative and quantitative employment needs of the District.

Periodic Update

The District's affirmative action employment plan shall be updated at least every five years but may be updated more frequently to address any identified areas of concern. The District shall update its goals to match any identified changes in the diversity of the workforce.

County Assistance

When developing and implementing affirmative action employment programs, the District is entitled to assistance from the El Dorado County superintendent of schools. (Ed. Code, §§ 44100 *et seq.*; 5 CCR § 30, 31.)

2.2 Teacher Assignments Outside Scope of Their Credential

Intent of Policy

The purpose of this policy is to provide policies and procedures for the voluntary assignment of credentialed teachers to departmentalized classes that are not within the scope of their credential(s). The Board seeks to ensure that teachers assigned to classes outside the scope of their credential possess sufficient knowledge of the curriculum and content to be taught. As a Necessary Small School with an ADA of less than 30 students the district does not run departmentalized classes and is therefore exempt from credentialing requirements in this area.

Adopted 10/14/2020

2.3 Leaves of Absence for Certificated and Classified Employees

Intent of Policy

The intent of this policy is to outline the required minimum requirements the state places on a school board for adopting policy regarding leaves of absence for certificated and classified employees.

Sick Leave

The District may require employees to provide proof to substantiate the need to use sick leave, including but not limited to a doctor's note or a certification of necessity signed under penalty of perjury.

Certificated Employees

Full-time employees who work at least five (5) days per week will receive a minimum of ten (10) days leave of absence for illness or injury each school year. Any employee who works less than five (5) schooldays per week will receive a proportional number of days leave of absence based on the number of actual days worked.

Pay for any leave of absence will be the same had the employee worked that day and may be taken at any time during the school year. All unused leave at the end of each school year will accumulate from year to year.

Classified Employees

Full time employees who work at least five (5) days a week are entitled to twelve (12) days leave of absence for illness or injury for everyone (1) fiscal year of service. For those employees employed for less than one (1) fiscal year, the total allowable leave is proportionate to the total time employed during the fiscal year to the total amount of leave granted.

Personal Necessity

Personal necessity leave may be taken by certificated and classified employees for (1) a death or serious illness of a member of an employee's immediate family, (2) when there is an accident involving the employee or their personal property, or the person or property of the employee's immediate family, or (3) appearance in court or before any administrative tribunal as a litigant, party, or witness under subpoena or any order made with jurisdiction.

The District may require employees to provide proof to substantiate the need for personal necessity leave, including but not limited to a doctor's note, a court order or subpoena, or a certification of necessity signed under penalty of perjury.

Certificated Employees

Absence for illness or injury can be used by the employee at their discretion for cases of personal necessity. Advanced permission is required except in cases of (1) a death or serious illness of a member of an employee's immediate family, or (2) when there is an accident involving the employee or their personal property, or the person or property of the employee's immediate family.

Employee may use up to a maximum of seven (7) days of accumulated sick leave for personal necessity.

Classified Employees

Absence for illness or injury can be used by the employee at their discretion for cases of personal necessity. Advanced permission [is or is not required depending on district policy] but will not be required in cases of 1) a death or serious illness of a member of employees immediate family, 2) there is an accident involving the employee or their personal property, or the person or property of the employees immediate family, 3) court appearance or administrative hearing as a litigant, party or witness under subpoena.

Employee may use up to a minimum of seven (7) days of accumulated sick leave for "personal necessity".

Bereavement Leave**Certificated and Classified Employees**

An employee may take a leave absence for a maximum of three (3) days if within the State of California, or five (5) days if out-of-state travel is required, in the event of the death of any member of an Employee's immediate family. In this case, there will be no deduction from an Employee's salary, nor shall leave be deducted from any other form of leave.

Industrial Accident and Illness

A qualifying employee may take up to sixty days of industrial accident or illness (IAI) leave per fiscal year for absence due to a work-related injury or illness, reduced by one (1) day for each day of authorized absence. Leave shall commence on the first day of absence due to work-related injury or illness.

IAI leave does not accumulate from year to year. When an industrial accident or illness occurs at a time when the full sixty days will overlap into the next fiscal year, the employee shall be entitled to only that amount of remaining IAI leave at the end of the fiscal year in which the injury or illness occurred for the same illness or injury.

An employee may only take IAI leave for days when the employee would otherwise be performing work for the District (for example, contracted days of employment).

If an employee receives paid benefits from the District during IAI leave, in no case shall a payment for wages lost on any day, when added to an award granted to the employee under the workers' compensation laws of California, exceed the employee's normal wage for that day.

When IAI leave terminates, an employee may be entitled to use other leaves or receive other benefits like sick leave, differential leave, or vacation leave. However, an employee may take only as much additional

accumulated leave as, when added to the employee's temporary disability indemnity (if any), will result in a payment to him or her that does not exceed his or her full salary.

Certificated Employees

During IAI leave, the District shall pay a certificated employee the portion of the salary due to him or her for the month in which the absence occurs equal to the difference between (a) the salary the employee would have received for the month had the employee been working and (b) any workers' compensation award or temporary disability benefit. The District encourages certificated employees to endorse any temporary disability indemnity checks received on account of an employee's industrial accident or illness to the District, in which case the District shall continue to issue the employee's appropriate salary warrants and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by the warrants.

Classified Employees

To qualify for IAI leave, a classified employee must have been employed by the District continuously for at least three years.

During IAI leave, the District shall pay a classified employee the portion of wages due to him or her for each day the absence occurs equal to the difference between (a) the wages the employee would have received for the day had the employee been working and (b) any workers' compensation award or temporary disability benefit. Classified employees must endorse any temporary disability indemnity checks received on account of an employee's industrial accident or illness to the District, in which case the District shall continue to issue the employee's appropriate wage warrants and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by the warrants.

Jury Duty**Certificated and Classified Employees**

Employees may be absent for jury duty. The District may require employees to provide proof of absence due to jury duty and compensation received for serving as a juror.

The District shall pay an employee the portion of wages or salary due to him or her for each day of absence due to jury duty equal to the difference between (a) the wages or salary the employee would have received for the day had the employee been working and (b) the daily compensation paid to the employee for jury duty.

Differential Leave

Employees are eligible for "differential leave" and "differential pay" as described below.

Any period of differential leave runs concurrently with the use of accumulated sick leave, effectively meaning that the length of the period in which an employee is eligible for "differential pay" is reduced in proportion to the use of accumulated, fully paid sick leave.

Certificated Employees

When a certificated employee has exhausted all available sick leave (including accumulated sick leave) and is still absent because of illness or accident for an additional five-month period, regardless of whether the cause of the absence is work-related, the District shall pay the employee the difference between the salary the employee would have received for the month had the employee been working and (b) the amount actually paid to a substitute employee employed to fill the position or, if no substitute employee was employed, the amount that would have been paid to a substitute employee had a substitute employee been employed. This is “differential pay.”

Classified Employees

In addition to the fully paid sick leave granted to classified employees under this policy (see above), the District shall grant classified employees additional sick leave each year for use during differential leave after accumulated sick leave has been exhausted. (“Differential sick leave” or “extended sick leave.”) This additional sick leave for use during differential leave shall equal 100 days less the amount of fully paid sick leave granted to an employee. For example, a full-time classified employee who receives ten (10) days of sick leave a year shall also receive 90 days of differential (or “extended”) sick leave.

When a classified employee has exhausted all available fully paid sick leave (including accumulated sick leave), the employee may use any differential sick leave. An employee shall be compensated at 50% of the employee’s regular daily wages for each day of differential sick leave taken. This is “differential pay.”

Pregnancy

District employees are entitled to the full rights afforded them under the federal Family Medical Leave Act (FMLA), the California Family Rights Act (CFRA), and California’s Pregnancy Disability Leave Law. This policy does not recite all of the rights afforded to employees under these laws and only addresses entitlements to leave or other benefits particular to District employees due to their employment as public school employees or an applicable collective bargaining agreement.

Pregnancy Disability Leave (PDL)

Employees may take pregnancy disability leave (PDL) because of pregnancy, miscarriage, childbirth, and recovery therefrom. The length of PDL, including the date on which the leave shall commence and the date on which the employee shall resume duties, shall be determined by the employee and the employee’s physician.

Certificated Employees

A certificated employee’s disability caused or contributed to by pregnancy, miscarriage, childbirth, and recovery therefrom shall be treated like any other non-work-related temporary disability under this policy and the District’s health and temporary disability insurance plans.

Classified Employees

A classified employee may use accumulated sick leave while taking PDL, but in no event may an employee use more sick leave in a day than is necessary to “top up” any temporary disability benefit to the employee’s regular daily wage had the employee been working fulltime.

Parental Leave/Bonding Leave

In addition to pregnancy disability leave (if any), employees may take up to 12 workweeks of parental leave (or “bonding leave”) for reason of the birth of a child of the employee, or the placement of a child with the employee in connection with the adoption or foster care of the child by the employee. Parental leave under this policy shall run concurrently with any FMLA/CFRA parental leave, and no employee may take more than 12 weeks of parental leave or other qualifying FMLA or CFRA leave during any 12-month period.

Certificated and classified employees shall receive differential pay during parental leave as described above in this policy for certificated or classified employees, respectively.

Adopted 10/14/2020

2.4 Exemptions from Classified Service

Intent of Policy

This purpose of this policy is to define the categories of employees which are exempt from the classified service.

Exempt Classified Employees

A person employed by the District in any of the following capacities is exempt from classified service:

1. Substitute Employees

Any substitute employee who is employed and paid for less than 75 percent of a school year is exempt from classified service. The “substitute employee” may be either:

- a. A person employed to replace a classified employee who is temporarily absent from duty; or
- b. A person hired to fill a vacancy in any classified position while the district is in the process of hiring a permanent. An employee is only exempt if the period of employment of one or more employees does not exceed 60 calendar days, unless the applicable collective bargaining agreement provides for a different period of time.

For the purpose of this section, “Seventy-Five percent of a school year” is 195 working days including holidays, sick leave, vacation, and other leaves of absence, irrespective of the number of hours worked per day.

2. Short-Term Employees

Any “short-term employee” who is employed and paid for less than 75 percent of a school year is exempt from classified service. A “short-term employee” is someone hired to perform a service for the District and there is no continuing basis or need for that service. Prior to hiring someone for “short-term” employment, the Board, at one of its regular meetings, shall specify the nature of the “short-term” work to be performed, and shall also certify the ending date for that work. The Board may change the ending date as long as the “short-term” work period does not extend beyond 75 percent of the school year.

For the purpose of this section, “Seventy-Five percent of a school year” is 195 working days including holidays, sick leave, vacation, and other leaves of absence, irrespective of number of hours worked per day.

3. Apprentices and Professional Experts

An apprentice or professional expert employed on a temporary basis for a specific District project, regardless of length of employment, shall not be a part of the classified service. Students employed in this manner shall not displace any classified personnel in the District or impair any existing service contracts.

4. Full Time College Students Employed Part-Time

Full-time college students working part-time in the District are exempt from classified service.

5. Part-Time College Students Employed Part-Time in Work Study/Experience Programs

Part time college students employed part-time in a college work-study or work experience program are exempt from classified service.

Listed Categories Are the Only Exempt Categories

Unless otherwise permitted, a person whose position does not require certification qualifications shall not be employed by the District, except as authorized by this section.

Physical Examination/Fingerprinting/TB Screening Still Required

Individuals who are exempt from the classified service pursuant to applicable law and Board policy must still meet the requirements for physical examinations, fingerprinting, and a tuberculosis risk assessment as set forth in the Education Code. (Ed. Code §§ 45101, 45103, 45106, 45256, 45122, 45125, 49406, 51750.)

Adopted 10/14/2020

2.5 Classified Employees – Probationary Status

Intent of Policy

The intent of this policy is to ensure that classified employees successfully complete a probationary period prior to attaining permanent employment status in a District position.

Status of Probationary Employee/Permanent Employee

A “permanent employee” has been granted tenure in the classification in which the employee passed the required probationary period and includes all of the incidents of that classification. A District employee designated as a “permanent employee” shall be subject to disciplinary action only for cause as prescribed by the District Board.

A “probationary employee” has not been granted tenure in his/her position. The District, at its sole discretion, may dismiss a probationary employee from his/her position in the District at any time prior to the completion of the mandatory probationary period.

Probationary Period

The probationary period for classified employees shall be as follows:

1. Newly Hired Classified Employees

A newly hired classified employee of the District may obtain permanent status in his/her position only after he/she has satisfactorily served in that position for a period of one (1) year. At the end of this period, the employee shall obtain permanent employment status in the District. If the newly hired employee fails to complete the probationary period, he/she shall be dismissed from employment in the District.

2. Probationary Period for Employees Promoted to a Higher Position

A permanent classified employee of the District who has accepted a promotion to a higher position within the District shall obtain permanent status in the promotional position only after he/she has satisfactorily served in that position for a period of one year. If the employee fails to satisfactorily complete the probationary period, he/she shall be employed in the classification from which he/she was promoted.

Periodic Written Evaluation of Probationary Employees

During any probationary period, the probationary employee shall receive periodic written evaluations regarding his/her job performance. All evaluations will be completed by the employee’s supervisor and will, at minimum, indicate:

1. Whether the employee is satisfactorily serving in his/her position;
2. Whether it is recommended that the District maintain or dismiss the employee from his/her position;
and
3. If the evaluation indicates that an employee is not performing “satisfactorily” but has been allowed to continue under the corresponding probationary period, the evaluation will indicate any areas that employee needs to improve in order for the employee to obtain permanent status

Permanent Status Following Satisfactory Probationary Period

A District classified employee who has satisfactorily completed the probationary period in his/her position shall achieve permanent status in his/her classified position in the District. No employee shall be granted permanent status in a classified position without satisfactorily completing the corresponding probationary period.

(Ed. Code, §§ 45101, 45113.)

Adopted 10/14/2020

2.6 Incompatible Activities

Intent of Policy

The purpose of this policy is to provide notice that Board Members and District employees are prohibited from engaging in specified activities as those activities are incompatible or otherwise conflict with their duties as officers and employees of the District.

Prohibited Activities

District Board Members and District employees are prohibited from engaging in the following activities:

1. Any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a Board Member or District employee;
2. Any employment, activity, or enterprise for compensation which is inconsistent, incompatible, or in conflict with the duties, functions, or responsibilities of the District.
3. Unless the Superintendent has provided prior approval to a District employee, any work, service, or counsel for compensation outside of District employment where any part of his or her efforts will be subject to approval by any other officer, employee, board, or commission of his or her employing body.

Incompatible Outside Activities of District Employees

The Superintendent shall determine, subject to Board approval, those outside activities of the District employees which are inconsistent with, incompatible to, or in conflict with their duties as a District employee.

A District employee's outside employment, activity, or enterprise may be prohibited if it:

1. Involves the use for private gain or advantage of using District time, facilities, equipment and supplies; or the badge, uniform, prestige, or influence from his/her employment with the District;
2. Involves receipt or acceptance by the District employee of any money or other consideration from anyone other than the District for the performance of an act which the District employee, if not performing such act, would be required or expected to render in the regular course or hours of his or her employment with the District or as a part of his or her duties as a District employee;
3. Involves the performance of an act in other than his or her capacity as a District employee which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any District employee or the District Board; or
4. Involves time demands as would render performance of his or her duties as a District employee less efficient.

Notice To Employees That They May Be Disciplined for Violating this Policy

All employees shall be provided with written notice that engaging in any of the prohibited activities listed above, may subject them to disciplinary action by the District. If it is determined that an employee has engaged in prohibited activities, the employee will be informed of the District's determination and of the disciplinary action to be taken by the District. Whenever the District determines that an employee has engaged in prohibited activities, the employee shall be given the opportunity to appeal the District's determination. (Gov. Code § 1126.)

Solicitation of Students

During school hours, and within one hour before and after the end of the school day, District students shall not be solicited on school premises by teachers or others to subscribe or contribute to the funds of, to become members of, or to work for, any organization not directly under the District.

This section does not prohibit students from being solicited for charitable purposes as follows:

1. The solicitation is by an organization that is a nonpartisan, charitable organization organized for charitable purposes by an act of Congress or under the laws of the state;
2. The purpose of the solicitation is nonpartisan and charitable; and
3. The solicitation has been approved by the District Board.

Solicitations on Behalf of the District

No person shall solicit any other person to contribute to any fund or to purchase any item of personal property, upon the representation that the money received is to be used wholly or in part for the benefit of either the District or the students of the District, unless such person obtains the prior written approval of the District board or its designee.

This section does not prohibit any solicitation or contribution, the total proceeds of which are delivered to the District, nor to a solicitation of a transfer to be affected by a testamentary act. (Gov. Code § 1126; Ed. Code §§ 51520, 51521.)

Adopted 10/14/2020

2.7 Lactation Accommodation Policy

The purpose of this policy is to establish guidelines for establishing a breastfeeding-friendly work environment and supporting lactating employees. The District is legally obligated to provide the lactation accommodations pursuant to this policy. Furthermore, an employee has a legal right to request lactation accommodation from the District.

Breaks

1. The District will provide a reasonable amount of break time to an employee that wishes to express breast milk for the employee's infant child each time the employee has a need to express breast milk.
2. When possible, the District will ensure that the break time shall run concurrently with any break time already provided to the employee.
3. The District will not provide break time when to do so would seriously disrupt the operations of the District.
4. The District will not pay an employee for break time that does not run concurrently with rest time authorized by the Education Code or any collective bargaining agreement.

Lactation Space

1. The District will provide an employee with the use of a room or other location for the employee to express milk in private. The room or location may include the place where the employee normally works if the space otherwise meets the requirements regarding lactation accommodation pursuant to this policy.
2. The District will ensure that the lactation room or location shall not be a bathroom and shall be in close proximity to the employee's work area, shielded from view, and free from intrusion while the employee is expressing milk.
3. The District will ensure that the lactation room or location complies with all of the following requirements:
 - a. Is safe, clean, and free from hazardous materials as defined in Labor Code § 6382.
 - b. Contains a surface to place a breast pump and personal items.
 - c. Contains a place to sit.
 - d. Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations needed to operate an electric or battery-powered breast pump.
4. Where a multipurpose room is used for lactation, among other uses, the District will ensure that the use of the room for lactation shall take precedence over other uses, but only for the time the multipurpose room is in use for lactation purposes.

5. The District will provide access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's workspace. If a refrigerator cannot be provided, the District may provide another cooling device suitable for storing milk such as a District-provided cooler.
6. The District may comply with this section by designating a lactation location that is temporary, due to operational, financial, or space limitations. These temporary spaces shall not be a bathroom and shall be in close proximity to the employee's work area, shielded from view, free from intrusion while the employee is expressing milk, and otherwise compliant with this lactation accommodation policy.
7. A District office or school site which is located in a multitenant building or multiemployer worksite may comply with this policy by providing a space shared among multiple employers within the building or worksite if the District cannot provide a location within the employer's own workspace.

Lactation Accommodation Request Process

1. The District's process by which an employee may make a lactation accommodation request is as follows:
 - a. The employee shall make a request in writing to the employee's administrator.
2. The District will respond to an employee's lactation accommodation request within 1 day. If the District cannot provide break time or a location that complies with this policy regarding lactation accommodation, the District will provide a written response to the employee within 1 day.

Complaint Procedures

1. An aggrieved employee may file a complaint with the Labor Commissioner for a violation of any right under this policy. An employee may report a violation of this policy to the Labor Commissioner's field enforcement unit. The Labor Commissioner has the authority to issue a citation and impose a civil penalty in the amount of \$100.00 for each day that an employee is denied reasonable break time or adequate space to express milk.
2. The denial of reasonable break time or adequate space to express milk in accordance with this policy shall be deemed a failure to comply for purposes of Labor Code § 226.7.

Statement of Non-Discrimination

1. The District will not discharge, or in any other manner discriminate or retaliate against, an employee for exercising or attempting to exercise any right protected this policy.
2. An aggrieved employee who has been discriminated or retaliated against pursuant to this Statement of Nondiscrimination may file a complaint with the Labor Commissioner.

Distribution of Lactation Accommodation Policy

1. The District will include this policy in an employee handbook or set of policies that the District makes available to employees.

-
2. The District will distribute this policy to new employees upon hiring and when an employee makes an inquiry about or requests parental leave.

Undue Hardships

1. The District may decline to implement a particular requirement of this policy if it would cause the District significant difficulty or expense when considered in relation to the size, financial resources, nature, and structure of the District.
2. If providing an employee with the use of a room or other location, other than a bathroom, would impose an undue hardship on the District, the District will still make reasonable efforts to provide the employee with the use of a room or other location, other than a toilet stall, in close proximity to the employee's work area, for the employee to express milk in private.

Adopted 10/14/2020

3.1 Use of School Facilities

Intent of Policy

This policy is intended to ensure the fair and safe use of District facilities and grounds by outside organizations in accordance with the Civic Center Act and other applicable laws.

The Board is vested with the authority to create reasonable rules and regulations governing the management, direction, and control of District facilities. By enacting this policy, the Board seeks to provide for each of the following:

1. Give aid, assistance, and encouragement to the outside groups authorized by this policy;
2. Preserve order in the use of District facilities and grounds;
3. Protect District facilities and grounds;
4. Ensure that use of District facilities and ground does not conflict with its use for school purposes or otherwise interfere with the regular conduct of schoolwork; and
5. Establish the amounts to be charged for use of District facilities by outside organizations and identify the groups and organizations exempt from such charges.

The District has the authority to determine which facilities may be used by outside groups and the manner of that use, subject to applicable provisions of the law. (Ed. Code §§ 38131 *et seq.*)

Permitted Use of District Facilities and Grounds

In accordance with the Civic Center Act, and the conditions and limitations of this policy, the District shall allow outside organizations to use District facilities and grounds for any of the following purposes:

1. Public, literary, scientific, recreational, educational, or public agency meetings;
2. The discussion of matters of general or public interest;
3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization that has no suitable meeting place for the conduct of the services and for which the legally required fee is charged as set forth below;
4. Childcare or day care programs to provide supervision and activities for children of preschool and elementary school age;
5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies;
6. Supervised recreational activities including, but not limited to, sports league activities for youths that are arranged for and supervised by entities, including religious organizations or churches, and in which youths may participate regardless of religious belief or denomination;

7. A community youth center;
8. A ceremony, patriotic celebration, or related educational assembly conducted by a veterans' organization; and
9. Other purposes deemed appropriate by the Board. (Ed. Code §§ 38131 *et seq.*)

Prohibited Uses of District Facilities and Grounds

In accordance with the Civic Center Act, and the conditions and limitations of this policy, the District shall not allow outside organizations to use the District facilities and grounds for any of the following purposes:

1. Any activity or use that violates the law, or Board Policy;
2. Any activity on school grounds that involves the consumption or sale of alcoholic beverages, or tobacco. However, the District may permit the consumption or sale of alcoholic beverages at special events if an outside organization has acquired the appropriate permit under the Alcoholic Beverages Control Act (Title 9, California Business and Professions Code, § 23000 *et seq.*) and the special event is held at a time when students are not present.
3. Any other use of the District facilities or grounds which is inconsistent with the District's use of its facilities for school purposes or which interferes with the regular conduct of school or schoolwork. (Ed. Code §§ 38131 *et seq.*; Health & Safety Code § 104420; Bus. And Prof. Code § 25608.)

Board's Discretion to Deny Use of Facilities

The Board may deny an outside group's request to use District facilities if the outside group will be conducting fundraising activities and those fundraising activities are not beneficial to youth or public-school activities. The Board has the discretion to determine whether the outside group's fundraising activities will, in fact, benefit youth or public-school activities. (Ed. Code § 38134 (a)(2).)

Facility Charges for Specific Activities of Outside Organizations

Groups Granted Free Use of District Facilities

The District shall allow the following groups and organization to use District facilities free of any charges:

1. District or school clubs, organizations, activities, etc.;
2. Parent-teacher associations and organizations;
3. Foundations created for the specific purpose of helping District students; and
4. Other community-based groups.

Direct Costs

Any outside organization authorized to use school facilities may be charged an amount not to exceed the direct cost to the District resulting from the organization's use. The District may require an outside organization to pay a refundable deposit in advance of using school facilities.

Direct Costs Defined

The "direct cost" is defined as the share of the District's cost to operate and maintain school facilities which are directly proportional to the organization's use of the school facilities.

Operational Direct Costs

The District shall charge organizations for the operational direct costs of the following:

1. Supplies,
2. Utilities,
3. Janitorial services,
4. Services of school district employees, and
5. Salaries paid to school district employees to operate and maintain school facilities or grounds.

Capital Direct Costs

In addition, the District may charge an organization for the direct cost for the maintenance, repair, restoration, and refurbishment ("capital direct costs"), proportional to the organization's use of the school facilities or grounds as follows:

1. Charges for "school facilities" may only be applied to an organization's use of non-classroom space;
2. Charges for "school grounds" shall include, but not be limited to, playing fields, athletic fields, track and field venues, tennis courts, and outdoor basketball courts.
3. The District shall not charge an organization for the costs of maintenance, repair, restoration, and refurbishment if the organization is:
 - a. A classroom based program operating after school hours (e.g., tutoring programs, child care program, etc.); or
 - b. An organization retained by the District to provide instruction or instructional activities.

Special Fund for Maintenance, Repair, Restoration, and Refurbishment

Any funds that the District collects as proportional costs for the maintenance, repair, restoration, and refurbishment of school facilities shall be placed into a special fund. The special fund shall only be used for the maintenance, repair, restoration, and refurbishment of school facilities.

Direct Cost Fee Schedule

The District may charge organizations for the operational direct costs and capital direct costs identified above according to the following fee schedule:

1. Use of any part of the school facility is at \$20.00 per hour.

Activities to be Charged Direct Cost of Using Facilities

The following activities shall be charged based on the direct cost of using the Districts' facilities unless the group conducting the activity is granted free use of District facilities according to this policy:

1. Public, literary, scientific, recreational, educational, or public agency meetings;
2. The discussion of matters of general or public interest;
3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization that has no suitable meeting place for the conduct of the services and for which the legally required fee is charged as set forth below;
4. Childcare or day care programs to provide supervision and activities for children of preschool and elementary school age;
5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies;
6. Supervised recreational activities including, but not limited to, sports league activities for youths that are arranged for and supervised by entities, including religious organizations or churches, and in which youths may participate regardless of religious belief or denomination;
7. A community youth center; and
8. A ceremony, patriotic celebration, or related educational assembly conducted by a veterans' organization.

Churches and Religious Organizations

Whenever the District authorizes a church or religious organization, that has no suitable meeting place, to temporarily use the District facilities for the purpose of conducting religious services, the District shall charge the church or religious organization an amount equal to or greater than the direct cost to the District.

Activities Charged at Fair Rental Value

If an organization is permitted to use District facilities to conduct any activity not identified above under “Activities to be Charged Direct Cost of Using Facilities,” then the fair rental value of the facility shall be charged. This includes but is not limited to circumstances in which:

1. The facility is being used for entertainment and/or a meeting;
2. An admission fee is charged, or contributions are solicited; and
3. The net proceeds of the activity are not for the welfare of the District students or for some other charitable purpose.

Fair Rental Value

The fair rental value of the District facilities is calculated by adding the direct costs to the District, plus the amortized costs of the facilities and/or grounds used for the duration of the authorized activity.

Damage to School Property

If an outside organization’s authorized use of the District facilities results in the destruction of District property, the organization may be charged the amount necessary to repay the damages caused by the organization.

Destruction of District Property - Denial of Future Use

If an outside organization’s authorized use of District facilities results in the destruction of District property, in addition to recovering the costs of the damages, the District may deny the organization any future use of its facilities.

Liability for Injuries Resulting from Use of School Facilities

The liability for any injury resulting from an outside organization’s use of school facilities shall be the following:

1. District is liable for an injury resulting from the District’s negligence in the ownership or maintenance of District’s facilities and grounds;
2. The outside organization is liable for any injury resulting from the organization’s negligent use of the District’s facilities or grounds;
3. District and the outside organizations shall each bear the costs of insuring against their respective risks; and
4. The District and the outside organization shall each bear the costs of defending against any claims arising from their respective risks.

3.2 Purchase of Supplies and Equipment

Intent of Policy

The intent of this policy is to ensure that supplies and equipment are purchased in a fair and efficient manner, and to minimize operating costs and maximize the financial and business resources of the District.

Board Authorization for Expenditure of Funds

All payment orders drawn on the District's funds shall be authorized by either:

1. A majority of the members of the Board; or
2. By an officer or employee of the District specifically authorized by the Board pursuant to this policy ("Purchasing Agent").

(Ed. Code § 42623.)

Authorized Purchasing Agents

The Board hereby authorizes the following officers and employees ("Purchasing Agents") to purchase supplies, materials, apparatus, and equipment in accordance with the requirements of this policy and applicable law:

1. Superintendent, Principal, Teacher
2. Confidential Secretary/Admin Assistant

(Ed. Code § 42632.)

Prohibited Activities of Employees Who are Not purchasing Agents

Only the Board authorized Purchasing Agents have the authority to purchase supplies and equipment for the District. Employees that have received the following signed authorizations from a Purchasing Agent may purchase equipment, services, and other items pursuant to the authorizations.

1. Purchase Order Request (not to exceed \$500.00)
2. Conference Request Form

Employees who are not Purchasing Agents shall not engage in any of the following on behalf of the District:

1. Contact or communicate verbally or in writing with vendors or suppliers except to obtaining technical specifications or other information needed to request a purchase order;
2. Contact or communicate with vendors in a manner that might reasonably be interpreted as creating a contract or purchase agreement;
3. Make direct purchases of supplies or equipment;
4. Contract for any supplies or equipment; or

-
5. Request the District purchase supplies or equipment in a manner that would create a conflict of interest or would otherwise violate state law, or this policy.

Unauthorized Purchases

District funds shall not be used to purchase supplies and equipment unless done through a Purchasing Agent pursuant to state law and this policy.

If a District officer, employee, or another individual makes an unauthorized purchase on behalf of the District, the purchase shall be considered the personal obligation of that individual.

Board Has Sole Authority to Enter Contracts

Pursuant to state law and this policy, the Board has the sole authority to enter contracts on behalf of the District. Adherence to the California Uniform Public Construction Cost Accounting Act delegates authority to Purchasing Agents for entering into informal bid contracts up to \$200,000.00. Purchasing Agents may also enter into up to one year contracts for services not exceeding \$5,000.00.

Purchasing Orders

All payments from the District's funds shall be made by a written purchase order when required by the vendor or administration. ("Purchase Order" or "PO.") The District will utilize a standardized Purchase Order.

(Ed. Code § 42631.)

Process for Submitting Purchase Requests

All requests for the purchase of supplies and equipment for the District shall be in accordance with the following procedures:

Requesting Purchases or Bids

All requests for the purchase of supplies and equipment shall be made through the Purchasing Agents. Individual employees must make their requests through the Purchasing Agents.

When requesting the purchase of supplies or equipment, the Purchasing Agents are responsible for:

1. Determining whether the District has sufficient available funds to pay for the requested items;
2. Ensuring that the requested supplies and equipment are necessary to the District's operations and will be used for the proposed purpose;
3. Advanced planning of purchasing needs for the upcoming school year and taking proactive steps to consolidate similar items into a single purchase request; and
4. Ensuring that the Office is timely informed of purchasing needs for the upcoming school year in the form and manner required.

Requirements for Purchases of More than the Bid Threshold

In accordance with state law and this policy, the Board shall confirm any contracts or purchases involving an expenditure of more than \$50,000, adjusted for inflation, for any of the following:

-
1. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the District;
 2. Services, except construction services;
 3. Repairs, including maintenance as defined in Public Contract Code § 20115, that are not a public project as defined in Public Contract Code § 22002(c).

The State Superintendent of Public Instruction is required to annually adjust the \$50,000 amount specified in Public Contract Code § 20111(a) to reflect the percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States. The District's bid threshold shall be automatically adjusted whenever the State Superintendent's annual adjustment becomes effective, typically January 1 of each year.

Bidding Procedures

All contracts for supplies and equipment in excess of the District's bid threshold shall utilize the District's Formal Bidding Procedures set forth in this policy.

(Pub. Contract Code, § 20111.)

Identical Bids

In the event that the Board receives identical bids, the Board shall determine by lot which bid shall be accepted.

Requirements for Purchases at the Bid Threshold or Less

The following requirements shall apply to the purchasing of materials, supplies, and equipment as determined by the purchasing amounts:

1. For Purchases up to \$25,000.00

The Purchasing Agents have the authority to make purchases of supplies, goods and materials up to \$5,000 as follows:

- a. Must receive proposal from at least one (1) vendor but may request additional proposals;
- b. Purchase Requests shall include:
 - i. The name and description of the item being requested;
 - ii. A description of the item the company;
 - iii. Name of the seller and/or company; and
 - iv. Specific amount being requested.
- c. Requests shall be vetted by Purchasing Agent to ensure that they are fair and reasonable; and

-
- d. Preference may be given to a vendor with an established, positive business history with the District.

2. For Purchases of \$25,001.00 to Bid Threshold

The Purchasing Agents have the authority to make purchases of supplies, goods, and materials between \$5,001 and \$50,000 as follows:

- a. Must receive proposals from at least 3 vendors;
- b. Purchase Requests shall include:
 - i. The name and description of the item being requested;
 - ii. A description of the item the company;
 - iii. Name of the seller and/or company; and
 - iv. Specific amount being requested.
- c. Purchasing Agent shall follow the Districts Informal Bidding Process as defined by this policy.

3. For Purchases of Bid Threshold and Above

The Purchasing Agents have the authority to make purchases of supplies, goods, and materials between \$50,000 and \$90,200 as follows:

- a. Must receive proposals from at least 3 vendors;
- b. Purchase Requests shall include:
 - i. The name and description of the item being requested;
 - ii. A description of the item the company;
 - iii. Name of the seller and/or company; and
 - iv. Specific amount being requested.
- c. The Purchasing Agent shall follow the Districts Formal Bidding Process as defined by this policy.

Splitting of Purchase Orders is Prohibited

It is unlawful for the Board, a Purchasing Agent, or any District employee to split or separate a Purchase Request or Purchase Order into smaller amounts to avoid the competitive bidding requirements of state law or this policy.

Informal Bidding Process

The “Informal Bid Process” requires the Purchasing Agent to obtain proposals from 1 or more vendors. The informal bidding process is as follows:

1. Request for Proposals

The Purchasing Agent shall request written proposals for the item. The request must state the specifications for the requested item(s), and the vendors’ deadline for submitting a written proposal. The District may solicit proposals from local vendors as practicable. Bid requests must be posted at least 10 days prior to the bid due date. Notice should describe project in general terms with information for how to obtain detailed information and time and place for submission of bids as well as date and time for a site walk, where appropriate. Notice need not include drawings, plans, etc., unless required for preparing the bid.

2. Evaluating Proposals

The Purchasing Agent reviews all timely proposals and determines which vendor has made the lowest responsible bid. When making this determination, the Purchasing Agent shall consider the relative quality of the vendor’s items, shipping costs, or any other concerns relevant to the District’s intended use of the item(s). If all bids received exceed \$175,000, the Governing Board may pass a resolution by a four-fifths majority awarding contract at \$187,500 or less to lowest responsible bidder if it determines District’s cost estimate was reasonable.

3. Selection of Vendor

After evaluating each of the proposals the Purchasing Agent may take any of the following actions:

- a. Award the proposal to the lowest responsible bidder;
- b. Waive any minor irregularities or errors in a proposal and accept the proposal;
- c. Reject any proposal due to non-waivable omissions, irregularities, or errors;
- d. Reject any proposal the Purchasing Agent determines to be not responsible; and/or
- e. Reject all proposals and determine whether to repeat the process until a lowest responsible bidder can be determined.

4. Executing Purchase Order

If a bid is awarded to a vendor, the Purchasing Agent shall execute a Purchase Order with the Vendor. EC 17605 requires all delegated transaction be approved or ratified by the board within 60 days.

Formal Bidding Process

The “Formal Bid Process” is a competitive bidding process requiring the Purchasing Agent to circulate a bid request to all applicable vendors on the District’s vendor list, to publicly post the bid request, and accept sealed bids.

1. Request for Bids

The Purchasing Agent shall solicit sealed bids from vendors on the District's list of vendors, and through public posting of the bid request. All interested vendors may submit sealed bids. The request must state the specifications for the requested item, include detailed architectural plans, the deadline for submitting the sealed written bid, and the time and location in which the sealed bids will be opened. Advertising must be done in the newspaper 14 days and in trade journals 15 days prior to bid opening. Public Contract Code 22038(c) states that if no bids are received through the formal or informal procedure, the project may be performed by the employees of the public agency by force account or negotiated contract without further bids.

2. Opening Bids

The Purchasing Agent shall open all timely bids in a public meeting at the time and location stated in the bid request. Bids received after the deadline shall be marked "Not Received by Deadline" and returned to the vendor unopened.

3. Evaluating Bids

The Purchasing Agent reviews all timely bids and determines which vendor has made the lowest responsible bid. When making this determination, the Purchasing Agent shall consider the relative quality of the vendor's items, shipping costs, or other concerns relevant to the District's intended use of the item.

4. Selection of Vendor

After evaluating each of the proposals the Purchasing Agent shall take any of the following actions:

- a. Award the bid to the lowest responsible bidder;
- b. Waive any minor irregularities or errors in a bid and accept the bid;
- c. Reject any bid due to non-waivable omissions, irregularities, or errors;
- d. Reject any bid where the Purchasing Agent determines the vendor is not responsible; and/or
- e. Reject all bids and determine whether to repeat the process until a lowest responsible bidder can be determined.

5. Notification of Bid Results

The Purchasing Agent shall notify the bidders of the bid results and post the bid results for public viewing. The notice shall include the apparent lowest qualified bidder, a description of the item(s) to be provided, and any other relevant bid information.

6. Protest Procedure

Under the Formal Bidding Procedures, a vendor who was not the lowest responsible bidder has the opportunity to protest the results of the bidding process and/or the manner in which it was conducted. Protest procedures

should only be used after informal methods have failed to resolve the dispute. Bidders must exhaust the District's administrative remedies before filing a civil action.

Bidders seeking to protest the bid award shall utilize the following District procedures:

- a. Within ten (10) business days from the date of public posting of the bid results, the protesting bidder shall submit a letter of protest to the Purchasing Agent, signed by an authorized representative of the bidder. The protest letter must include the specific reasons for the protest, any facts supporting the protest, and any law, regulation, or policy, that bidder claims was violated during the bidding process;
- b. If the Purchasing Agent finds the protest has merit, the Purchasing Agent may modify the bid award and then issue a notification to all bidders of the change in the District's decision;
- c. Where a protest has been resolved or withdrawn the bid may be awarded in accordance with the Purchasing Agent's original recommendation;
- d. In the event the protest remains unresolved, the protest shall be submitted to the Board for consideration as a regular agenda item. All bidders shall be notified of the date on which the matter will be heard by the Board and may attend and address the Board at that meeting. The Board has the discretion to:
 - a. Accept or reject any or all bids;
 - b. Waive any informality, error, or irregularities in a bid; or
 - c. Make a bid award.

The decision of the Board shall be the final decision of the District.

7. Executing Purchase Order

If a bid is awarded to a vendor either before or after a protest, the Purchasing Agent shall execute a Purchase Order or contract with the Vendor. A copy shall be kept maintained in the District's Office.

8. Additional Purchases from Winning Vendor

When a bid award is made through the Formal Bidding Process, a Purchasing Agent may dispense with separate bidding under the following conditions:

- a. The purchase is for the same items(s);
- b. The purchase is from the same vendor;
- c. The purchase is made within 12 months from the date the District made its initial purchase under the contract or Purchase Order; and
- d. The vendor agrees to the same purchase price as stated in their bid.

Exception: If the cumulative total of the initial bid and the additional purchases exceeds \$5,000, the Purchasing Agent shall obtain the approval of the Board.

Cumulative Purchases

When the cumulative purchases of a particular commodity, or group of like commodities that is not exempt from competitive processes, reach \$25,000 the Purchasing Agent shall have one hundred twenty (120) days in which to solicit formal bids for additional purchases anticipated in the remainder of the fiscal year. In the interim 120-day period, the Purchasing Agent may use the informal bid process to make additional purchases that are urgent and necessary for the efficient operation of a department or department(s).

Exemption from Competitive Bidding

Competitive bidding shall be used to purchase supplies and equipment for the District unless the item or the purchase is exempted from competitive bidding by this policy and/or state law.

Exemptions from competitive bidding include, but are not limited to the following:

1. The purchase amount is less than the cost thresholds for competitive bidding established by law and this policy;
2. Telecommunications purchases (Pub Cont, Code, § 20118.2);
3. Perishable Food (Ed. Code § 38083; Pub. Cont. Code § 20660);
4. Educational Materials (Pub. Cont. Code § 20118.3; Ed. Code § 81651);
5. Surplus federal property (Ed. Code §§ 17602, 81653);
6. “Piggybacking” on another public agency contract pursuant to applicable laws (Ed. Code § 17595; Pub. Cont. Code §§ 20118, 20652, 20653; Govt. Code § 14931.)

Surplus Federal Property- No Competitive Bidding

The Board or Purchasing Agent may purchase surplus property from the federal government or any agency thereof in any amount needed for the operation of the schools of the District without competitive bidding.

(Ed. Code § 17602.)

Purchase of Educational Material

The Board or Purchasing Agent may purchase supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals in any amount needed for the operation of its schools without taking estimates or advertising for bids.

(Pub. Cont. Code § 20118.3.)

Computers, Software, Telecommunications Equipment, Microwave Equipment and Related Electronic Equipment and Apparatus

The Board or Purchasing Agent(s) may purchase computers, software, telecommunications equipment, microwave equipment, and other related electronic equipment through detailed request and competitive negotiation pursuant to Public Contracting Code § 20118.2.

Sale And Disposal Of Books, Equipment And Supplies

When any district-owned instructional materials, equipment, supplies, or other personal property becomes unusable, obsolete, or no longer needed, the Superintendent or designee shall notify the Governing Board, provide an estimated value, and recommend whether the items be sold or disposed of by one of the methods prescribed in law and administrative regulation. Upon approval by the Board, the Superintendent or designee shall arrange for the sale or disposal of these items.

Instructional materials may be considered obsolete or unusable when they:

1. Have been replaced by more recent editions or new materials selected by the Board and have no foreseeable value in other instructional areas
2. Are not aligned with the district's academic standards or course of study
3. Contain information rendered inaccurate or incomplete by new research or technologies
4. Contain demeaning, stereotyping, or patronizing references to any group of persons protected against discrimination by law or Board policy
5. Are damaged beyond use or repair

Items declared surplus having a value

Items will be placed on a list and offered to staff first. Copies of this list will be posted as appropriate. The listing will include a minimum bid amount as well as a closing date for acceptance of bids. All persons interested in purchasing items that are listed as surplus must submit a written bid to District Administration on or before the noted closing date. Administration will review all bids and notify all persons who submitted a bid of the decision to award the equipment to the highest bidder. All sales of items declared surplus are considered to be final.

Following this internal process, remaining items will be offered to the public by posting in public locations as appropriate and the process will be conducted in the same manner.

Items not claimed or purchased will be disposed of at the discretion of the administration.

Items declared surplus having no value

Items will be placed on a list and offered to staff first. Copies of this list will be posted as appropriate. All persons interested in items that are listed as surplus must submit a written request to District Administration on or before the noted closing date. Administration will place the names of all persons that have provided written requests in

a lottery and a winner will be drawn after the closing date. All acceptance of items declared surplus are considered to be final.

Following this internal process, remaining items will be offered to the public by posting in public locations as appropriate and the process will be conducted in the same manner.

Items not claimed will be disposed of at the discretion of the administration.

Charitable donations are not included as surplus property and can be disposed of as deemed appropriate to public school programs or community-based organizations.

Adopted 10/14/2020

3.3 Evaluation of Projects, and Adoption of Environmental Impact Reports and Negative Declarations

The Superintendent shall determine whether any proposed construction project, including the construction, expansion, or alteration of school sites, is subject to the California Environmental Quality Act (“CEQA”). If a project is subject to CEQA, the Superintendent shall ensure that the District complies with CEQA in evaluating the project, and the District will follow the CEQA guidelines adopted by the California Secretary for Natural Resources in preparing and adopting environmental impact reports and negative declarations.

(Pub. Resources Code § 21082.)

Adopted 10/14/2020

4.1 Flexibility in Compliance

The district's necessary small school status coupled with waivers, variances, permissions and affidavits that may be on file allows the Indian Diggings School District to execute its compliance with statutory or regulatory programs and funding requirements for state and federal programs. With the aforementioned flexibility, in concurrence with the El Dorado County Office of Education the district may temporarily suspend certain state and federal requirements. For further information, please contact the Superintendent or designee.

Adopted 10/14/2020

4.2 Anti-Discrimination, Anti-Harassment, Anti-Intimidation, and Anti-Bullying Policy

Intent of Policy

It is the policy of the Board to provide equal educational opportunities without regard to actual or perceived race or ethnicity, nationality, disability, gender, gender identity, gender expression, religion, sexual orientation, immigration status, or association with a person or group with one or more of these actual or perceived characteristics.

Discrimination/Harassment/Intimidation/ Bullying Prohibited in the District's Programs and Activities

The District prohibits discrimination, harassment, intimidation, and bullying based on any of the following actual or perceived characteristics:

1. Disability;
2. Gender;
3. Gender identity;
4. Gender expression;
5. Nationality;
6. Race or Ethnicity;
7. Religion;
8. Sexual orientation;
9. Immigration Status; or
10. The association with a person or group with one or more of these actual or perceived characteristics.

Policy Applies to All District Activities

This policy applies to any and all acts related to a District activity or attendance that occur in a District school.

Protection of All Individuals

This policy applies to any prohibited discrimination, harassment, intimidation, or bullying directed against any student, employee, or other individuals participating in a District program or District activity.

Investigation of Complaints

Any complaints of prohibited discrimination, harassment, intimidation, and/or bullying shall be received and investigated in accordance with the District's uniform complaint procedures set forth in Board Policy 4.12.

Public Notification of this Policy

To promote awareness of this policy, the District shall do all of the following:

1. On or before the start of each school year, the District shall notify students and parents/guardians of this policy as well as any related District policies;
2. Every school site and public space within the District shall prominently post an anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying notice including, but not limited to, the following:
 - a. A clear statement of this policy and/or its intent;
 - b. A clear reference to this policy and any related District policies;
 - c. How to obtain additional information regarding the District's policies; and
 - d. Contact information and instructions for filing a complaint alleging a violation of this policy;

The Superintendent or designee shall approve all notification or posting pursuant to this policy;

3. Provide training to District staff regarding this policy and how to effectively identify, prevent, reduce and/or eliminate unlawful discrimination, harassment, intimidation, and bullying;
4. Strongly encourage students, teachers, and other District staff to positively promote this policy through awareness campaigns, poster contests, artwork, or other appropriate school-related activities.

(Ed. Code §§ 220, 221, 234.1; Pen. Code § 422.5; Gov't. Code § 11135; Title 5, Cal. Code Regs. § 4610.)

Adopted 10/14/2020

4.3 Prohibition of Sexual Harassment and Sexual Violence

The District is committed to maintaining an educational environment and workplace that is free from harassment and discrimination. The District prohibits sexual harassment of and sexual violence against students, employees, or job applicants by other students, employees, or other persons, that occurs in the District's educational program or activity. The District also prohibits retaliatory behavior or action against any person who complains, testifies, assists, or otherwise participates in the complaint process.

Prohibited Conduct

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 workplace or education setting, when made on the basis of sex and under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, or of a student's academic status or progress.
2. Submission to or rejection of the conduct by the individual is used as the basis for an employment decision or academic decision affecting the individual.
3. The conduct has the purpose or effect of having a negative impact on an individual's work or a student's academic performance or has the purpose or effect of creating an intimidating, hostile, or offensive work or educational environment. Regardless of whether or not the alleged harasser was motivated by sexual desire, the conduct is so severe, pervasive, and objectively offensive that it denies equal educational access.
4. Submission to or rejection of the conduct by an employee or student is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through any District program or activity.

Examples of the types of conduct which are prohibited at the District and which may constitute sexual harassment whether committed by a supervisor, a coworker, a student, or a non-employee include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions.
2. Pressure to engage in sexual activity.
3. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, innuendoes, or sexually degrading descriptions.
4. Graphic verbal comments about an individual's body.

-
5. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, graffiti, or computer-generated images of a sexual nature.
 6. Spreading sexual rumors.
 7. Teasing or making sexual remarks about students enrolled in a predominantly single-sex class.
 8. Unwelcome physical contact such as massaging, grabbing, fondling, stroking, or brushing the body.
 9. Touching an individual's body or clothes in a sexual way.
 10. Cornering, leaning over, impeding, or blocking normal movements or any other physical interference with school activities when directed at an individual on the basis of sex.
 11. Displaying sexually suggestive objects.

Prohibited sexual violence includes rape, sexual assault, sexual battery, and sexual coercion as defined in California's Penal Code Sections 243.4 and 261 *et seq.*

Complaint Procedures and Title IX Coordinator

Complaints of sexual harassment or sexual violence shall be reported and investigated in accordance with law, and with the District's Uniform Complaint Procedures policy and regulations, available here: idschool.org. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

The Superintendent shall serve as the District's Title IX Coordinator. Students, parents, guardians, or employees may contact the Title IX Coordinator at any time to file a complaint directly with the District at:

Grant Coffin

Superintendent, Principal, Teacher

6026 Omo Ranch Rd. Somerset, CA 95684

530-620-6546

gcoffin@idschool.org

Confidentiality and Record-Keeping

All complaints and allegations of sexual harassment or sexual violence shall be kept confidential except as necessary to carry out the investigation, to take action to address and remedy instances of sexual harassment, or to comply with every District employee's legal responsibility to report suspected child neglect or abuse. The District's Title IX Coordinator or his/her designee shall maintain a record of all reported cases of sexual harassment to monitor, address, and prevent repetitive harassing behavior.

Notifications

A copy of this Policy shall:

1. Be prominently displayed in the main office of every District campus and administrative building, or other locations where notices of rules, regulations, procedures, and standards of conduct are posted.
2. Be provided to every employee when hired and at the beginning of each school year.
3. Be included in any publication that sets forth the District's comprehensive rules, regulations, procedures, and standards of conduct, including the annual notice provided to students at the start of each school year.

All employees shall receive a copy of information sheets prepared by the California Department of Fair Employment and Housing (“DFEH”) that contains, at a minimum, information on:

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 complaint process available to employees.
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 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH or 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.

Student-Specific Regulations on Sexual Harassment and Sexual Violence**Student Instruction**

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

1. What acts and behavior constitute sexual harassment or sexual violence, including the fact that sexual harassment can occur between people of the same sex.
2. A clear message that sexual harassment and sexual violence are unacceptable and that students do not have to tolerate such behavior.

-
3. Encouragement to report instances of sexual harassment and sexual violence, even when the victim of the harassment/violence has not complained.
 4. The person(s) to whom complaints of sexual harassment and sexual violence should be made.
 5. Information about the District's process for investigating complaints.

Any student who feels that he/she is being or has been sexually harassed or a victim of sexual violence perpetrated by a school employee, another student, or a non-employee, in the school's educational program or activity, should immediately contact his or her teacher or any other District employee. An employee who receives such a complaint shall report it in accordance with the District's Uniform Complaint Procedures ("UCP") policy. The District's Title IX Coordinator shall ensure that any complaints regarding sexual harassment and sexual violence are immediately investigated in accordance with the District's UCP policy. When the District's Title IX Coordinator has determined that harassment or violence has occurred, the Coordinator shall take prompt, appropriate action to end the harassment or violence and to address its effects on the victim.

Student Disciplinary Actions

Any student who engages in sexual harassment of or sexual violence against anyone 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.

Employee-Specific Regulations on Sexual Harassment and Sexual Violence

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

1. Providing training to employees in accordance with law and this Policy.
2. Publicizing and disseminating the District's Sexual Harassment and Sexual Violence policy to staff.
3. Ensuring prompt, thorough, and fair investigation of complaints.
4. Taking timely and appropriate corrective action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of behavior.

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

A supervisor, principal, or other administrator who receives a complaint of sexual harassment or sexual violence shall promptly notify the Superintendent or designee.

Training

The District's Superintendent or designee shall ensure that all employees receive training regarding sexual harassment and complaint policies when hired and periodically thereafter. Such training shall include the

procedures for reporting or filing complaints involving an employee, employees' duty to use the complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other interactive training regarding sexual harassment. Newly hired or promoted supervisory employees shall receive training within six months of their assumption of the new position. A supervisory employee is any employee with the authority to hire, terminate, discipline, assign, transfer, suspend, lay-off, promote, or otherwise reward other employees. A supervisory employee is also anyone with the authority to effectively recommend (but not take) these actions, if exercising that authority requires the use of independent judgment.

Sexual harassment training shall include:

1. The definition of sexual harassment under the Fair Employment and Housing Act and Title VII of the federal Civil Rights Act of 1964.
2. The statutes and case-law on prohibiting and preventing sexual harassment.
3. The types of conduct that can be sexual harassment.
4. The remedies available for victims of sexual harassment.
5. Strategies to prevent sexual harassment.
6. Supervisors' obligation to report harassment.
7. Practical examples of harassment.
8. The limited confidentiality of the complaint process.
9. Resources for victims of sexual harassment, including to whom they should report it.
10. How employers must correct harassing behavior.
11. For supervisors, what to do if the supervisor is personally accused of harassment.
12. The elements of an effective anti-harassment policy and how to use it.
13. "Abusive conduct" under Government Code § 12950.1 (g)(2).

The Superintendent shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider.

Employee Disciplinary Actions

Any employee who engages in or participates in sexual harassment or sexual violence, or who aids, abets, incites, compels, or coerces another to commit sexual harassment or sexual violence against an employee, job

applicant, or student is in violation of this Policy and is subject to disciplinary action, up to and including dismissal.

Prominent and Conspicuous Posting on the District's Website

The District shall post the following information in a prominent and conspicuous location on its website. The Title IX Coordinator's name, title, phone number, and email address.

1. The rights of students and members of the public, and the responsibilities of the District, under Title IX of the Education Amendments of 1972, which shall include, but shall not be limited to:
 - a. Internet web links to information about those rights and responsibilities located on the websites of the California Department of Education's Office for Equal Opportunity and the United States Department of Education's Office of Civil Rights; and
 - b. The list of rights specified in Education Code Section 221.8.
2. A description of how to file a complaint under Title IX, which shall include all of the following:
 - a. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred, and how a complaint may be filed beyond the statute of limitations.
 - b. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including, but not limited to, internet web links to this information on the United States Department of Education's Office for Civil Rights' website.
 - c. An internet web link to the United States Department of Education's Office for Civil Rights complaint form, and the contact information for the office, which shall include the phone number and email address for the office.

Adopted 10/14/2020

4.4 Classroom Interruptions

Intent of Policy

The purpose of this policy is to ensure that instructional time is given high priority by minimizing classroom interruptions. (Ed. Code, § 32212.)

Minimizing Classroom Interruptions

The District recognizes that excessive interruptions to the classroom environment significantly reduce the time that teachers and students have to spend on academics. In order to minimize these interruptions, the District shall ensure the following:

(a) **Master Schedules**

Create master schedules that minimize outside interruptions and thereby provide more time for rigorous assignments that engage students in tasks allowing them to demonstrate their academic proficiency;

(b) **Minimize Outside Interruptions**

The District shall minimize any disruptions from unscheduled visitations by other teachers, students, and parents, announcements, telephone calls, outside noises, student callouts, fire drills, and other external classroom interruptions.

(Ed. Code, § 32212.)

Adopted 10/14/2020

4.5 School Safety Plan

Intent of Policy

The purpose of this policy is to specify the requirements of a comprehensive school safety plan.

School Safety Plan

The District shall ensure that a districtwide, comprehensive school safety plan is developed that includes strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on the school campus.

Contents of Comprehensive School Safety Plan

The District's comprehensive school safety plan shall include, but not be limited to, both of the following:

1. Assessing the current status of school crime committed on school campuses and at school-related functions.
2. Identifying appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety, which shall include all of the following:
 - a. Child abuse reporting procedures.
 - b. Routine and emergency disaster procedures, including adaptations for pupils with disabilities. The disaster procedures shall include, but are not limited to:
 - i. Establishing an earthquake emergency procedure system in every public-school building having an occupant capacity of 50 or more pupils or more than one classroom. The earthquake emergency procedure system shall include, but not be limited to, the following:
 1. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of pupils and staff.
 2. A drop procedure whereby each pupil and staff member takes cover under a table or desk, dropping to his or her knees, with the head protected by the arms, and the back to the windows. A drop procedure practice shall be held at least once each school quarter in elementary school and at least once a semester in secondary schools.
 3. Protective measures to be taken before, during, and following an earthquake.
 4. A program to ensure that pupils and both the certificated and classified staff are aware of, and properly trained in, the earthquake emergency procedure system.

-
- ii. Establishing a procedure to allow a public agency, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The District shall cooperate with the public agency in furnishing and maintaining the services as the school district may deem necessary to meet the needs of the community.
 - c. Expulsion policies for pupils who have committed specified acts, including possessing, selling, or otherwise furnishing a firearm, brandishing a knife at another person, unlawfully selling a specified controlled substance, committing or attempting to commit a sexual assault, or possessing an explosive, or any other school-designated serious act which could lead to suspension, expulsion, or mandatory expulsion.
 - d. Procedures to notify teachers of dangerous pupils pursuant to Education Code Section 49079.
 - e. A discrimination and harassment policy consistent with the prohibition against discrimination contained in current law.
 - f. Procedures for safe ingress and egress of pupils, parents, and school employees to and from school.
 - g. A safe and orderly environment conducive to learning at the school.
 - h. The rules and procedures on school discipline.

Procedural Requirements

1. The District shall review and update its comprehensive school safety plan by November 1 on an annual basis.
2. Every October, the District shall report on the status of its comprehensive school safety plan, including a description of its key elements, in the annual school accountability report card.
3. An updated file of all safety-related plans and materials shall be readily available for inspection by the public.
4. Before adopting its comprehensive school safety plan, the District shall hold a public meeting at a school site in order to allow members of the public the opportunity to express an opinion about the school safety plan. The District shall notify, in writing, the following persons and entities, if available, of the public meeting to encourage public input from a broad group of stakeholders:
 - a. All persons who have indicated they want to be notified of school safety plan meetings.

4.6 School Board Meetings

Time and Place of Meetings

Regular meetings of the Board of Trustees (“Board”) for the District shall be held on the Second Wednesday of each month at Indian Diggings School. (Ed. Code, § 35140.)

Agenda- Open to Public

Members of the public may place any matter directly related to the business of the District on the agenda for regular Board meetings. A member of the public wishing to place a matter of business on the agenda for an upcoming Board meeting must, at least five school days in advance of a Board meeting, inform the District in writing. The written request must include a description of the matter sufficient to allow the District to determine if the matter is directly related to the business of the District and, when possible, include copies of any documents intended for presentation to the Board. The District may, in its discretion, decline to place items on the agenda that are not directly related to the business of the District including, but not limited to, matters over which the Board has no legal authority or jurisdiction.

Public Comment

At each regular meeting of the Board, the District will provide an opportunity for members of the public to directly address the Board on any item of interests to the public that is within the subject matter of the Board. The time allotted for public comments shall be before or during the Board’s consideration of the item. To ensure that the Board meetings are conducted with consistency and in accordance with law, the Board adopts the following reasonable regulations governing the procedures for the Board meetings:

1. There is a three-minute time limit per public speaker;
2. The total time for public comment on each agenda item or the same non-agenda topic shall be limited to 20 minutes;
3. With the consent of the Board, the Board President may increase or decrease the time limits for each public speaker or the cumulative time limit for comment on the same topic depending on the topic and the number of persons wishing to be heard;
4. Any person attending a Board meeting may record the proceedings with an audio or video tape recorder or a still or motion picture camera, but the Board may prohibit such recording/filming on an individual basis if the Board makes a finding that the recording/taping cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceeding (Govt. Code § 54953.5(a)); and
5. The District encourages individuals with special needs to contact the Superintendent 48 hours in advance of a meeting so that the District may make every reasonable effort to accommodate their attendance and public participation at the meeting.

These regulations shall ensure that members of the public are provided with the opportunity to comment on:

1. Any matters before the Board; and/or
2. Any matters of public interest within the jurisdiction of the Board. (Ed. Code § 35145.5.)

Adopted 10/14/2020

4.7 Participation in Extracurricular and Cocurricular Activities

Intent of Policy

It is the intent of the Board to ensure that students participating in the District's extracurricular and cocurricular activities continue to make satisfactory educational progress. The board recognizes that this policy is required in order to receive inflation adjustments pursuant to Education Code Section 42238.02.

(Ed. Code § 35160.5.)

Non-Discrimination

Membership in student clubs and activities must be open to all students regardless of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability.

Definition of Extracurricular Activity

An "Extracurricular Activity" in the District is one that has all of the following features:

1. The program is supervised or financed by the District;
2. Students participating in the program represent the District;
3. Students exercise some degree of freedom in either the selection, planning, or control of the program; and
4. The program includes both preparation for performance and performance before an audience or spectators.

Definition of Cocurricular Activity

A "cocurricular activity" in the District is a program that may be associated with the curriculum in a regular classroom.

Programs and Activities that are Not Extracurricular or Cocurricular

Not an Extracurricular Program or Activity

An extracurricular program in the District is not any of the following:

1. Part of the regular school curriculum;
2. An activity that is graded;
3. An activity that offers credit; or
4. An activity that takes place during classroom time.

Not Extracurricular or Cocurricular Activities

The following do not qualify as either extracurricular or cocurricular activities in the District:

1. Any program that is teacher graded, or a required program or activity for a course that satisfies the entrance requirements for admission to the California State University or the University of California; or
2. A program that has, as its primary goal, the improvement of academic or educational achievements of students in the District.

Definition of Satisfactory Educational Progress

For purposes of this policy, “satisfactory educational progress” is achieved when a student meets both of the following:

1. Maintenance of minimum passing grades, which is defined as at least a 2.0 grade point average in all enrolled courses on a 4.0 scale; and
2. Maintenance of minimum progress toward meeting the high school graduation requirements prescribed by the board.

Definition of Previous Grading Period

For purposes of this policy, a “previous grading period” does not include a grading period in which the student was not in attendance for all, or a majority of, the grading period due to absences excused by the school for reasons such as serious illness or injury, approved travel, or work.

When one or more grading periods are excluded then the “previous grading period” is deemed to mean the grading period immediately prior to the grading period or periods excluded.

Probationary Period for Students Not Achieving Satisfactory Educational Progress

A student who does not achieve satisfactory educational progress in the previous grading period may remain eligible to participate in extracurricular and cocurricular activities during a probationary period.

The probationary period shall not exceed one trimester in length.

A student who does not achieve satisfactory educational progress during the probationary period shall not be allowed to participate in extracurricular and cocurricular activities in the subsequent grading period.

Annual Review

The Board shall review this policy annually. (Ed. Code, § 35160.5(a); 5 C.C.R. § 4926.)

Adopted 10/14/2020

4.8 Release of Directory Information

Intent of Policy

The purpose of this policy is to identify the categories of directory information that may be released and the restrictions on releasing that information.

Directory Information

Directory information refers to any information contained in the education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes, but is not limited to, information regarding a student's:

1. Name;
2. Address;
3. Telephone number;
4. Email address;
5. Photograph(s);
6. Date and place of birth;
7. Grade level;
8. Dates of attendance;
9. Participation in officially recognized activities and sports;
10. Weight and height of members of athletic teams;
11. Degrees, honors, and awards received; and
12. Most recent educational agency or institution attended. (Ed. Code § 49061 (c); 34 C.F.R. § 99.3.)

Social Security Numbers Not Directory Information

Directory information does not include a student's social security number. (Ed. Code § 49061 (c); 34 CFR § 99.3.)

Student ID Numbers

Student ID numbers or any other unique personal identifiers used on student badges and/or used to access electronic systems may only be released as directory information under the following conditions;

1. The information may not be released if it would allow someone to gain access to education records;
2. The information may be released when access to educational records requires additional information to authenticate the user's identity, such as a personal identification number (PIN), password or other factor known or possessed only by the authorized user. (Ed. Code § 49061 (c); 34 C.F.R. § 99.3.)

Parent Notification

When a student enrolls in the District, and at the beginning of each school year, the District shall provide parents written notification in their home language of each of the following:

1. The types of student records and information contained therein which are directly related to students and maintained by the District;

2. The categories of information which the District has designated as “Directory Information”;
3. The process by which a parent may notify the District that they do not want their child’s directory information to be released. (Ed. Code, § 49063.)

Parent Withdrawal of Consent to Release Directory Information

The District shall not release directory information on a student if parent notifies the District that they do not want the information disclosed.

If a parent has notified the District that they do not want information released, the District shall obtain parent consent before any subsequent release of information. (Ed. Code, § 49073.)

Homeless Students

If a student is identified as “homeless” as defined in Title 42, U.S. Code § 11434a(2) (Section 725 of the McKinney-Vento Homeless Assistance Act), his/her directory information shall not be released unless the District has received written consent from the parent, or the holder of parent’s rights. (Ed. Code, § 49073; 42 USC § 11434a(2); 20 USC § 1232g.)

Adopted 10/14/2020

4.9 Contracts for Digital Storage, Management, and Retrieval of Student Records

The District may enter into a contract with a third party (1) to provide services, including cloud-based services, for the digital storage, management, and retrieval of student records, or (2) to provide digital educational software that authorizes a third-party provider of such software to access, store, and use student records in accordance with specified contractual provisions.

If the District enters into such a contract with a third party, the District shall ensure that the contract contains all of the following:

1. A statement that student records continue to be the property of and under the control of the District.
2. Notwithstanding (1), a description of the means by which students may retain possession and control of their own student-generated content, including options by which a student may transfer student-generated content to a personal account.
3. A prohibition against the third party using any information in the student record for any purpose other than those required or specifically permitted by the contract.
4. A description of the procedures by which a parent, legal guardian, or “eligible student” may review personally identifiable information in the student’s records and correct erroneous information. An “eligible student” means a student who has reached 18 years of age.
5. A description of the actions the third party will take, including the designation and training of responsible individuals, to ensure the security and confidentiality of student records.
6. A description of the procedures for notifying the affected parent, legal guardian, or eligible student in the event of an unauthorized disclosure of the student’s records.
7. A certification that a student’s records shall not be retained or available to the third party upon completion of the terms of the contract and a description of how that certification will be enforced. This requirement shall not apply to student-generated content if the student chooses to establish or maintain an account with the third party for the purpose of storing that content.
8. A description of how the District and the third party will jointly ensure compliance with the Family Educational Rights and Privacy Act (“FERPA”).
9. A prohibition against the third party using personally identifiable information in student records to engage in targeted advertising.

Penalties

A contract that fails to comply with the above requirements shall be rendered void if, upon notice and a reasonable opportunity to cure, the noncompliant party fails to come into compliance and cure any defect. Written notice of noncompliance may be provided by any party to the contract. All parties subject to a contract voided under this subdivision shall return all student records in their possession to the District.

Definitions

For purposes of a contract, the following terms have the following meanings:

1. “Deidentified information” means information that cannot be used to identify an individual student.
2. “Eligible student” means a student who has reached 18 years of age.
3. “Student-generated content” means materials created by a student, including, but not limited to, essays, research reports, portfolios, creative writing, music or other audio files, photographs, and account information that enables ongoing ownership of student content. “Student-generated content” does not include student responses to a standardized assessment where student possession and control would jeopardize the validity and reliability of that assessment.
4. “Student records” means both of the following:
 - a. Any information directly related to a student that is maintained by the District.
 - b. Any information acquired directly from the student through the use of instructional software or applications assigned to the student by a teacher or other local educational agency employee.
5. “Student records” does not mean any of the following:
 - a. Deidentified information, including aggregated deidentified information, used by the third party to improve educational products, for adaptive learning purposes, and for customizing student learning.
 - b. Deidentified information, including aggregated deidentified information, used to demonstrate the effectiveness of the operator’s products in the marketing of those products.
 - c. Deidentified information, including aggregated deidentified information, used for the development and improvement of educational sites, services, or applications.

Adopted 10/14/2020

4.10 Patriotic Exercise

Intent of Policy

This policy is intended to ensure appropriate patriotic expressions are exercised at the elementary and secondary school levels.

(Ed. Code §§ 52720 et seq.)

Patriotic Exercises and Instruction

At the beginning of each school day, during the school year, the Pledge of Allegiance to the Flag of the United States of America will be conducted at the beginning of the first regularly scheduled class or activity period.

Adopted 10/14/2020

4.11 Student Records

Intent of Policy

The intent of this policy is to ensure that student records are maintained in a manner that ensures proper parent access to student records while preventing any unauthorized release of student information.

Definitions

1. **Student**: “Student” means any individual who is or has been in attendance in the District and regarding whom the District maintains education records. “Attendance” includes, but is not limited to, in person, by paper correspondence, videoconference, satellite, Internet, or other technologies used when a student is not in the classroom, and also includes students who are enrolled in a District work-study program;
2. **Parent**: “Parent” means a natural parent, legal guardian, or an individual acting as a parent of a student in the absence of a parent or a guardian;
3. **Student Record/Pupil Record**: “Student Record” or “Pupil Record” means any item of information directly related to an identifiable student, other than directory information, that is maintained by the District or required to be maintained by a District employee in the performance of his or her duties whether recorded by handwriting, print, tapes, film, microfilm, or other means.

Student records do not include any of the following:

- a. Informal notes related to a student compiled by a District officer or employee that remain in the sole possession of the maker and are not accessible or revealed to any other person except a substitute;
- b. Directory Information collected and/or maintained by the District in accordance with Board Policy 4.7;
- c. Law Enforcement Records of the law enforcement unit of the District;
- d. Employee Records related exclusively to a District employee’s capacity as an employee;
- e. Records created or received by the District after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student in the District; and
- f. Grades on peer-graded papers before they are collected and recorded by a teacher.

(Ed. Code § 49061; 5 Cal Code of Regs. § 430; 34 C.F.R. § 99.3.)

The District's Custodian of Records

The Board hereby designates the Superintendent, Principal, Teacher as the District's Custodian of Records. The Custodian of Records is responsible for implementing the Board's policies regarding student records throughout the entire District. The Custodian of Records shall ensure that each school-site representative is properly implementing the District's policies at their designated site.

School-Site Representatives

The principal of each school-site or a certificated employee designated by the principal shall be the school-site representative responsible for implementing any District policies regarding student records at that school-site.

Authorized Access to Student Records

Any authorized person shall be guaranteed access to student records within 5 day of the date they make their request.

Authorized access shall be as follows:

1. Absolute Right to Access:

- a. For students under 18 years of age, the parents of currently enrolled or former students have an absolute right to access to any and all student records related to their children that are maintained by the District. The District shall not edit or withhold any record unless it is permitted to by law;
- b. If an individual with exceptional needs has reached age of 18 and has been determined to be incompetent under State law, the parent/guardian or caretaker shall be granted absolute access;
- c. Students who have reached 18 years of age or are attending an institution of postsecondary education; and
- d. Pursuant to a judicial order for records.

2. Access Based on Legitimate Educational Interest

The District shall grant access to student records without parental consent or a judicial order where there is a "Legitimate Educational Interest" authorized by law.

The District shall only grant access to those particular records relevant to the legitimate educational interests of the requester as defined by Education Code § 49076(a)(1). The District shall develop rules and procedures specifying those individuals who are qualify as having a legitimate educational interest justifying their access to student records.

All requests for access to student records shall be reviewed by the Custodian of Records and/or the School-Site Representative prior to the approval of any request. The individual making the request shall be responsible for providing documentation showing that he/she is authorized to access the requested records.

3. Conditional Access

The District also has the discretion to grant “Conditional Access” to information contained in a student record pursuant to Education Code § 49076(a)(2).

The District shall develop rules and procedures specifying the circumstances under which the District may release specified information from student records consistent with the law.

All requests for access to or information from student records shall be reviewed by the Custodian of Records and/or the School-Site Representative prior to the approval of any request. The individual or agency making the request shall be responsible for providing documentation showing that he/she is authorized to access the requested records.

Procedures for Parent Access to Student Records

The District shall maintain all student records at the following location; School Office. Parents requesting to copy, inspect, and/or review student records shall make their request at this location during regular business hours.

The requested access shall be provided within 5 days of the date of the request. If a parent has requested to review or inspect student records, the District staff shall provide them access to the records in a manner that ensures the continued integrity and privacy of the records being inspected or reviewed.

If a parent is seeking copies of records, the District may charge the parents for the actual cost of copying the records.

Security of Records

The Custodian of Records shall be responsible for the security of student records maintained by the District and shall coordinate with the School-Site Representatives to devise procedures for assuring that access to such records is limited to authorized persons.

Records for each individual student shall be maintained in a central file at the school attended by the student, or when records are maintained in different locations a notation in the central file as to where such other records may be found is required.

Types of Records Collected and Maintained By District

The principal of each school shall keep on file a record of enrollment and scholarship for each Student currently enrolled in said school.

The District shall not compile any other student records except “mandatory” or “permitted” records as defined as follows:

1. **“Mandatory Permanent Pupil Records”** are those records which the District is required by law to compile. The District shall maintain indefinitely all mandatory permanent pupil records or an exact copy thereof for every student who was enrolled in a District program. The mandatory permanent pupil

record or a copy thereof shall be forwarded by the District whenever the District receives a request for student records from a public or private school in which the student has enrolled or intends to enroll;

2. **“Permitted Records”** are those student records which the District may maintain for appropriate educational purposes and may include:
 - a. Objective counselor and/or teacher ratings;
 - b. Standardized test results older than three years;
 - c. Routine discipline data;
 - d. Verified reports of relevant behavioral patterns;
 - e. All disciplinary notices;
 - f. Attendance records not required for State funds, to insure compliance with compulsory attendance laws, and/or to insure a student is regularly attending school.

Student Records Required to Be Signed

All anecdotal information and assessment reports maintained as a student record shall be dated and signed by the individual who originated the data.

Annual Notice to Parents

The District shall notify parents in writing at least annually of their rights in regard to student records as required by Education Code § 49063.

When Parent’s Primary Language is Not English

When a parent's primary language is not English, the District shall make an effort to:

1. Provide interpretation of the pupil record in the primary language of the parent; or
2. Assist the parent(s) in securing an interpreter.

The District May Not Withhold Student Records

Neither the pupil record, nor any part thereof, shall be withheld from the parent or eligible pupil requesting access.

Adopted 10/14/2020

4.12 General Standards for Designating Students to be Participants in SCE and/or Title I

Intent of Policy

The intent of this policy is to ensure that students of greatest need are selected as participants in programs receiving funds for State Compensatory Education (SCE) programs and/or Title I of the Elementary and Secondary Education Act (Title I) programs. This policy specifies the District's uniform objective criteria for determining which eligible students will participate in programs receiving funds from SCE and/or Title I when not all eligible students can participate in the program.

Policy Does Not Determine Eligibility

The criteria under this policy are not to be used to determine eligibility for SCE or Title I but shall only be used to select which *eligible* participants shall participate in the programs.

Selection Criteria

In the event that not all eligible students in a District school designated as a participating school can be participants, the following uniform and objective criteria shall be used to determine which eligible students will participate in SCE and Title I programs.

1. The District schools shall give highest priority to those students who are the greatest risk of failing to meet California academic achievement standards as determined by each students scores on the following:
 - a. Standardizes tests
 - b. Class grades and/or
 - c. Staff observational data
2. In the event that a determination is to be made between students who have the same priority based on the criteria under section 1, above, then priority shall be given to those students with two (2) or more of the following risk factors:
 - a. Economically disadvantaged as defined under Title 5, section 4414;
 - b. English learners;
 - c. Homeless;
 - d. Has a documented disability; and
 - e. Migrant;

Individual students with more risk factors shall be given priority over students with fewer risk factors.

Maximum Limits on Participation

The total number of students receiving ESEA, Title I and SCE funds, as determined by this policy shall not exceed the total number of students who score below the fiftieth percentile on a nationally normed achievement test unless the District or a school in the District can demonstrate that such a policy is appropriate.

(5 Cal. Code Regs. §§ 4400 *et seq.*)

Adopted 10/14/2020

4.13 Uniform Complaint Procedures (“UCP”)

What is a UCP Complaint?

A complaint under the Uniform Complaint Procedures (“UCP”) is a written and signed statement by an individual, public agency, or organization alleging that the District has violated federal or California laws governing certain educational programs.

Complaints of sexual harassment or unlawful discrimination should also be reported, and will be investigated, in accordance with these Uniform Complaint Procedures.

Complaints Subject to These Uniform Complaint Procedures

These Uniform Complaint Procedures shall apply to complaints of:

1. Sexual harassment or sexual violence;
2. Other unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified in the District’s Nondiscrimination policy, Education Code Sections 200 and 220, and Government Code Section 11135; and
3. Violations of federal or California law governing various educational programs and services:
 - Adult Education
 - After School Education and Safety
 - Agricultural Vocational Education
 - American Indian Education Centers and Early Childhood Education Program Assessments
 - Bilingual Education
 - California Peer Assistance and Review Programs for Teachers
 - Career Technical and Technical Education; Career Technical; Technical Training
 - Career Technical Education
 - Child Care and Development
 - Child Nutrition
 - Compensatory Education (Title I)
 - Consolidated Categorical Aid
 - Course Periods without Educational Content

-
- Economic Impact Aid
 - Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district
 - English Learner Programs
 - Every Student Succeeds Act / No Child Left Behind (Titles I–VII)
 - Local Control and Accountability Plans (LCAP)
 - Migrant Education
 - Physical Education Instructional Minutes
 - Pupil Fees
 - Reasonable Accommodations to a Lactating Pupil
 - Regional Occupational Centers and Programs
 - School Safety Plans
 - Special Education
 - State Preschool
 - Tobacco-Use Prevention Education

All Other Complaints Are Not Subject to These Uniform Complaint Procedures

Unless the subject of a complaint is specifically covered by this UCP policy, this policy and its procedures shall not apply to the complaint or the investigation of the complaint.

Complaints not covered by this UCP policy include, but are not limited to, complaints regarding:

1. Hiring and evaluation of staff;
2. Student classroom assignments;
3. Student advancement and retention;
4. Student discipline;
5. Homework policies and practices;
6. Provision of core curricula subjects;
7. Student discipline;
8. Student records; and

9. Board meetings and agendas.

Filing a UCP Complaint; Deadlines

A written UCP Complaint shall be filed with the Superintendent.

A written complaint of unlawful discrimination, harassment, intimidation or bullying shall be filed not later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying. However, if a complainant makes a written request to extend this deadline that sets forth the reasons for an extension, the Superintendent may, but is not required to, agree in writing to extend the deadline for filing a complaint by 90 days following the expiration of the six month time period if the Superintendent finds good cause for the extension. The Superintendent shall respond promptly upon receipt of a written request for extension.

A written complaint of violations of federal or California law governing the educational programs and services covered by this UCP Policy, identified above, shall be filed not later than three years from the date the alleged violation occurred, or the date the complainant first obtained knowledge of the facts of the alleged violation.

Investigation; Confidentiality; Interim Measures

Within 60 days of receipt of a UCP complaint, the Superintendent, or his/her designee shall conduct and complete a prompt, thorough, and impartial investigation in accordance with this UCP policy. This time period may be extended by mutual agreement with the complainant.

The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations, including the identity of witnesses. The accused shall also be interviewed and provided an opportunity to present evidence and information related to the allegations, including potential witnesses. Interviewees shall be informed that the District prohibits retaliation against any participant in the complaint process, including witnesses.

To the extent possible, complaints shall be kept confidential and investigated in a way that respects the privacy of all concerned. However, the District cannot guarantee anonymity or complete confidentiality in the investigation process as complete confidentiality may severely limit the District's ability to thoroughly investigate and resolve the complaint. Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

When a complaint alleges unlawful discrimination, harassment, intimidation or bullying, the investigating Superintendent shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes, transferring a student to a class taught by a different teacher, or separating employees in the workplace.

Decision on Complaint

The District shall issue a Decision based on the evidence collected during the investigation of the complaint. The Decision shall be in writing and shall be sent to the complainant within 60 days from receipt of the complaint unless this time period is extended by mutual agreement with the complainant.

The Decision shall contain, as warranted by the specifics of the complaint:

1. Findings of fact based on the evidence gathered;
2. Conclusions of law;
3. Disposition of the complaint;
4. The rationale for such disposition;
5. Corrective actions, if they are warranted, and to the extent the District can reveal such details without violating student or employee rights to privacy and confidentiality;
6. Notice of the complainant's right to appeal the Decision to the California Department of Education ("CDE"); and
7. Procedures to be followed for initiating an appeal to the CDE.

In reaching a determination on a complaint, the Superintendent, or his/her designee may consider the following to the extent it is applicable to a particular complaint:

1. Statements made by the complainant, the accused, and any witnesses;
2. The details and consistency of each person's account;
3. Evidence of how the complainant reacted to an alleged incident;
4. Evidence of any past instances of similar alleged behavior or actions;
5. Evidence of any past complaints that were found to be untrue; and
6. Independent written or recorded evidence that corroborates or refutes witness statements.

To judge the severity of unlawful harassment, intimidation, or bullying, the Superintendent, or his/her designee may consider:

1. How misconduct affected any student's education or any employee's work environment;
2. The manner, frequency, severity, and duration of the misconduct;
3. The identity, age, and sex of the harasser and the student or employee who complained, and the relationship between them;
4. The number of persons engaged in the harassing conduct and at whom the harassment was directed;

-
5. The location of the incidents, and context in which they occurred; and
 6. Other similar incidents at the school involving different students or different employees.

No Retaliation

The District prohibits retaliatory behavior or action against any person who complains, testifies, assists, or otherwise participates in the complaint process. However, disciplinary action may be taken against any person who is found to have made a complaint that he or she knew to be false.

Adopted 10/14/2020

4.14 Governing Board Authority and Responsibilities

Intent of Policy

The District Governing Board is granted authority pursuant to California law to represent the students, parents, and employees attending or working at a District school or program. This policy outlines the Board's general authority and responsibilities. This policy is not intended to be exhaustive, including only the Board's major functions. The Board is obligated to satisfy all applicable legal requirements.

General Authority

The Board may initiate and carry on any program, activity, or may otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts are established, unless otherwise limited by law.

(Ed. Code § 35160; *T.H. v. San Diego Unified School Dist.* (2004) 122 Cal.App.4th 1267).

Minutes

The Board shall keep minutes of its meetings and shall maintain a journal of its proceedings in which shall be recorded every official act taken.

(Ed. Code § 35163).

Hearings

The Board shall hold appropriate hearings as required by law. These hearings may be held in open or closed session as appropriate or otherwise required by law.

Property

The Board may sue and be sued and hold and convey property for the use and benefit of the district.

(Ed. Code § 35162).

After giving first priority in leasing or renting vacant classroom space or other space to educational agencies for conducting special education programs and second priority to other educational agencies, the Board may enter into agreements to make vacant classrooms or other space in operating school buildings available for rent or lease to other school districts, educational agencies (except private educational institutions which maintain kindergarten or grades 1 to 12, inclusive), governmental units, nonprofit organizations, community agencies, professional agencies, commercial and noncommercial firms, corporations, partnerships, businesses, and individuals, including during normal school hours if the school is in session.

(Ed. Code § 17527).

District Budget

On or before July 1 of each year, the Board shall accomplish the following:

1. Hold a public hearing conducted in accordance with Education Code § 42103 on the budget to be adopted for the subsequent fiscal year. The budget to be adopted shall be prepared in accordance with

Education Code § 42126. The agenda for that hearing shall be posted at least 72 hours before the public hearing and shall include the location where the budget will be available for public inspection.

2. Adopt a budget. Not later than five days after that adoption or by July 1, whichever occurs first, the Board shall file that budget with the County Superintendent of Schools. The budget and supporting data shall be maintained and made available for public review. If the Board does not want all or a portion of the property tax requirement levied for the purpose of making payments for the interest and redemption charges on indebtedness as described in the California Constitution, the budget shall include a statement of the amount or portion for which a levy shall not be made. The Board shall not adopt a budget before the Board adopts a local control and accountability plan (LCAP), if an existing LCAP or annual update to a LCAP is not effective for the budget year. The Board shall not adopt a budget that does not include the expenditures necessary to implement the LCAP or the annual update to a LCAP that is effective for the budget year.

(Ed. Code 42120 *et seq.*).

Local Control and Accountability Plan

The Board shall adopt a local control and accountability plan using a template adopted by the State Board of Education.

(Ed. Code § 52060 *et seq.*).

Employee Administration

The Board is the employer for every District employee, unless otherwise required by law. Additionally, the Board is responsible for selecting, hiring, and evaluating the District superintendent.

Adopted 10/14/2020

4.15 Employee and District Social Media Use

Intent of Policy

The District seeks to ensure that its use of social media technology enhances the professional and academic culture of the District. Social media technology, used appropriately, can provide significant educational and professional benefits to students and District staff. It can be used to enhance education, communication, and learning. The District may, in its discretion, determine it is appropriate to utilize social media technology for the promotion of District activities and dissemination of information to students, parents, and the public.

Social Media Defined

For the purposes of this policy, social media is generally defined as an electronic service or account, or electronic content, including, but not limited to, videos, still photographs, blogs, video blogs, podcasts, instant and text messages, email, online services or accounts, or Internet Web site profiles or locations.

“District-related social media use” refers to the use of social media for a District or school-related activity.

“Personal social media use” refers to use of social media that is not related to an employee’s work in the District, for example, when an employee establishes a Twitter account for personal use.

(Ed. Code § 49073.6.)

Authorized District-Related Social Media Use

All District-related social media use is regulated by the Board through this policy and through any supplemental guidelines developed by the Superintendent. Employees must receive authorization from the Superintendent before using any social media for District-related activities as follows:

1. Employees shall make a written request for District-related social media use. The request will specify each social media platform(s) and the job-related objectives for using each platform(s);
2. The Superintendent shall have 10 days to review the request.
3. After the reviewing the request, the Superintendent shall provide one of the following responses in writing:
 - a. Authorize the request as proposed;
 - b. Reject the request in its entirety;
 - c. Request additional information from the employee making the request; or
 - d. Authorize an amended or modified version of the original proposal, or provide more limited authorization than what was requested by the employee.
4. The Superintendent’s written response shall provide a brief explanation for any denial of or modification to a proposal;

5. The employee's use of District-related social media is limited to those areas specifically authorized by the Superintendent, by the terms of this policy, by privacy laws, and other laws and policies governing employment with the District.

District-Related Social Media Use

The following guidelines apply to employees who have been authorized for District-related social media use.

Separate District-Related and Personal E-Mail Accounts

Employees shall maintain separate District-related and personal email accounts. Personal e-mail addresses should not be used on District-related sites. District email addresses should not be used on personal social media.

Student Communication

Any District employee who communicates with students on District-related social media should ensure each of the following:

1. Communication should be an extension of the classroom and designed to address reasonable instructional, educational or extra-curricular program matters;
2. District-related social media sites that are non-school based should have a reasonable relationship to the goals, purposes, and functions of the District, department, or employee that created the site;
3. At the discretion of the Superintendent, District administrators and/or supervisors may be provided with administrative rights to any District-related social media accounts;
4. All District-related social media sites should clearly indicate that they are related to the District. Sites should identify the District, school, department, or personnel, as applicable. In addition, sites may utilize a school or District logo or seal;
5. Communication should be respectful, professional and comparable to communication in the classroom or work environment;
6. All employees shall use privacy settings to protect student and employee records in a manner that complies with state and federal laws;
7. Employees shall never post personally identifiable student information, including student photographs, without a written authorization from the students' parents; and
8. District students using District-related social media sites shall not be permitted to post photographs or the personally identifiable information of other students.

Employee Personal Social Media Use

Whether an employee chooses to participate in personal social media technology is not a matter of concern for the District.

However, employees are reminded that they are a District employee and are expected to observe the following guidelines:

Communication with Students

In order to maintain professional relationships, District employees should not communicate with District students using personal social media (e.g., “following”, “friending,” posting, commenting, etc.).

Communication with Parents/Guardians or Members of the Public

Employees should not use personal social media to communicate with parents/guardians of District students or members of the public on subjects related to their employment with the District. Any information related to a specific student should never be communicated on any social media but only through the District’s email system, by phone, or any other method that protects the student’s and/or family’s privacy.

Respect Other Users and the Safety of Students

It is never acceptable for an employee to post rude or offensive comments about students, co-workers, or the District in general. Employees should respect the privacy and feelings of those they are communicating with on social media and should strive, at all times, to be courteous and respectful.

Discussion of Wages, Hours, or Working Conditions with Other Employees

Nothing in this policy is intended to or will be applied to improperly restrict employees from using personal social media to engage in concerted activity, including discussing their wages, hours, or working conditions with other District employees.

Employee Rules of Conduct May Apply to Social Media Use

The District’s social media policy does not replace or supplant the policies, laws, and agreements which govern the conduct of employees of the District. Policies, regulations and laws that cover District employees’ conduct may also be applicable in the social media environment.

(Ed. Code §§ 49076 *et seq.*; 20 U.S.C. § 1232g; 34 C.F.R. Part 99.)

Adopted 10/14/2020

5.1 Nonpublic Schools/Nonpublic Agencies

Intent of Policy

To meet the educational needs of students with disabilities enrolled in the District, District may, when an appropriate public program or placement is not available, use the services of a properly certified nonpublic school ("NPS") and/or nonpublic agency ("NPA"). (Ed. Code § 56365.)

Definitions

Nonpublic, Nonsectarian School ("NPS")

A private, nonsectarian school certified by the California Department of Education ("CDE") to enroll students with disabilities pursuant to an individualized education program ("IEP"). NPS services are used when the District needs to place a student in a private school or facility, residential or non-residential, because an appropriate public-school placement is not available. (Ed. Code §§ 56034, 56366.)

Nonpublic, Nonsectarian Agency ("NPA")

A private, nonsectarian agency certified by CDE to provide designated instruction and services ("DIS") to students with disabilities pursuant to an individualized education program ("IEP"). NPA services are not placements but DIS ("Related Services" under federal law), such as speech therapy, occupational therapy, counseling, behavior services, transportation, etc., that assist a student in benefitting from his/her education. (34 C.F.R. § 300.34(a); Ed. Code §§ 56035 & 56363, subd. (a).)

District Responsibilities Prior to Using NPS or NPA Services

Prior to using the services of an NPS or an NPA, the District shall do each of the following:

1. Ensure that the student's IEP team has determined that an appropriate program or placement is not available and that the particular NPS or NPA services are required for the student to receive a free and appropriate public education;
2. Ensure that the NPS and NPA services being offered are the least restrictive program/placement option meeting the individual needs of the student; and
3. Ensure that the NPS and/or NPA are properly certified by the State of California.

(Ed. Code § 56365.)

For NPS or NPA Placements Outside of California

For NPS and NPA placements outside of California the District shall do each of the following:

1. Prior to contracting with an NPS or NPA located outside of California, the District will document its efforts to locate an appropriate public school, NPS, and/or NPA within California; and
2. Ensure that the out-of-state NPS or NPA is properly certified by both the state of California and the state where it is located.

District Responsibilities After Placing Student in an NPS or NPA Outside of California

After placing a student in an NPS or NPA outside of California, the District shall do each of the following:

1. Within 15 days of making the decision to place the student in the NPS or NPA, submit a report to the State Superintendent of Public Instruction that includes the following information:
 - a. A description of the specific special education and related services provided by the out-of-state program placement;
 - b. The costs of the special education and related services provided; and
 - c. A description of the District's efforts to locate an appropriate public school, NPS, and/or NPA within California.
2. Determine the date on which the student is anticipated to return to a placement within California; and
3. Document its efforts to return the student to an appropriate placement located in California.

(Ed. Code § 56365.)

Required Master Contract and Individual Services Agreement ("ISA")

The District shall develop and utilize a master contract when procuring services through an NPS or NPA. The master contract shall, at minimum, include the following:

1. The general administrative and financial agreements, including teacher-to-student ratios, between the District and the NPS or NPA;
2. Procedures for recordkeeping and documentation as well as maintenance of school records to ensure appropriate high school graduation credits; and
3. A description of the process the District will use to oversee and evaluate NPS placements.

(Ed. Code § 56365.)

In addition, the District and NPS or NPA will sign an Individual Services Agreement ("ISA") for each student being served by the NPS or NPA. The ISA shall include all services, including the cost and duration of each service, that the NPS or NPA will provide for that student. (Ed. Code § 56365.)

Changes to services provided by the NPS or NPA may be made only by the IEP team. (Ed. Code § 56366(a)(3).)

Before entering or renewing a master contract or ISA, the District shall determine that the NPS or NPA meets the following criteria:

1. Has an "Active" designation with CDE, i.e., a designation that is found in CDE database;
2. Is certified for the grade level of the student(s) who will be served; and
3. Is providing services in facilities certified by CDE.

(Ed. Code §§ 56366 (d), 56366.1.)

Requirements for NPS Placement of Students with Disabilities Residing in a Licensed Children's Institution ("LCI") or Foster Family Home

For an NPS placement for a student currently residing in an LCI or foster family home, the District shall do all of the following:

1. Place the student in the NPS only if his/her IEP team determines that it is appropriate;
2. If a student is placed in an NPS, at the time of the student's annual IEP team meeting, evaluate whether the NPS is the least restrictive placement for the student; and
3. Ensure that the NPS, on a quarterly or trimester basis, as determined by the parties, reports to the District on the progress the student is making on his/her IEP goals and objectives.

(Ed. Code § 56157.)

If the LCI where the student resides also operates an NPS, the LCI may not require the student to attend its NPS as a condition of the student's continued residence in the LCI. (Ed. Code § 56366.9.)

Waiver of NPS or NPA Requirements

Under circumstances where the District is unable to locate an appropriate public placement for a student and an available private school or private service provider does not meet Education Code requirements, the District may petition the Superintendent of Schools to waive one or more of the requirements under Education Code sections 56365, 56366, 56366.3, and 56366.6. The District's petition shall state the reasons for the waiver request. (Ed. Code § 56366.2.)

Conflict of Interest of Attorney or Advocate Representing Student

Pursuant to California law, it is a conflict of interest for an attorney or advocate representing a student to recommend placement in an NPS or NPA in which the attorney or advocate is employed, is contracted with, receives a benefit from, and/or whose relationship with the NPS or NPA otherwise creates a conflict of interest. District staff are required to immediately report any suspected conflicts of interest to the District's Special Education Director. (Ed. Code § 56042.)

LCI, NPS or NPA May Not Require Designation of Educational Authority

Any placement in an NPS, NPA or LCI may not be made on the condition that the educational authority for the student will be transferred to the school or agency where the student is to be placed. (Ed. Code § 48854.)

Adopted 10/14/2020

5.2 Resource Specialists

Intent of Policy

The purpose of this policy is to specify the requirements for the District's resource specialist program.

Resource Specialist Defined

Resource Specialists shall be appropriately credentialed and provide instruction and services for those students whose needs have been identified in an individualized education program ("IEP") developed by an IEP team and who are assigned to regular classroom teachers for a majority of a school day. Due to the small nature of the district only a part time Resource Specialist will be employed.

Role of Resource Specialists in District

In addition to providing special education instruction, resource specialists in the District shall perform each of the following:

1. Provide information and assistance to individuals with exceptional needs and their parents;
2. Provide consultation, resource information, and material regarding individuals with exceptional needs to their parents and to regular staff members;
3. Coordinate special education services with the regular school programs for each individual with exceptional needs enrolled in the resource specialist program;
4. Monitor student progress on a regular basis;
5. Participate in the review and revision of IEPs as appropriate; and
6. Refer any student who does not demonstrate appropriate progress to the student's IEP team.

Resource Specialists Shall Not Be Assigned to Teach Regular Education Classes

Individuals employed in the District's resource specialist program shall not be simultaneously assigned to teach regular classes.

IEP Team Approval for Students Enrolled for Majority of School Day

A District student shall not be enrolled in the resource specialist program for the majority of his/her day without the approval of the student's IEP team. (Ed. Code §§ 56195.8, 56362.)

Adopted 10/14/2020

5.3 Transportation for Students With Disabilities

Intent of Policy

The purpose of this policy is to ensure that students with disabilities who are entitled to transportation as a related service on their IEP are provided with appropriate transportation at no cost to their parents

Transportation Program

The Superintendent or designee shall develop a program for providing transportation services to students with disabilities. The program shall:

1. Describe how special education is coordinated with any regular education transportation provided by the District; and
2. Specify the criteria for meeting the transportation needs of students with disabilities including, but not limited to, the following:
 - a. When an IEP team agrees that a student requires transportation as a related service, that information is timely communicated to the personnel coordinating transportation services;
 - b. Develop a process for coordinating District transportation services with the SELPA and other local educational agencies ("LEAs") within the SELPA;
 - c. Ensure that any master contract between the District and a non-public school or non-public agency ("NPS") specifies the transportation services to be provided to each student;
 - d. For students enrolled in a NPS, the master contract or individual services agreement between the District and the NPS shall specify that transportation services, if any, shall be provided by the NPS. While the NPA may subcontract to provide transportation services with another agency, including an LEA, the IEP of a student placed in an NPS shall not specify that transportation will be provided by another LEA;
 - e. District policies and procedures shall not limit the District's responsibility to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the individual, including breathing, nutrition, or operation of other bodily functions, while the individual is transported to and from school.

Options for Meeting Transportation Needs

As required by the individual needs of each student as specified by his/her IEP, the District shall offer the following options for transportation:

1. Transportation by school bus operated by the District or through contract with another LEA;
2. Taxi or other livery service;

3. Mileage reimbursement for parents transporting their children to and from school; and

Compatibility with Mobile Seating Devices

The Superintendent or designee shall ensure that there are procedures in place to ensure that transportation provided by the District is compatible between mobile seating devices, when used, and the securement systems required by Federal Motor Vehicle Safety Standard No. 222 (49 C.F.R. § 571.222). All school bus drivers whether employed by the District, or providing services pursuant to contracts for transportation services, shall be trained in the proper installation of mobile seating devices in the securement systems. (Ed. Code §§ 56195.8; 56441.14, 56363, 56366, 56836.23, 56836.20)

Caseloads for Special Education Providers**Intent of Policy**

It is the intent of the Board for the District to develop appropriate limits on the caseloads for special education providers. In setting caseload limits, the District seeks to ensure quality and consistency in its special education programs while also responsibly managing the District's resources.

Adopted 10/14/2020

5.4 Caseloads for Special Education Providers

The District shall develop caseload limits for various special education providers.

Special Education Teachers

Caseload limits for special education teachers will be developed based on all of the following:

1. Individual and collective needs of the students;
2. State and federal law;
3. Applicable collective bargaining agreements; and
4. Applicable provisions of the special education local plan;

Language, Speech, and Hearing Specialists

The maximum caseload for language, speech, and hearing specialists in the District shall not exceed 55 students unless the local plan the District participates in specifies a higher caseload and also specifies the reason(s) for having a higher caseload.

Students 3-5 Years of Age

The maximum caseload for the District speech and language specialists providing services exclusively to individuals with exceptional needs, between the ages of three and five years, inclusive, as shall not exceed a count of 40.

Resource Specialists

The “caseload” for resource specialists shall include, but not be limited to, all students for whom the resource specialist performs any of the services described in Education Code Section 56362 and Board Policy 5.2.

Resource Specialists in the District shall have a caseload of no more than 28 students. No resource specialist shall have a caseload which exceeds 28 students.

Resource Specialist Caseload Waivers

The District may request that the State Board of Education (“SBE”) grant a waiver of the maximum resource specialist caseload by following the provisions of Title 5 of the California Code of Regulations, Section 3100.

The District shall only request a waiver when:

1. The resource specialist and his/her bargaining unit, if any, agree to the waiver;
2. The request is related to extraordinary fiscal and/or programmatic conditions which can be addressed by increasing the caseload; and
3. Students served by the affected resource specialists(s) will still receive all the services set forth in their IEP’s.

The maximum caseload of a District resource specialists working under a caseload waiver shall not exceed 32 students.

A caseload waiver shall only be effective for two school years; the year it was requested and one additional year.

When a resource specialist is working under a caseload waiver granted by the SBE, the District will ensure that he/she has the assistance of an instructional aide for at least five hours per day for any time that his/her caseload exceeds the statutory maximum. (Education Code §§ 56362, 56362.1, 56441.7; 5 C.C.R. § 3100; Policy 5.2 on Resource Specialists.)

Adopted 10/14/2020

5.5 Teachers Right to Request Review of Class Assignment

Intent of Policy

The intent of this policy is to ensure proper placement of special education students by providing regular education and special education teachers the right to request a District review of the assignment of a special education student to their class.

Classroom Teacher Participation in IEP Placement Decisions

In order to ensure proper placement of special education students, the Board believes that the regular or special education teacher should actively participate in any decision-making process that might result in a student being placed in that teacher's classroom.

This policy does not require the attendance of any teachers at an IEP meeting beyond what is required by applicable law

Teacher's Right to Request Review of the Classroom Assignment

Regular education teachers and special education teachers have the right to request a District review of the assignment of a special education student to their class.

When a teacher has a concern regarding a special education student assigned to his/her class, the following procedures shall be followed:

1. The teacher shall submit a written request for review to the Superintendent. The request shall state the name of the student and the specific concerns regarding the student's placement;
2. Upon receiving the request, the Superintendent will commence the review of the placement of the student. The person conducting the review may consult with other District staff members (school psychologist, SLP, OT, etc.) whose expertise and/or knowledge of the specific student will assist in the review;
3. The District's review and written findings shall be completed within 30 school days of receiving the teacher's written request;
4. The District's written findings will include, at minimum, the following:
 - a. A determination on whether the student's placement is acceptable or whether the District review indicates that the District must convene an IEP team meeting for the purpose of reviewing the teacher's concerns, the results of the review, whether any changes are needed to the student's placement, instruction, related services, or any combination thereof;
 - b. A brief description of the basis for the findings; and
 - c. A description of any recommended corrective actions or changes to the classroom, teaching environment, etc. which do not require the approval of the IEP team;

-
5. If the review recommends referral to the IEP team, the District shall immediately initiate the process for convening an IEP meeting.

This policy does not alter any of the statutory time frames for requesting an IEP meeting.

(Ed. Code § 56195.8(b)(2).)

Adopted 10/14/2020

5.6 Procedural Safeguards

Intent of Policy

The intent of this policy is to ensure that District complies with Procedural Safeguards, and that parents of students with disabilities are properly notified regarding their rights and responsibilities under federal and state special education laws.

“Procedural Safeguards”

The federal Individuals with Disabilities Education Act (“IDEA”), California special education law, and their accompanying regulations, include “Procedural Safeguards” which protect the rights of the parents/guardians of students with disabilities, define various responsibilities of school districts, and provide a comprehensive system for resolving special education related disputes between parents and school districts.

Definition of “Parent” and Who is Entitled to the Procedural Safeguards

For purposes of this policy, “parent” refers to parents, legal guardians, and surrogate parents of students with disabilities from three (3) years of age through age twenty-one (21) and to students who have reached age eighteen (18), the age of majority in California

Procedural Safeguards are available to all parents as defined herein.

“Notice of Procedural Safeguards”

The “Notice of Procedural Safeguards” refers to a specific document which the District is required to provide to parents of students with disabilities. The document describes in detail each of the procedural safeguards, and how a parent may exercise their rights and responsibilities under the law. The California Department of Education (“CDE”) maintains information on Procedural Safeguards and provides guidance on the development of the Notice of Procedural Safeguards used by school districts.

The District shall develop, and update as needed, a Notice of Procedural Safeguards which shall be used throughout the District.

A copy of the Notice of Procedural Safeguards shall be placed on the District’s website at idschool.org

(20 USC § 1415 subd. (d); 34 CFR § 300.504; Ed. Code §§ 56301 subd. (d)(2), 56321.)

When a “Notice of Procedural Safeguards” Must be Provided to Parents

At each IEP meeting convened by the District, the District shall inform the parent and pupil of the federal and state procedural safeguards that were provided in the notice of parent rights.

In addition, the Notice of Procedural Safeguards shall be provided to parents at all of the following times:

1. When a parent requests a copy;
2. When a student is referred for an initial special education assessment;
3. Whenever the District provides a parent with an assessment plan;
4. Upon receipt of a parent’s first state level or due process complaint in a school year; and

5. When the District makes a decision to remove a student and that removal would legally constitute a change of placement.

(20 USC § 1415 subd. (d); 34 CFR § 300.504; Ed. Code §§ 56301 subd. (d)(2), 56321.)

District Staff Shall Follow Procedural Safeguards

The District shall ensure that District staff members adhere to the Procedural Safeguards for students with disabilities as set forth in state and federal law and regulations, and in the policies of the District and the (El Dorado County SELPA) special education local plan area.

District staff requiring additional guidance and information on Procedural Safeguards shall, as needed, refer to one or more of the following:

1. The specific statute(s) or regulations(s) governing the procedural safeguards referenced in this policy;
2. The District's Notice of Procedural Safeguards or any related information developed and updated by the CDE;
3. The District's Superintendent, and/or the case manager or program specialist for the student.

List of Procedural Safeguards

This section lists each of the Procedural Safeguards including a summary of the parents and students' rights and responsibilities in each area, and the corresponding legal references.

1. Prior Written Notice

Prior Written Notice is a notice which must be sent to the parent of a student with a disability whenever the District:

- a. Proposes to initiate a change in the identification, assessment, or educational placement of the student or the provision of a free appropriate public education ("FAPE") to that student; **or**
- b. Refuses to initiate a change in the identification, assessment, or educational placement of the student or the provision of FAPE to that student.

In order to meet the legal requirements, the Prior Written Notice must be given within a reasonable amount of time before the District's proposal or refusal, and must contain the following information:

- a. A description of the actions proposed or refused by the District;
- b. An explanation of why the action was proposed or refused;
- c. A description of each assessment procedure, record, or report the District used as a basis for the action proposed or refused;
- d. A statement that parents of a child with a disability have protection under the procedural safeguards;
- e. Sources for parents to contact to obtain assistance in understanding the provisions of this part;

- f. A description of other options that the District's and/or the District's IEP team considered and the reasons those options were rejected; and
- g. A description of any other factors relevant to the action proposed or refused.

(20 USC §§ 1415 subds. (b)(3) & (4), 1415 subd. (c)(1), 1414 subd. (b)(1); 34 CFR § 300.503.)

2. Parental Consent

The District is required to obtain the consent of the parent prior to taking certain actions with regard to a student with disabilities. Parental Consent requirements are as follows:

Initial Referral for Special Education

A parent has the right to refer their child to the District for special education. The District cannot perform an initial assessment for special education until it receives written parental consent for the assessment.

Initial IEP - Initiation of Services

If the District finds a student eligible for special education, it may not initiate services until the parent provides informed written consent to the special education and related services set forth in their child's initial IEP.

(20 USC §§ 1414 subds. (a)(1)(D) & (c); 34 CFR § 300.300; Ed. Code §§ 56506 subd. (e), 56321 subds. (c) & (d), 56346.)

Procedures When a Parent Withholds or Fails to Provide Consent

Initial Assessment: If a parent does not provide consent for an initial assessment or fails to respond to a request to provide the consent, the District may elect to pursue the initial assessment by utilizing due process procedures.

Initiation of Services: If a parent refuses to consent to the initiation of services (initial IEP), the District shall not provide special education and related services and shall not seek to provide services through due process procedures.

Partial Consent: If a parent consents in writing to the special education and related services for a student but does not consent to all of the components of the IEP, the District shall, without delay, implement the components for which the parent provided consent. Also, if the District determines that the program components which the parent consented to will not be sufficient to provide the student with FAPE, the District must initiate a due process hearing

Reevaluations: If a parent refuses to consent to a request to reevaluate a student, the District must document its reasonable measures to obtain consent. If a parent fails to respond to the District's efforts, the District may proceed with the reevaluation without the parent's consent.

(20 USC §§ 1414 subds. (a)(1)(D) & (c); 34 CFR § 300.300; Ed. Code §§ 56321 subds. (c) & (d), 56346, 56506 subd. (e).)

Procedures When a Parent Revokes Consent

If a parent of a student who has already provided consent for special education states in writing that they wish to revoke consent for the continued provision of special education the District:

- a. May not continue to provide special education and related services to the student, but must provide prior written notice as described above, prior to ceasing all services

-
- b. May not request a due process hearing or mediation in order to obtain an agreement or a ruling that the services may be provided to the student;
 - c. Will not be considered to be in violation of the requirement to make a free appropriate public education (“FAPE”) available to the student because of the failure to provide the student with further special education and related services; and
 - d. Is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education and related services.

Note: These procedures only apply when a parent is opting out of special education in its entirety. They do not apply when a parent is either: (a) refusing to sign an IEP because they do not agree with the District’s offer of FAPE; or (b) revoking consent for some, but not all of, the student’s current program.

Note: When a parent revokes consent, the District is not required to amend the student’s records by removing any references to special education.

(34 CFR §§ 300.9 subd. (c)(3); 300.300 subd. (b)(4); Ed. Code. § 56346 subd.(d).)

3. Independent Educational Evaluation

If a parent disagrees with the results of an assessment by the District, they may request that the District pay for an Independent Educational Evaluation (“IEE”) as provided for under IDEA and state law. The District must respond to the request by either:

- a. Agreeing to the IEE and providing information on how to obtain the IEE; or
- b. If the District believes its assessment was appropriate and disagrees that an IEE is needed, the District may request a due process hearing to show its assessments was appropriate.

(20 USC §1415 subd. (d)(2)(A); 34 CFR § 300.502; Ed. Code § 56329 subds. (b) & (c).)

4. Access to Educational Records

The District shall ensure that parents are granted the right to inspect and review all of their child’s educational records without unnecessary delay, and that requested copies are provided within five (5) business days of the request. Parent access to records shall comply with applicable law and the District policy.

(Ed. Code §§ 49060, 56043 subd. (n), 56501 subd. (b)(3), and 56504; Policy 4.11 for Educational Records.)

5. Due Process Hearings

Parents have the right to request an impartial due process hearing regarding the identification, assessment, and educational placement their child or the provision of FAPE to that child.

Two –Year Period for Filing Complaints

The request for a due process hearing must be filed within (2) two years from the date the parent knew or should have known about the alleged action that forms the basis of the due process complaint.

(20 USC § 1415 subd. (b)(6); 34 CFR § 300.507; Ed. Code §§ 56501, 56505 subd. (l).)

Process for Filing Complaints

All due process complaints must be in writing, and a copy must be provided to the other party at the time the complaint is filed. A due process complaint is only sufficient if it contains specific and detailed information regarding the nature of the problem as required by law.

(20 USC §§ 1415 subd. (b)(7), 1415 subd. (c)(2); 34 CFR § 300.508; Ed. Code § 56502 subd. (c)(1).)

Resolution Session

When a parent files a due process complaint against the District, the District is granted the opportunity to resolve the dispute by convening a “Resolution Session” within 15 days of the date it received notice of the complaint. A Resolution Session is a meeting between the parents and designated District members of the IEP team who are familiar with the information in the complaint. The District and parent may agree in writing to waive the Resolution Session. The District has 30 days to resolve the dispute by entering a legally binding agreement or the matter will proceed.

(20 USC § 1415 subd. (f)(1)(B); 34 CFR § 300.510.)

Due Process Rights

Due process rights are the rights provided to the parents of students with disabilities whenever a due process complaint is filed by the parent or the District. The due process rights that follow are granted to the parents though many are also granted to the District or any other party to a due process case:

Parents have the right to:

- a. Have a fair and impartial administrative hearing at the state level before a person who is knowledgeable of the laws governing special education and administrative hearings; (20 USC §§ 1415 subd. (f)(1)(A) & (f)(3)(A)-(D); 34 CFR § 300.511; Ed. Code § 56501 subd. (b)(4).)
- b. Be accompanied and advised by an attorney and/or individuals who have knowledge about children with disabilities; (Ed. Code § 56505 subd. (e)(1).)
- c. Present evidence, written arguments, and oral arguments; (Ed. Code § 56505 subd. (e)(2).)
- d. Confront, cross-examine, and require witnesses to be present; (Ed. Code § 56505 subd. (e)(3).)
- e. Receive a written or, at the option of the parent, an electronic verbatim record of the hearing, including findings of fact and decisions; (Ed. Code § 56505 subd. (e)(4).)
- f. Have the child present at the hearing; (Ed. Code § 56501 subd. (c)(1).)
- g. Have the hearing be open or closed to the public; (Ed. Code § 56501 subd. (c)(2).)
- h. Receive a copy of all documents, including assessments completed by that date and recommendations, and a list of witnesses and their general area of testimony within five (5) business days before a hearing; (Ed. Code §§ 56505 subd. (e)(7) and 56043 subd. (v).)
- i. Be informed by the other parties of the issues and their proposed resolution of the issues at least ten (10) calendar days prior to the hearing; (Ed. Code § 56505 subd. (e)(6).)

-
- j. Have an interpreter provided; (5 CCR § 3082 subd. (d).)
 - k. Request an extension of the hearing timeline; (Ed. Code § 56505 subd. (f)(3).)
 - l. Have a mediation conference at any point during the due process hearing; (Ed. Code § 56501 subd. (b)(2).), and
 - m. Receive notice from the other party at least ten days prior to the hearing that the other party intends to be represented by an attorney; (Ed. Code § 56507 subd. (a)).
- (20 USC §1415 subd. (e); 34 CFR §§ 300.506, 300.508, 300.512, 300.515.)

Placement During Due Process Proceedings- “Stay-Put”

When a due process complaint or civil complaint (court) has been filed regarding the provision of FAPE to a student, the student shall remain in his/her current educational placement unless the parent and the District agree to an alternative placement. This requirement is commonly referred to as “stay-put.”

(20 USC § 1415 subd. (j); 34 CFR §300.518; Ed. Code § 56505 subd. (d).)

Appeals

A due process hearing decision is final and binding on both the parent and the District. Either the parent or the District may appeal the hearing decision by filing a civil action in state or federal court within 90 days of the final hearing decision.

(20 USC §§ 1415, subds. (i)(2) & (i)(3)(A), (l); 34 CFR § 300.516; Ed. Code §§ 56505, subds. (h) & (k), 56043 subd. (w).)

Attorneys’ Fees

A parent who is a prevailing party in a due process hearing may be awarded some or all of their attorneys’ fees and costs. Fee awards may be reduced based on various factors.

(20 USC § 1415 subd. (i)(3)(B) - (G); 34 CFR § 300.517.)

6. Mediation and Alternative Dispute Resolution

A request for mediation may be made either before or after either the parent or District has requested a due process hearing. In addition, either party may request that any disputes or concerns be resolved through alternative dispute resolution (“ADR”) provided by the (El Dorado County SELPA).

“Prehearing mediation” refers to mediation that is requested prior to the filing of a due process complaint. Requests for prehearing mediation are filed with the State Superintendent, Office of Administrative Hearings (“OAH”), and are subject to specific legal requirements. After a due process hearing is filed, the parties are also given the opportunity to participate in mediation.

(Ed. Code §§ 56500.3, 56503.)

7. School Discipline and Alternative Interim Educational Settings

The District shall ensure that it complies with all legally mandated procedures regarding the discipline of students with disabilities including, but not limited to, procedures for:

-
- a. Conducting manifestation determinations;
 - b. Removing students from their current placement; and
 - c. Placing students in an “interim alternative educational setting.”

(20 USC § 1415 subd. (k); 34 CFR §§ 300.530, 300.531 subd. (c); Ed. Code § 48915.5 subd. (b).)

8. Children Attending Private Schools

The District shall ensure that it complies with all legally mandated procedures regarding children placed in private schools by their parents. The term “parentally placed private school students” refers to students placed in private schools by their parents without the consent of or referral by the District. While the District is responsible for making FAPE available to these students, it does not have to provide special education while they are parentally placed in a private school.

A parent may reject the District’s offer of FAPE and then seek reimbursement for a private school placement. However, the parent’s request for reimbursement may be denied where the parent has not given proper notice to the District regarding their rejection of the District’s placement offer. A parent’s failure to provide notice may not result in a denial of their claim where the District failed to provide the parent with Notice of Procedural Safeguards, where notice would result in harm to the student, and other statutory grounds.

(20 USC § 1412 subd. (a)(10)(C); 34 CFR § 300.148; Ed. Code §§ 56176, 56177.)

9. Surrogate Parent Appointments

The District shall ensure that an individual is assigned to act as a “surrogate parent” for the parents of a student with a disability when a parent cannot be identified and the District cannot discover the whereabouts of a parent, or as otherwise required by law.

(20 USC § 1415 subd. (b)(2); 34 CFR § 300.519; Ed. Code § 56050; Gov. Code §§ 7579.5, 7579.6.)

10. State Complaint Procedures

Parents may file a state compliance complaint against the District when they believe that the District has violated federal or state special education laws or regulation. There are legal specific requirements covering the content and filing of these complaints.

Complaints alleging violations of federal and state special education laws or regulations may be mailed to:

California Department of Education
Special Education Division
Procedural Safeguards Referral Service
1430 N Street, Suite 2401
Sacramento, CA 95814

(34 CFR §§ 300.151–153; 5 CCR §§ 4600, 4640, 4660 et seq.)

5.7 Information on Number of Students Being Provided with Special Education Services

On or before the 40th day of each year the Superintendent will provide the Board with an accurate count of all students in the District receiving special education and related services.

The information provided shall comply with all reporting requirements related to the method used to distribute state and federal funds among the local educational agencies in the El Dorado County special education local plan area.

(Ed. Code §§ 56195.7, 56195.8.)

Adopted 10/14/2020

6.1 Parent Involvement

Intent of Policy

The District recognizes that parental involvement and support in the education of their children is integral to improving their children's academic success. The District shall establish and maintain a program for increasing parent involvement. (Ed. Code, § 11500.)

Specific Steps for Increasing Parent Involvement

In order to achieve its goal of increasing parents' positive engagement in their children's education, the District may do each of the following:

(a) **Help Parents Develop Skills**

Help parents develop skills that they may use at home in support of their children's academic efforts at school. Help parents to develop skills that will allow them to better support their children's development as responsible future members of our society.

(b) **Provide Information**

Provide parents with specific techniques and strategies which they may use to improve their children's academic success and assist their children in learning at home.

(c) **Communication**

Build and maintain consistent and effective communication between the home and the school so that parents may know when and how they might assist their children in support of classroom learning activities.

(d) **Staff Training**

Provide teachers and administrators with information on how to communicate more effectively with parents.

(e) **Make Parent Involvement Part of the District's Academic Accountability Plan**

The District's parent involvement programs and policies shall be integrated with the school's master plan for academic accountability.

(Ed. Code, § 11502.)

Adopted 10/14/2020

6.2 Parental Involvement – Mutually Supportive Partnership for Improving Student Success

Intent of Policy

The Board recognizes that continuing the intellectual, physical, emotional, and social development and well-being of students at each school site is the shared responsibility of parents/guardians, District staff members, and students.

The intent of this policy is to ensure that parents/guardians of students, including parents/guardians whose primary language is not English, have the opportunity to work together in a mutually supportive and respectful partnership with the District, in order to help their children succeed in school.

Joint Development of Policy

The District developed this policy jointly with parents and guardians of students in the District as follows:

1. **Nominations:** On or before October 12, 2020, the school site provided notice to parents regarding the development of this policy. The notice requested that interested parents/guardians notify the school. The Superintendent then selected 2 parent/guardian representatives (“Parent Representatives”) to participate in the development of this policy.
1. **Meeting Date:** The District and the Parent Representatives met on the following dates to develop this policy: October 12, 2020.
2. **Adoption:** This policy was adopted by the District Board at a regular Board meeting held on October 14, 2020.

Mutually Developed Plan for Improving Student Success

The District and parents/guardians of students in the District jointly developed the following plan for improving student success.

The Means by Which Schools in the District and Parents/Guardians of Students May Help Students to Achieve Academic and Other Standards for Schools in the District.

1. Supporting the philosophy of the school
2. Encouraging good study habits
3. Reinforcing appropriate behavior and setting high academic standards
4. Insuring regular and punctual attendance
5. Providing rest and well-balanced meals for the student
6. Checking homework regularly
7. Responding to progress reports by discussing the report and following through on it
8. Familiarizing themselves with the rules and regulations of the school
9. Support extracurricular activities by signing up for committees
10. Supporting the staff and classroom volunteers to provide enriched curriculum.

District School’s Responsibility to Provide High Quality Instructional Program for all Students

Each school in the District is responsible for providing a high-quality curriculum and instructional program in a supportive and effective learning environment that enables all students to meet the academic expectations of the school as follows:

1. Preparing students for the future
2. Supporting the philosophy of the school
3. Stressing basic skills
4. Recognizing positive contributions by all students
5. Maintaining appropriate learning environment
6. Providing appropriate homework
7. Keeping parents informed regularly of their child's progress
8. Working with all students on behavior and good manners
9. Creating a family friendly environment
10. Creating an atmosphere for parents and community members to volunteer time and talents in the classroom.

The Manner in Which the Parents/Guardians of Students in the District May Support the Learning Environment of Their Children

The District and Parent Representatives have mutually identified the following ways which parents/guardians of students in the District may support the learning environment of their children:

1. Monitoring attendance of their children;
2. Ensuring that homework is completed and turned in on a timely basis;
3. Encouraging, facilitating, and supporting the participation of their children in extracurricular activities;
4. Monitoring and regulating the television viewed by their children;
5. Working with their children at home in learning activities that extend learning in the classroom;
6. Volunteering in their children's classrooms, or for other activities at the school;
7. Participating, as appropriate, in decisions relating to the education of their own child or the total school program; and

Parents/Guardians With Limited English Proficiency Shall Not be Precluded from Participating in Their Children's Education

A parent/guardian's lack of English fluency does not preclude a parent/guardian from exercising any rights guaranteed by law or accorded through this policy.

The District shall take all reasonable steps to ensure that all parents/guardians of students who speak a language other than English are properly notified in English and in their home language, of the rights and opportunities available to them.

In addition, parents/guardians of English learners are entitled to participate in the education of their children as follows:

-
1. To receive the results of their child's performance on standardized tests, including the English language development test;
 2. To be provided with any required written notification, under any applicable law, in English and the student's home language;
 3. To participate in school and District advisory bodies in accordance with federal and state laws and regulations;
 4. To support their children's advancement toward literacy. District personnel shall encourage parents/guardians of English learners to support their child's progress toward literacy both in English and, to the extent possible, in the child's home language. The District shall make available, to the extent possible, surplus or undistributed instructional materials to parents/guardians in order to facilitate parental involvement in their children's education;
 5. To be informed about statewide and local academic standards, testing programs, accountability measures, and the District's improvement efforts; and
 6. Any school in the District with a substantial number of students with a home language other than English is encouraged to establish a parent center with personnel who can communicate with the parents/guardians of these children.

Restrictions on Parent Participation

This policy does not authorize the District or any of its schools to permit participation by a parent/guardian in the education of a child, if it conflicts with a valid restraining order, protective order, or order for custody or visitation issued by a court of competent jurisdiction.

(Ed. Code § 51101 *et seq.*)

Adopted 10/14/2020

7.1 Student Discipline

Intent of Policy

The intent of this policy is to support the District's mission of teaching students to become responsible, respectful and resourceful members of their communities. The District shall implement a uniform system of positive discipline that improves social, emotional and academic outcomes for all students, including students with disabilities and students from underrepresented groups. Whenever practical and safe, the District shall utilize positive strategies for correcting misbehavior in lieu of suspensions and expulsions. Rules and procedures shall be applied fairly and in a nondiscriminatory manner.

"Enumerated Grounds" 1 through 23 for Suspension and Expulsion

A student shall not be suspended from school or recommended for expulsion, unless the Superintendent or the principal of the school in which the student is enrolled determines that the student has committed any of the following acts ("Enumerated Grounds"):

1. Caused/Attempted/Threatened Physical Injury

Caused, attempted to cause, or threatened to cause physical injury to another person.

2. Willful Use of Force

Willfully used force or violence upon the person of another, except in self-defense.

3. Dangerous Objects

Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object. Exception: A student may possess an object of this type, if the student obtains written permission to possess the item from both:

- a. A certificated school employee; and
- b. The principal or the principal's designee.

4. Sale/Possession/Furnishing Controlled Substances, Alcohol, or Intoxicants

Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any of the following:

- a. A controlled substance listed in Health and Safety Code, Division Ten, Chapter Two (§11053 *et seq.*);
- b. An alcoholic beverage; or
- c. An intoxicant of any kind.

5. Sale/Delivery of "Look-Alike" Controlled Substances, Alcohol, or Intoxicants

A student may be suspended or expelled pursuant to this subsection if each of the following occurs:

-
- a. The student unlawfully offered, arranged, or negotiated to sell any of the following:
- i. A controlled substance listed in Health and Safety Code, Division Ten, Chapter Two (§11053 *et seq.*);
 - ii. An alcoholic beverage; or
 - iii. An intoxicant of any kind.

and

- b. Either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.

6. Robbery or Extortion

Committed or attempted to commit robbery or extortion.

7. Damage to Property

Caused or attempted to cause damage to District property or private property.

8. Theft of Property

Stole or attempted to steal District property or private property.

9. Tobacco – Possession/Use

Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel.

Exception: This policy does not prohibit the use or possession by a student of his or her own prescription products.

10. Obscene Acts

Committed an obscene act or engaged in habitual profanity or vulgarity.

11. Unlawful Possession/Sale of Drug Paraphernalia

Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Health and Safety Code § 11014.5.

12. Disruption of School Activities/Willful Defiance of District Authority

Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other District personnel engaged in the performance of their duties.

Exceptions are as follows:

-
- a. Exception for Grades K-3: The District shall not suspend a student enrolled in kindergarten or any of grades 1 to 3 for disruption of school activities or willful defiance of District authority except as provided for in Education Code § 48910 (teacher-initiated classroom suspension); and
 - b. Exception for Grades K-12: The District shall not recommend for expulsion a student in kindergarten or any of grades 1 to 12 for disruption of school activities or willful defiance of District authority except as provided for in Education Code § 48910 (teacher-initiated classroom suspension).

13. Knowing Receipt of Stolen School Property or Private Property

Knowingly received stolen school property or private property.

14. Possession of Imitation Firearm

Possessed an imitation firearm. “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.

15. Sexual Assault

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.

16. Harassment/Threatening/Intimidating Complaining Witness

Harassed, threatened, or intimidated a student who is a complaining witness or a witness in a school disciplinary proceeding for purposes of either preventing that student from being a witness or retaliating against that student for being a witness, or both.

17. Unlawful Sale of Soma

Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

18. Hazing

Engaged in, or attempted to engage in, hazing. For purposes of this policy “hazing” occurs when there is:

- a. A method of initiation or preinitiation into a student organization or body, whether or not the organization or body is officially recognized by the District or a school within the District; and
- b. The method of initiation is likely to cause either:
 - i. Serious bodily injury; or
 - ii. Personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student.

Exception for “hazing”: For purposes of this policy, “hazing” does not include athletic events or school-sanctioned events.

19. Bullying

Engaged in an act of bullying as set forth below.

Definitions

The following terms have the following meanings:

“Bullying”

In order to meet the definition of “bullying” the conduct must include both of the following:

- a. Any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students as defined in Education Code §§ 48900.2, 48900.3, or 48900.4; and
- b. The actions or conduct is directed toward one or more students and has or can be reasonably predicted to have the effect of one (1) or more of the following:
 - i. Placing a reasonable student or students in fear of harm to that student's or those students' person or property;
 - ii. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health;
 - iii. Causing a reasonable student to experience substantial interference with his or her academic performance; or
 - iv. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

“Electronic Act”

An “electronic act” means the creation or transmission, whether originated on or off the schoolsite, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

- a. A message, text, sound, video, or image.
- b. A post on a social network Internet Web site, including, but not limited to:
 - i. Posting to or creating a burn page. “Burn page” means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (b) under the definition of “bullying.”
 - ii. Creating a credible impersonation of another actual student for the purpose of having one or more of the effects listed in paragraph (b) under the definition of “bullying.” “Credible

-
- impersonation” means to knowingly and without consent impersonate a student for the purpose of bullying the student and such that another student would reasonably believe, or has reasonably believed, that the student was or is the student who was impersonated;
- iii. Creating a false profile for the purpose of having one or more of the effects listed in paragraph (b) under the definition of “bullying.” “False profile” means a profile of a fictitious student or a profile using the likeness or attributes of an actual student other than the student who created the false profile.
- c. An act of “cyber sexual bullying.”
- i. For purposes of this policy, “cyber sexual bullying” consists of the following two elements:
- 1) The dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act;
- 2) The conduct has or can be reasonably predicted to have one or more of the effects listed in paragraph (b) under the definition of “bullying.”
- ii. A “photograph or other visual recording”, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
- iii. Exception to Cyber Sexual Bullying: For purposes of this policy, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
- d. Exception for “electronic act”: An electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

“Reasonable Student”

A “reasonable student” means a student, including, but not limited to, an exceptional needs student, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

20. Sexual Harassment (Does Not Apply to Students in Grades K-3)

Committed “sexual harassment” as defined in Education Code § 212.5. The conduct must be considered by a reasonable person of the same gender as the victim to be:

- a. Sufficiently severe or pervasive to have a negative impact upon the individual's academic performance; or

- b. To create an intimidating, hostile, or offensive educational environment.

21. Hate Violence (Does Not Apply to Students in Grades K-3)

Caused, attempted to cause, threatened to cause, or participated in an act of, “hate violence,” as defined in Education Code § 233(e).

22. Harassment, Threats, or Intimidation

Intentionally engaged in harassment, threats, or intimidation meeting all of the following elements:

- a. Is directed against District personnel or students;
- b. Is sufficiently severe or pervasive; and
- c. Resulted in the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either District personnel or students by creating an intimidating or hostile educational environment.

23. Terroristic Threats

Made “terroristic threats” against either District officials or District property, or both.

For purposes of this policy a “terroristic threat” shall include any statement meeting the following elements (a) through (e):

- a. The statement may be written or oral;
- b. Made by a person who willfully threatens to:
 - i. commit a crime which will result in death, great bodily injury to another person; or
 - ii. property damage in excess of one thousand dollars (\$1,000);
- c. It is specifically intended to be taken as a threat, even if there is no intent of actually carrying it out;
- d. On its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat; and
- e. Causes the person threatened to reasonably be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

****END OF ENUMERATED GROUNDS FOR SUSPENSION AND EXPULSION****

SUSPENSIONS**The District May Only Suspend or Expel a Student for Conduct Related to a District Activity or District Attendance**

Pursuant to state law and this policy, no student shall be suspended or expelled for any of the Enumerated Grounds in this policy unless the act is related to a District activity or attendance occurring within a District school or occurring within any other school district.

A student may be suspended or expelled for Enumerated Grounds related to a District activity or school attendance that occur at any time, including, but not limited to, any of the following:

1. While on school grounds;
2. While going to or coming from school;
3. During the lunch period whether on or off the campus; and
4. During, or while going to or coming from, a District-sponsored activity.

Students Aiding or Abetting Infliction of Physical Injury – May Not be Expelled

A student who aids or abets, as defined in Penal Code § 31, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, Exception: A student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline on the grounds that the student “caused, attempted to cause, or threatened to cause physical injury to another person” as set forth above.

Discretion of Superintendent

For any student subject to discipline under this policy, the Superintendent and/or principal of the school where the student attends may use his or her discretion to provide alternatives to suspension or expulsion that are both age appropriate and designed to address and correct the student's specific misbehavior as specified in Education Code § 48900.5.

Restrictions on Suspending Students – Other Means of Correction

The District shall only use suspension to correct student behavior when other means of correction have failed to result in proper conduct. The District shall document its attempts to correct the behavior using other means and place the document in the student’s record.

Student’s with Exceptional Needs – First Offense

Students with exceptional needs, as defined in Education Code § 56026 may only be suspended for a first offense where the Superintendent of the school determines that student either:

1. Committed one or more of the Enumerated Grounds 1 through 5, or
2. The student’s presence causes a danger to others.

Other Means of Correction

The District recognizes the importance of attempting other means of correcting a student's behavior prior to suspending a student. Other means of correction may include but are not limited to:

1. A conference between school personnel, the student's parent or guardian, and the student;
2. Referrals to the appropriate District personnel including a school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling;
3. District study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior, and develop and implement individualized plans to address the behavior in partnership with the student and his or her parents;
4. Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, or Section 504 Plan;
5. Enrollment in a program for teaching prosocial behavior or anger management;
6. Participation in a restorative justice program;
7. A positive behavior support approach with tiered interventions that occur during the schoolday on campus;
8. After-school programs that address specific behavioral issues or expose students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups; and
9. Any of the alternatives described in Education Code § 48900.6.

Community Service on School Grounds During Nonschool Hours - Alternative Disciplinary Action

The principal of a District school, the principal's designee, the Superintendent, or the Board may require a student to perform community service on school grounds either as:

1. Part of any disciplinary action prescribed by this policy; or
2. As an alternative to another disciplinary action.

A student may be assigned to community service off school grounds during nonschool hours if the District obtains the written permission of the student's parent.

Mandated Notification of Law Enforcement Authorities for Specific Acts

This section sets forth the District's responsibilities to report students to law enforcement authorities.

Assault with Deadly Weapon or Use of Force Likely to Produce Great Bodily Harm

If the District believes that the student has committed acts that may violate Penal Code § 245 (assault with deadly weapon or use of force likely to cause great bodily harm) the principal of a District school or the principal's designee shall, before the suspension or expulsion of any student, notify the appropriate law enforcement authorities of El Dorado County.

Enumerated Grounds 3 or 4

If the District believes that the student has committed acts that may violate Enumerated Grounds 3 or 4, the principal or the principal's designee shall, within one (1) school day after suspension or expulsion of any student, notify, by telephone or any other appropriate method, the appropriate law enforcement authorities of El Dorado County.

Possession or Sale of Narcotics or Controlled Substances/ Firearms/Explosives

In addition to the notification requirements for Enumerated Grounds 3 and 4, the District the principal or the principal's designee shall notify the appropriate law enforcement authorities of El Dorado County of any acts of a student that may involve the possession or sale of narcotics or of a controlled substance, or a violation of Penal Code §§ 626.9 or 626.10

If a student possessed, sold, or furnished a firearm or was found in possession of explosives, as set forth in Education Code §§ 48915(c)(1) or (c)(5), the principal of a school or the principal's designee shall report to the El Dorado County.

No Civil/Criminal Liability for Reporting

Pursuant to state law, a principal, the principal's designee, or any other person reporting a known or suspected act pursuant to this section, is not civilly or criminally liable as a result of making any report unless it can be proven that a false report was made and that the person knew the report was false or the report was made with reckless disregard for the truth or falsity of the report.

Reporting of Students with Exceptional Needs

The principal or the principal's designee reporting a criminal act committed by a student with exceptional needs shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom he or she reports the criminal act. Any copies of the student's special education and disciplinary records may be transmitted only to the extent permissible under the federal Family Educational Rights and Privacy Act of 1974.

(20 U.S.C. §§ 1232g *et seq.*, 1415(k)(6).)

Tobacco Products

Students in the District are prohibited from smoking or use of tobacco products while on campus, while attending school-sponsored activities, or while under the supervision and control of District employees. For purposes of this section, “smoking” and “tobacco product” have the same meaning as set forth in Business and Professions Code §§ 22950.5(c) and (d).

(Ed. Code § 48901.)

Release of Students to Peace Officer - Notification to Parents

When a principal or other District official releases a minor student to a peace officer for the purpose of removing the student from the school premises, the school official shall follow the parental notice and other requirements set forth in Education Code § 48906.

Suspension Rules and Procedures**Restrictions on Days of Suspension**

No student in the District shall be suspended for more than 20 school days in any school year, except as provided below.

Exceptions:

The 20-day limit on suspensions may be exceeded for any of the following:

1. If, for purposes of adjustment, a student enrolled in or transfer to another regular school, an opportunity school or class, or a continuation education school or class, the total number of schooldays for which the student may be suspended shall not exceed 30 days in any school year;
2. When a student has been expelled or suspended for the balance of the semester pursuant to Education Code § 48911(g); and/or
3. Pursuant to Education Code § 48912.

Suspension by Teacher – Class Suspensions

Teachers in the District may suspend any student from their class(es), for any of the Enumerated Grounds 1 through 19 by the following the procedures in this section. The suspension may only be for the day of the suspension and the following day.

Report to Principal

The teacher issuing a suspension must immediately report the suspension to the principal and send the student to the principal for appropriate action.

Supervision of Student

If the principal allows the student to remain on the school site, the student shall be under proper supervision.

Proper supervision shall be provided by the Superintendent.

Parent-Teacher Conference

As soon as practicable, the teacher shall schedule and convene a conference with the student's parents to discuss the suspension. The teacher may request the attendance of a school counselor or school psychologist. At the request of either the parent or teacher, a school site or District administrator shall attend the meeting.

Student Attendance During Suspension*Class Suspended From - Only on Concurrence of Teacher and Principal*

A student suspended by a teacher shall not be returned to the class from which he/she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.

Other Regular Classes

A student suspended from a class shall not be placed in another regular class during the period of suspension.

Exception: If a student is assigned to more than one class per day, he/she is only prohibited from attending classes that meet at the same time as the class he/she was suspended from.

Referral to Superintendent

Nothing in this section prohibits the teacher from referring the student to the superintendent where the conduct might be grounds for school suspension based on one or more Enumerated Grounds. The teacher and/or superintendent should ensure that there are no other means for correcting the conduct.

Suspension by Superintendent ("School Suspensions")

A principal, the principal's designee, or the Superintendent may suspend a student from school for any of the Enumerated Grounds by following the procedures set forth in this section.

Maximum 5-Day Suspension

School Suspensions may not be for more than five consecutive schooldays unless, if a decision on expulsion is pending, the suspension is extended under the procedures in this policy and Education Code § 48911(g) until the Board has made a final decision on the expulsion.

Prior to Suspension – Informal Conference*Attendees*

School Suspensions shall be preceded by an informal conference with the student conducted by the Superintendent. As practicable, the informal conference may also include the District staff member who referred the student for suspension.

Due Process Requirements – Notification and Opportunity to Respond

At the informal conference, the District staff conducting the meeting shall inform the student of the following:

1. The reason for the disciplinary action;
2. Any means of correction that were attempted before the suspension; and
3. The evidence against him or her,

Once the student has been informed of the basis for the disciplinary action and the evidence, the student shall be provided with the opportunity to present his or her version and evidence in his or her defense.

“Emergency Situation”- May Suspend Prior to Informal Conference

A School Suspension may be issued without an informal conference only if the Superintendent determines that an emergency situation exists.

To constitute an “Emergency Situation,” the Superintendent must determine that the situation constitutes a clear and present danger to the life, safety, or health of students or District personnel.

If the District suspends a student without first holding an informal conference, both the parent and student shall be notified that:

1. The student has the right to an informal conference; and
2. The student has the right to return to school for the purpose of the informal conference.

The informal conference shall be held within two (2) schooldays of the suspension unless the student either:

1. Waives his/her right to the informal conference; or
2. Is physically unable to attend for any reason, including, but not limited to, incarceration or hospitalization. The conference shall then be held as soon as the student is physically able to return to school for the conference.

Notification to Parents

At the time of suspension, the District shall make a reasonable effort to contact the student's parent/guardian in person or by telephone. If a student is suspended from school, the parent/guardian shall be provided with written notification of the suspension.

Superintendent Notification

A school employee shall report the suspension of the student, including the cause for the suspension, to the Superintendent.

Parent Conference Regarding Student’s Behavior – Following Suspension

Following a suspension, the District, at its discretion, may schedule a conference in order to discuss the student’s behavior. Pursuant to Education Code § 48911(f)(1), if the District requests the parent/guardian attend a conference regarding their child’s behavior, the parent/guardian is required to respond without delay to the District’s request.

The District shall not impose any penalty on a student for failure of the student’s parent/guardian to attend a conference with District officials. Reinstatement of the suspended student shall not be contingent upon attendance by the student’s parent/guardian at the conference.

Expulsion from School or Suspension for Balance of Semester from Continuation School

In a case where expulsion from school is being processed, the Board, the Superintendent, or the Superintendent’s designee may make a written determination extending the suspension until the Board renders its decision on expulsion.

An extension may be granted under the following conditions:

1. The District convenes a meeting regarding the student's behavior and the student and his/her parents are invited to participate; and
2. Following the meeting, the Superintendent, or designee, makes a determination that the presence of the student at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process;
3. If the Student is a foster child, as defined in Education Code § 48853.5, the Superintendent, or designee, including, but not limited to, the Educational Liaison for the District, shall also invite the student's attorney and an appropriate representative of the El Dorado County Child Protective Services to participate in the meeting.
4. If the student or his/her parent/guardian has requested a meeting to challenge the original suspension pursuant to Education Code § 48914, the purpose of the meeting shall be to decide upon the extension of the suspension order and may be held in conjunction with the initial parent conference regarding the merits of the suspension.

Principal's Written Designation of Authority to Assist with Discipline

A "principal's designee" is one or more staff at the school site who have been specifically designated by the principal, in writing, to assist with disciplinary procedures.

In the event that there is not an administrator in addition to the principal at the school site, the principal may specifically designate a certificated person at that school site to assist with disciplinary procedures.

In the event that there is not a certificated person in addition to the principal at the school site, the principal may specifically designate a staff person at that school site to assist with disciplinary procedures.

The principal may designate only one (1) person at a time as the principal's "primary designee" for the school year.

The principal may make a written designation of one (1) additional person (administrator or certificated person if no administrator) who may act on disciplinary measures when the principal or the primary designee are absent. The name of the person, and the names of any person or persons designated as "principal's designee," shall be on file in the principal's office.

Supervised Suspensions – In School Suspension

A student suspended by the principal, or designee, may be assigned to a supervised suspension classroom under the following conditions:

1. The suspension was based on Enumerated Grounds 1 through 20;
2. It is determined that the student poses no imminent danger or threat to the campus, students, or District employees; and
3. Expulsion proceedings have not been initiated against the student.

Suspended students assigned to a supervised classroom are responsible for contacting their teachers in order to receive assignments. Teachers are required to provide all assignments and exams.

The parent/guardian must be notified if the student is assigned to a supervised suspension classroom for more than one period.

Suspension by the Board

The Board may suspend a student for any of the Enumerated Grounds for any number of days up to the maximum allowed for each school year pursuant to the requirements in this section.

Closed Session Meeting

When considering whether to suspend a student, the Board shall meet in a closed session if either:

1. A request has been made to hold a closed session meeting; or
2. A public hearing would result in the unlawful disclosure of student information.

Prior to convening a closed session meeting, the Board shall provide the student and the parent/guardian with written notice by registered or certified mail or by personal service, regarding the Board's intention to call a closed session meeting.

The student or parent/guardian has two days (48 hours) from receipt of the Board's notification to make a written request for a public hearing or otherwise the meeting will take place in a closed session.

If the student/parent requests a public meeting, the meeting shall be public except that any discussion at that meeting which may be in conflict with the right to privacy of any student other than the student requesting the public meeting shall be in closed session.

Completion of Work Missed by a Suspended Student

A District teacher may require a student to complete any assignments or exams they missed during the period that they were suspended.

Meeting with Parents/Guardians on Suspension

The Superintendent, or either of their designees has the discretion to conduct a meeting with the parent/guardian of any suspended District student as follows:

1. The meeting shall occur within one week of the student being suspended;
2. The parent/guardian shall be provided with written notice of the parent meeting;
3. The parent/guardian shall be informed that they are expected to attend the parent meeting as authorized by Education Code § 48914;
4. As practicable, the student shall be present for some or all of the parent meeting; and
5. The purpose of the meeting shall be to discuss all of the following:

-
- a. The causes of the suspension;
 - b. The duration of the suspension;
 - c. Applicable school policy; and
 - d. Any other matters that relate to the current suspension.

(Ed. Code § 48914.)

Suspension/Expulsion of Students with Exceptional Needs

Students with exceptional needs may be suspended or expelled pursuant to the requirements of Education Code § 48915.5 and state and federal special education laws. (See 20 U.S.C. § 1415(k); 34 C.F.R. §§ 300.530 - 300.537; Ed. Code § 48915.5.) These requirements include but are not limited to:

1. The provision of FAPE, if any, during the suspension or expulsion;
2. Alternative transportation for students excluded from bus transportation; and
3. Requirements for foster children and homeless children

EXPULSION

Expulsion Rules and Procedures

Pursuant to state law and this policy, acts for which a student may be expelled fall into one of the following three (3) categories based upon the level of discretion accorded to the District:

1. Discretionary Expulsions;
2. Expulsion Expected; and
3. Mandatory Expulsions.

These categories are defined as follows:

1. Discretionary Expulsions

The Superintendent has the discretion to recommend for expulsion a student for any of the Enumerated Grounds 1 through 23 that occur at school, at a school activity, or on the way to or from school. Pursuant to this policy, no student shall be recommended for expulsion unless the Superintendent determines that:

- a. Other means of correction are not feasible or have repeatedly failed to bring about proper conduct; or
- b. Due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the student or others.

2. Expulsion Expected – Unless Determined to Be Inappropriate

The Superintendent, a principal, or another administrator shall recommend expulsion for any of the following acts (a) through (e) occurring at school or a school activity, unless it is determined that the expulsion is inappropriate due to a particular circumstance:

- a. Causing serious physical injury to another person, except in self-defense;
- b. Possession of any knife, explosive, or other dangerous object of no reasonable use to the student;
- c. Possession and/or use of any substance listed in Health and Safety Code, Division Ten, Chapter Two (§11053 *et seq.*). (This does not apply when sale of a substance is involved, *see* “Mandatory Expulsions,” below.) Exception: Expulsion shall not be expected if the possession is either:
 - i. The first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis; or
 - ii. The possession of over-the-counter medication for use by the student for medical purposes or medication prescribed for the student by a physician.
- d. Robbery or extortion. Ed. Code § 48915(a)(4);
- e. Assault or battery, or threat of assault or battery, on a school employee as defined in Penal Code §§ 240 and 342.

(Ed. Code 48915 (a).)

3. Mandatory Expulsions – Immediate Suspension Pending Expulsion

The Superintendent shall immediately suspend, pursuant to this policy, and shall recommend expulsion of a student when he/she determines that the student committed any of the following acts (a) through (e) at school or at a school activity off school grounds:

- a. Possessing, selling, or otherwise furnishing a firearm (does not apply to imitation firearms) and the act of possession is verified by a District employee.
Exception: This section does not apply, if the student obtains written permission to possess the firearm from both:
 - i. A certificated school employee; and
 - ii. The principal or the principal’s designee.
- b. Brandishing a knife at another person;

-
- c. Unlawfully selling a controlled substance listed in Health and Safety Code, Division Ten, Chapter Two (§11053 *et seq.*); (This does not apply to merely possession or use of a substance, *see* “Expulsion Expected,” above.)
 - d. 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; and
 - e. Possession of an explosive.

Board Findings Required for Expulsion of Student

Pursuant to law and this policy, when the Board makes a determination that a student committed a specific act, the Board may be required to make additional findings before it may expel the student. Additional findings, if any, relate to the specific acts committed by the student as follows.

1. For Enumerated Grounds 6 -13 and 20-22

After a recommendation is made to the Board, and the Board convenes a hearing, the Board may order that the student be expelled if:

- a. The Board determines that the student committed an act listed in Enumerated Grounds 6 through 13 or 20 through 22;
- b. The act occurred at school or at a school activity off of school grounds; and
- c. The decision to expel is based on the finding of one or both of the following:
 - i. Other means of correction are not feasible or have repeatedly failed to bring about proper conduct; or
 - ii. Due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the student or others.

2. For Acts Listed Under Expected Expulsion or Enumerated Grounds 1-5

After a recommendation is made to the Board, and the Board convenes a hearing, the Board may order that the student be expelled if:

- a. The Board determines that the student committed an act either
 - i. Listed in a through e, above; or
 - ii. Listed in Enumerated Grounds 1 through 5;
and

b. The decision to expel is based on the finding of one or both of the following:

- i. Other means of correction are not feasible or have repeatedly failed to bring about proper conduct; or
- ii. Due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the student or others.

3. For Acts Listed Under Mandatory Expulsion- No Additional Findings Required

After a recommendation is made to the Board, and a hearing has been conducted, the Board may order that the student be expelled if the Board determines that the student committed an act listed under “Mandatory Expulsions” a. through e., above. No other findings are required.

Expulsion Hearing Procedures

No District student shall be expelled without an expulsion hearing consistent with this policy and applicable law.

Timelines for Expulsion Hearings

30 Day Requirement

All expulsion hearing shall be held within 30 schooldays of the date the Superintendent determines that student committed any of the Enumerated Grounds.

Student Requests for Postponements

A student may make a written request to postpone the hearing. Students are entitled to at least one 30-calendar-day postponement. Any additional postponements are at the sole discretion of the Board.

Board Decision

The Board shall decide whether to expel the student within 10 schooldays of the conclusion of the expulsion hearing. The Board shall decide whether to expel the student within 40 schooldays after the student’s removal from his or her school if either:

1. The hearing was held by a hearing officer or an administrative panel; or
2. The Board does not meet on a weekly basis.

Exception: The Board may extend the time for issuing a decision if the student makes a written request for postponement.

Extension of Hearing Timelines

The District may extend the hearing timelines as follows:

During Regular School Year

The Superintendent, or designee, may extend the time period for holding the expulsion hearing for up to an additional five (5) schooldays when there is good cause that meeting the timeline would be impracticable.

During Summer Recess of Board Meetings- Not to Exceed 20 Calendar Days

If the Board takes summer recess of more than two weeks, the days during the recess period shall not be counted as schooldays in meeting the time requirements. Extensions due to a school recess shall not exceed 20 calendar days. The hearing shall be held within 20 calendar days before the start of the school year. Exception: Student requests in writing that the hearing be postponed.

Reasons for Extensions Included in Hearing Record

When the Board extends the time for conducting the hearing, any reasons for the extension(s) shall be included as a part of the record at the time the expulsion hearing is conducted.

Hearing Shall be Conducted Without Undue Delay

Once an expulsion hearing has commenced, all matters shall be pursued and conducted with reasonable diligence and shall be concluded without any unnecessary delay.

Determination by Hearing Officer or Administrative Panel

When the hearing is conducted by a hearing officer or an administrative panel, the office or panel shall provide its determination to the Board within three (3) days of the expulsion hearing.

Written Notice to Student and Parent/Guardian

The District shall provide the student and/or parent/guardian with written notice of the hearing at least 10 calendar days prior to the date of the hearing. The District shall develop a template/sample written notice. The written notice shall contain all of the information required by Education Code § 48918(b).

Hearing May Be Conducted by Board, Hearing Officer, or Administrative Panel

The Board may conduct the expulsion hearing, or, at its sole discretion, assign that responsibility as follows:

1. Contract with the county hearing officer;
2. Contract with the Office of Administrative Hearings for a hearing officer to conduct the hearings; or
3. Appoint an impartial administrative panel of three (3) or more certificated personnel. Panel members may not be Board members or employed at the student's school;

Procedures for Expulsion Hearing by Hearing Officer or Administrative Panel

When the Board does not conduct the hearing, the Hearing Officer or Administrative Panel shall make one the following three (3) determinations, (1) through (3), within three (3) schooldays of the expulsion hearing:

1. *Does Not Recommend Expulsion*

If the Hearing Officer or Administrative Panel does not recommend expulsion, then the expulsion proceedings shall be terminated, and the student shall be immediately reinstated and allowed to return to the program from

which the expulsion was made unless parent/guardian has requested alternative placement pursuant to Education Code § 48918(e).

2. *Does Not Recommend Expulsion – Student Committed Act Listed Under “Mandatory Expulsion”*

If the Hearing Officer or Administrative Panel determines that the student committed an act listed under “Mandatory Expulsion” but does not recommend expulsion, the following procedures shall be followed:

- a. The decision not to recommend expulsion shall be final;
- b. The student shall be immediately reinstated; and
- c. The District shall determine whether to:
 - i. Refer the student to his/her prior school; or
 - ii. Refer student to a continuation school pursuant to Education Code § 48432.5.

3. *Recommend Expulsion*

If the Hearing Officer or Administrative Panel recommends expulsion, they must prepare and provide to the Board written findings of fact supporting their determination based solely on the evidence from the expulsion hearing.

Board Decision Following Expulsion Hearing

The final determination to expel a student may only be made by the Board at a public meeting based upon either of the following:

1. The Board, after conducting an expulsion hearing, determines that there is substantial evidence relevant to the charges adduced at the expulsion hearing; or
2. If a hearing officer or administrative panel recommends expulsion, the Board may accept the recommendation, and expel the student, based upon either:
 - a. A review of the findings of fact and recommendations submitted by the hearing officer or administrative panel; or
 - b. A supplementary hearing conducted by the Board pursuant to Education Code § 48918.

Decision to Expel May Not Be Based Solely on Hearsay Evidence

Any decision by the Board to expel a student shall not be based solely on hearsay evidence. Exception: Testimony of a witness may be taken as a sworn declaration or examined only by the Board if the Board determines, based on good cause, that the disclosure of either the identity of a witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the student.

Technical Rules of Evidence Shall Not Apply to Expulsion Hearing

Technical rules of evidence shall not apply to expulsion hearings. Evidence may be admitted and given probative effect if it is both:

1. Relevant; and
2. The kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.

(Ed. Code § 48918(h).)

Prior Conduct of Witness Inadmissible Where Alleging Sexual Assault or Sexual Battery

The District shall not admit evidence regarding the prior sexual conduct of a witness when the expulsion hearing is regarding allegations of sexual assault or sexual battery. Exception: Evidence of a witness' prior sexual conduct may be admitted based on the Board's finding of extraordinary circumstances as defined in Education Code § 48918(h)(2).

Board Power to Issue Subpoenas*Prior to Commencement of Hearing*

Prior to the commencement of the expulsion hearing, the Board may request subpoenas compelling the attendance of percipient witnesses at the request of either the Superintendent (or designee) or the student.

After Hearing has Commenced

After the hearing has commenced, the Board, hearing officer, or administrative panel may issue a subpoena at the request of the Superintendent (or designee), or the student.

The Board shall issue subpoenas, consider objections to subpoenas, serve process on witnesses, and pay witness fees, if any, in accordance with the requirements of Education Code § 48918(i).

Record of Hearing

The District will make a record of all expulsion hearings. The record may be made by any means, including electronic records, so long as it is accurate, and that a complete written transcription maybe made from the record.

(Ed. Code § 48918(g).)

Written Notice of Board's Decision

The Superintendent shall provide written notice to student and/or parent/guardian whenever the Board decides to either:

1. Expel a student following the hearing; or
2. Suspend the enforcement of an expulsion order during probation.

Written notices shall comply with Education Code § 48918(j).

Student's Right to Appeal Board Decision

Students may appeal an expulsion to the El Dorado County Board of Education.

(Ed. Code §§ 35181, 35291, 35291.5, 48900 *et seq.*)

Expulsion Orders

Expulsion orders shall remain in effect until the Board orders the readmission of the student as follows:

1. Readmission Date: All expulsion orders shall set a date when the student shall be reviewed for readmission;
2. The readmission date may not be later than the last day of the semester following the semester in which the expulsion occurred except as provided in Education Code § 48916;
3. The expulsion order will set forth a rehabilitation plan specific to the student. The plan may provide for periodic review and assessment at the time of readmission. Plans may also include recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs.

Readmission Procedures

Student and parents/guardians have the right to file a request for readmission in accordance with the following procedures:

1. The parent/guardian shall file a request for readmission with the Superintendent.
2. Following the receipt of a request for readmission, the Superintendent or Superintendent's designee shall convene a review meeting with the parent/guardian. At the review meeting, the parties shall review the student's rehabilitation plan as set forth in the Board's expulsion order. The District representative shall review the student's progress on the rehabilitation plan and allow for parent input. In addition, the District may discuss and review the specific policy and/or legal provisions which student violated.
3. If, based on the review meeting, the District representative believes that the student should be readmitted, then his/her recommendation and supporting findings shall be sent to the Board or Superintendent.
4. If the Board or Superintendent agrees to readmit the student, the District shall notify the student and parent/guardian by registered mail of the decision.
5. If readmission is denied, the District shall provide written notice to the expelled student and parent/guardian including the specific basis for denying re-admittance into the regular program.

Suspended Expulsion – Rehabilitation

After deciding to expel a student, the Board may suspend the enforcement of the expulsion for up to one calendar year and all of the following apply:

1. The student shall be assigned to a school, class, or program the Board believes is appropriate for the rehabilitation of the student;
2. Parents may be asked, but are not required, to participate in the rehabilitation program;
3. Students whose expulsion has been suspended are considered to be on “probation”;
4. Probation may be revoked by the Board at any time if the student commits any act listed in the Enumerated Grounds or violates any other rules regarding student conduct; and
5. If probation is revoked due to misconduct, the student may be expelled pursuant to the original expulsion order.

Stipulated Expulsion

A student’s parent or guardian may consent to the terms of any proposed expulsion (a “stipulated expulsion”), subject to Board approval, and any such stipulated expulsion may include a waiver of rights to an expulsion hearing.

Educational Program for Expelled Students

When the Board expels a student, it shall ensure that an educational program is provided to the student pursuant to the Education Code.

(Ed. Code § 48916.1)

Adopted 10/14/2020

7.2 Investigation of Residency

Intent of Policy

The purpose of this policy is to define the District's procedures for investigating whether a student is, in fact, a legal resident of the District. All investigations for this purpose, whether conducted by a District employee, a private investigator, or any other individual under contract with the District shall be conducted pursuant to this policy and applicable law.

Definition of "Residency Investigation"

For purposes of this policy, a "residency investigation" refers to any efforts by a District employee, or an individual under contract with the District, for the purpose of determining whether a student, in fact, meets the District's residency requirements.

Circumstances When the District May Conduct a Residency Investigation

The District shall only commence a Residency Investigation after the following conditions have been met:

1. The principal, or designee has the reasonable belief that a parent/guardian has provided false or unreliable evidence regarding their residency in the District; and
2. The principal's, or designee's reasonable belief is based upon specific, and articulable facts.

District Procedures for Residency Investigations

If the circumstances indicate that the District has a proper basis for conducting a Residency Investigation, the following procedures shall be followed:

1. 5-Days Written Notice

At least 5-days prior to commencing the investigation, the principal, or designee shall provide the parent with written notice regarding its intent to conduct a Residency Investigation. The notice shall set forth:

- a. A brief summary of the specific evidence supporting the principal's, or designee's belief that the parent/guardian has provided false or misleading information;
- b. The names and positions of the employees, private investigators, and/or contractors who will be conducting the investigation;
- c. The timeline for the investigation; and
- d. A copy of this policy.

2. Preliminary Investigation by District Employee

The District shall make reasonable efforts to determine whether the student resides in the District prior to hiring a private investigator. The preliminary investigation may occur prior to and/or after the District has provided the parent with a 5-day notice of the Residency Investigation.

“Reasonable efforts” include, but are not limited to, any of the following:

- a. A thorough review of any documentation provided by the parent/guardian in support of their child’s residency in the District;
- b. Requests for additional documentation, when a parent has provided incomplete, outdated, conflicting, or otherwise deficient documentation of their residency;
- c. Contacting by phone or e-mail, any government agencies to validate documentation provided by the parents;
- d. With permission of the parent/guardian, contacting employers, landlords, or other individuals to validate information provided by the parent; and/or

3. Investigatory Methods

District employees, private investigators, or other contractors conducting Residency Investigations may utilize the following investigatory methods:

- a. Review any documentation provided by the parent/guardian in support of their residency in the District;
- b. Request additional documentation, when a parent has provided incomplete, outdated, conflicting, or otherwise deficient documentation of their residency;
- c. Contact by phone or e-mail, government agencies to validate documentation provided by the parents;
- d. Announced or unannounced visits to the address where the parent is claiming residency;
- e. Interviews of the student, parent/guardian, or other material witnesses;
- f. Direct observations, photographing, and video-recording of the parent/guardian, student, or a specific location in order to collect evidence or information regarding any of the following:
 - i. The actual or claimed residence of the parent/guardian;
 - ii. The actual or claimed residence of the student and/or the nature and extent of time the student spends at each residence where student resides in more than one location;
 - iii. The occupancy or occupants of the claimed residence;

-
- iv. The actual or claimed residency of the student's siblings or other school age children of the parent/guardian;
 - v. The place of employment of the parent/guardian; and
 - g. Private investigators hired by the District may shadow or follow parent/guardian in accordance with this policy;
 - h. With permission of the parent/guardian, contacting employers, landlords, or other individuals to validate information provided by the parent;
 - i. Phone calls to parent/guardian or students claimed place of residence; and

4. No Surreptitious Photographing or Video-Recording of Subject Students

It is prohibited for a District employee, a private investigator, or contractor conducting a Residency Investigation on behalf of the District to surreptitiously photograph or video-record the student whose residency is being investigated.

Definition of "Surreptitious Photographing or Video-Recording"

For purposes of this policy, "surreptitious photographing or video-recording" means the covert collection of photographic or videographic images of persons or places subject to an investigation. Exception: The collection of images is not covert if the technology is used in open and public view.

5. Investigators Shall Identify Themselves

Any District employee, private investigator, or contractor conducting a Residency Investigation on behalf of the District shall truthfully identify themselves to any individuals they make contact with and/or interview during the course of the investigation.

Written Determination of Findings

Following the completion of the Residency Investigation, the principal, or designee shall make one of the following written findings:

1. The student meets the residency requirements for the District; or
2. The preponderance of the evidence supports the finding that the student does not meet the residency requirements for the District;

Written Findings for Non-Residency Determination

If the principal, or designee determines that the student does not meet the residency requirements for the District, the principal, or designee shall provide parents with a written notice including, at minimum, the following:

1. That the District has determined that the student does not meet the residency requirements for the District;

2. A description of the specific factual and/or legal basis for the District's determination of non-residency;
3. The specific date or time frame for student to transfer from the District to his/her legal district of residence; and
4. That the parent/guardian has 10 days to appeal the decision to the Superintendent/Board in accordance with District policy.

Appeals

The parent/guardian has 10 days to appeal a determination that their child does not meet the residency requirements to the Superintendent/Board. All appeals shall be made in writing. The Superintendent/Board shall review the appeal and issue a decision within 10 days of receiving the parent/guardian's appeal. The decisions of the Superintendent/Board shall be the final decision in this matter.

Adopted 10/14/2020

7.3 Reporting Truancy

The Superintendent or his/her designee shall annually gather and transmit to the County Superintendent of Schools information regarding the number and types of referrals to school attendance review boards (SARBs), and requests for petitions to the juvenile court, pursuant to the laws regarding minor students who are habitually truant, who have irregular attendance at school, or who are habitually insubordinate or disorderly during attendance at school.

The District shall work with the County Superintendent of Schools to transmit this information by an annual deadline set by the County Superintendent of Schools, if any, when possible. The District will use the Basic SARB Report Form or the Extended SARB Report Form created by the State SARB for use by school districts.

Adopted 10/14/2020

7.4 Pupil Attendance

Intent of Policy

The purpose of this policy is to encourage and promote student attendance based on the active involvement of parents, students, teachers, administrators, other personnel, and community members.

Attendance Program Goals:

The District will:

1. Notify parents of student absences, including notifying parents, when possible, on the day of each absence.
2. Increase parent and student awareness of the importance of regular student attendance through parent-teacher meetings and/or district-wide or school-based workshops.
3. Audit student attendance through the appointment of an Attendance Supervisor to track and monitor daily student attendance.
4. Provide staff development for certified and classified personnel, parents, and guardians, regarding the importance of daily student attendance in increasing student promotion and graduation rates and reducing truancy rates, chronic absenteeism rates, and dropout rates.
5. Provide alternative learning programs designed to respond to the different way students learn, such as independent study.
6. Promote joint efforts between law enforcement and schools. These efforts can include, but are not limited to, creating school-level attendance review teams to analyze the attendance patterns of students at each school, and working with law enforcement to return truant students to school.

Attendance Supervision

1. The District will appoint a district employee to serve as an Attendance Supervisor.
2. The District will develop a district-wide attendance program to track and monitor student attendance.
3. The District will prescribe the duties of the Attendance Supervisor, which will include managing the district-wide attendance program. The Attendance Supervisor will also provide various support programs and services, which may include, but are not limited to:
 - a. Promoting activities that increase student connectedness to the school, such as tutoring, mentoring, the arts, service learning, or athletics.
 - b. Recognizing students who achieve excellent attendance or demonstrate a significant improvement in attendance.

-
- c. Providing referrals to a school nurse, counselor, school psychologist, school social worker, and other student support personnel for case management and counseling.
 - d. Collaborating with child welfare services, law enforcement, courts, public health care agencies, government agencies, or medical, mental health, and oral health care providers to receive necessary services.
 - e. Collaborating with school study teams, guidance teams, school attendance review teams, or other intervention-related teams to assess the attendance or behavior problem in partnership with the student and his or her parents, guardians, or caregivers.
 - f. In schools with significantly higher rates of chronic absenteeism, identifying barriers to attendance that may require schoolwide strategies rather than case management.
4. The Attendance Supervisor will implement procedures to improve attendance rates and graduation rates and reduce truancy rates, chronic absenteeism, and dropout rates. These procedures will include, but are not limited to:
 - a. Raising the awareness of school personnel, parents, guardians, caregivers, community partners, and local businesses of the effects of chronic absenteeism and truancy and other challenges associated with poor attendance, through workshops and one-one-one meetings.
 - b. Identifying and responding to grade level or student subgroup patterns of chronic absenteeism or truancy.
 - c. Identifying and addressing factors contributing to chronic absenteeism and habitual truancy, including suspension and expulsion.
 - d. Ensuring that students with attendance problems are identified as early as possible to provide applicable support services and interventions.
 - e. Evaluating the effectiveness of strategies implemented to reduce chronic absenteeism rates and truancy rates.

Limiting Excused Absences & Eliminating Unexcused Absences

1. The District will authorize each student to have 10 excused absences per academic school year.
2. The District will authorize each student to have 10 instances of excused tardiness per academic school year. An excused tardy occurs when the student is tardy or absent for no more than thirty (30) minutes.
3. Each student who is absent for three (3) full days in one school year, or tardy or absent for more than a thirty (30) minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, is deemed a truant and may be referred to a school attendance review board (SARB), or to the probation department, for truancy or chronic absenteeism.
4. The District will ensure that, to the extent possible, the District's attendance program limits absences to those that are excused under current law.

-
5. The District will excuse a student from school when the absence is:
 - a. Due to the student's illness.
 - b. Due to quarantine under the direction of a county or city health officer.
 - c. For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
 - d. For the purpose of attending the funeral services of a member of the student's immediate family, so long as the absence is not more than one (1) day if the service is conducted in California and not more than three (3) days if the service is conducted outside California.
 - e. For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the student's religion, attendance at religious retreats, or attendance at an employment conference.
 - f. For the purpose of spending time with a member of the student's immediate family, who is an active duty member of the uniformed services, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position. Absences granted pursuant to this paragraph shall be granted for a period of time to be determined at the discretion of the District.
 - g. For the purpose of attending the student's naturalization ceremony to become a United States citizen.
 6. In addition to the excused absences listed above, the District will excuse a student from school in the following circumstances:
 - a. In order to participate in a not-for-profit performing arts organization in a performance for a public-school student audience for a maximum of five (5) days per school year, provided the student's parent or guardian provides a written notice to the District explaining the reason for the student's absence.
 - b. A student absent under these circumstances will be permitted to complete assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion, will be given full credit, therefore.
 - c. The teacher of any class from which a student is absent shall determine what assignments the student shall make up and in what time period the student shall complete those assignments. The tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the student missed during the absence.
 7. The District will have discretion to require written verification from the student's physician, medical professional, or any other individual the District deems appropriate, when the student's absences for medical reasons appear excessive.
 8. The District has the discretion to require written prior notice from student's parent, guardian, or caregiver for excused absences, when the District deems such written prior notice is necessary.

-
9. A student eighteen (18) years old or older, or an emancipated student, may provide their own excuses for absences from school. The District has the discretion to require written verification of the absence when necessary.
 10. The District, or school administrator, has the discretion to include other reasons for excusing student absences based on the specific facts and circumstances of the individual student.

Procedures to Address Truancy

1. The District will monitor “chronic absenteeism” for various student subgroups and grade levels. “Chronic absenteeism” means a student who is absent on ten (10) percent or more of the schooldays in the school year when the total number of days a student is absent is divided by the total number of days the student is enrolled.
2. The Attendance Supervisor will refer students that are habitually truant, habitually insubordinate, or have irregular attendance, to critical support services to help such students succeed academically.
3. The Attendance Supervisor will conduct timely and unbiased investigations of all school attendance complaints or referrals.
4. The District will refer specified students to a SARB, or to the probation department, if the probation department has elected to receive these referrals, in cases where the student has engaged in persistent, irregular attendance or habitual truancy.
 - a. The Attendance Supervisor will notify the student and the parents or guardians of the student, in writing, of the name and address of the SARB or probation department to which the matter has been referred, and the reason for the referral.
5. A student’s parent or guardian may contact the Attendance Supervisor in writing to challenge the content of the student’s record as it relates to school attendance.
6. The Supervisor of Attendance will report the severance, expulsion, exclusion, exemption, transfer, or suspension beyond ten (10) school days, of any child who is an individual with exceptional needs, or who is a qualified handicapped person, to the county superintendent of schools.
7. The Attendance Supervisor will:
 - a. Coordinate truancy-prevention and chronic absenteeism-prevention strategies.
 - b. Assist District staff to develop school site attendance plans.
 - c. Maintain an inventory of community resources, including, but not limited to, alternative educational programs.
 - d. Facilitate the adoption of attendance-incentive programs that are school-site specific.

Attendance Monitoring

The District will support the development of early warning systems to identify and support students who are at risk of academic failure or dropping out of school.

1. The District will establish a data system that collects and analyzes data regarding truancy, chronic absenteeism, graduate rate data, and dropout data, by school site, grade level, and any other subgroup the District deems necessary.
2. The District will use the data to provide periodic student reports to principals, teachers, and parents, in a manner that enables such individuals to timely identify and support students who are at risk of academic failure or dropping out.
3. The District will use the data to inform decisions regarding behavior strategies to reduce truancy, chronic absenteeism and failure of dropping out.

Adopted 10/14/2020

7.5 Responsibilities and Additional Consequences for Personal Injury or Property Damage

Intent of Policy

This purpose of this policy is to explain the additional consequences that may be imposed on the student and/or the student's parent or guardian when a student's willful misconduct results in personal and/or property damage. These consequences are in addition to any disciplinary actions imposed on student.

Parent Liability for Personal Injury or Property Damage

A parent or guardian shall be liable for damages caused by the willful misconduct of a student when:

1. It has been determined by the District that the student engaged in some form of willful misconduct; and
2. Personal or property damage results from student's conduct in that:
 - a. Student's willful misconduct results in injury or death to any student, the District employee, the District volunteer; and/or
 - b. Student willfully cuts, defaces, or otherwise injures in any way any property, real or personal, belonging to the District, or personal property of any District employee.

Limits on Parent Liability for Personal and/or Property Damage

The parent's or guardian's liability for a student's willful misconduct shall not exceed \$10,000 adjusted for annual inflation.

In addition to liability for any injury, the parent or guardian shall be liable for any reward the District paid in association with the student's misconduct up to a maximum of \$10,000 adjusted for annual inflation.

Withholding of Grades, Diploma, and Transcripts

The District may withhold a student's grades, transcripts, and/or diploma as follows:

1. Student's conduct has resulted in loss or damage to the District property in that either:
 - a. The District loaned real or personal property to student, the District or one of its employees demanded the return of the property, and the student willfully maintained the property; or
 - b. The Student willfully cut, defaced, or otherwise injured, the District property;
2. The Parent or guardian is provided a written notice that student's grades, transcripts, and/or diploma may be withheld. Written notice shall include a clear statement of each of the following:
 - a. The nature of the alleged misconduct;

-
- b. A statement that the parent or guardian is liable to the District for the lost or damaged property pursuant to Education Code and Board policy;
 - c. An itemized accounting of all damages that the District is claiming;
 - d. The date on which payment and/or return of property is due;
 - e. The District may withhold student's grades, transcripts, and/or diploma if payment is not received.
 - f. Notify the parent or guardian that they have the opportunity to respond to the allegations regarding the student misconduct pursuant to the District's policy on disciplinary hearings.

If, in accordance with these procedures, the District determines that parent or guardian is liable for damages, and damages have not been paid or property returned, the District shall withhold student's grades, transcripts, and/or diploma until the parent or guardian pays the District for the damages.

Voluntary Work for Student if Parent Unable to Pay for Damages

If a student's parent or guardian is unable to pay for any damages or return the property to the District, the District shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Upon completion of the voluntary work program, the grades, diploma, and transcripts of the student shall be released. (Ed. Code § 48904.)

Adopted 10/14/2020

7.6 Student Exercise of Free Expression

Intent of Policy

The board recognizes free expression as a fundamental constitutional right extending onto the school campus.

Free Expression at School

Students in the District have the right to exercise freedom of speech and of the press including, but not limited to the following:

1. The use of school and the District bulletin boards, including online forums designated for student expression;
2. The distribution of printed materials or petitions;
3. The wearing of buttons, badges, and other insignia; and
4. The right of expression in official publications, whether or not the publications or other means of expression are supported financially by the District, the school, or by use of school facilities.

Prohibited Expression

While the District strongly supports the constitutional right to free expression, the District prohibits expression which is:

1. Obscene;
2. Libelous;
3. Slanderous; or
4. Includes material that so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school.

Time, Place, and Manner Restrictions

The District shall develop a written publications code that includes reasonable time, place, and manner restrictions on student free speech rights.

Official School Publications

An “Official School Publication” refers to any material produced by students in the journalism, newspaper, yearbook, or writing classes and distributed to the student body either free or for a fee.

The District shall not engage in any prior restraint of material prepared for official school publications except insofar as it violates the law and/or this policy. If a District employee believes that material should not be included in a publication, he/she bears the burden of showing to his or her supervising administrator, without undue delay, that the material may be limited based on any of the grounds set forth in this policy.

Student editors of official school publications shall be responsible for assigning and editing the news, editorial, and feature content of their publications subject to the limitations of this policy.

Student publication advisers are District staff members assigned as advisers to student publications for each school in the District. Student publication advisers shall be responsible for the following:

1. Supervising the production of the student staff working on official school publications;
2. Maintaining professional standards of English and journalism; and
3. Supporting and maintaining free expression, and any limits on that expression in accordance with this policy.

Adopted 10/14/2020

7.7 Homeless Youth Policy

Intent of Policy

The purpose of this policy is to ensure that each homeless child or youth has equal access to the same free, appropriate, public education as provided to other children and youths.

Removing Barriers to Identification and Enrollment

1. The District will identify various professionals that have experience in homeless youth issues in order to:
 - a. Develop policies and practices to identify and support homeless children and youth.
 - b. Identify policies and practices that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youths and provide methods to address these barriers.
 - c. Present such policies and practices to the District to be considered for implementation or dissemination as appropriate.
 - d. Provide training to school personnel, including, but not limited to, principals, attendance officers, teachers, enrollment personnel, and student services, to heighten the awareness of the specific needs of homeless youth.
2. The District will ensure that child abuse and neglect reporting requirements do not create barriers to enrollment and attendance of homeless children or youths, including, but not limited to, ensuring that a homeless student is not reported to law enforcement by school personnel if the sole reason for the report is the student's homelessness.
3. The District will ensure that homeless children and youth are not stigmatized or segregated based on their status as homeless.
4. The District will establish relationships with community-based, state, and local organizations that serve homeless youth and collaborate with these entities to help identify and provide services to homeless youth, including access to mental health services, participation in state or local food programs, access to housing services, and access to other social services. These agencies may include, but are not limited to, domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth.
5. The District will provide activities and services to homeless children and youths that enable such children and youth to enroll, attend, and succeed in school.
6. The District will ensure that the parents or guardians of homeless children or youth are provided with information regarding the educational services available to these children in a manner and form understandable to such parent or guardian, including, to the extent feasible, in the native language of the parent or guardian.

Increasing Enrollment and Retention

1. The District will designate a District staff person to serve as the Educational Liaison for homeless youth within the District.
2. The Educational Liaison will engage in activities to increase the enrollment and retention of homeless youth, including, but not limited to:
 - a. Implementing strategies to identify and provide services to homeless children and youth.
 - b. Ensuring and facilitating the proper educational placement and enrollment of homeless children and youth.
 - c. Assisting homeless children and youth when transferring from one school to another, or from the District to another school district, to ensure the proper transfer of credits, records, and grades.
 - d. Ensuring that homeless children and youth are provided with the necessary services to allow such children to attend their “school of origin,” as defined below.
3. The District has the discretion to provide services to homeless children or youth, which include, but are not limited to:
 - a. Tutoring, supplemental instruction, or enriched educational services.
 - b. Education and training to the parents of homeless children and youth regarding the rights of, and resources available to, such children and youths.
 - c. The provision of student services, including, but not limited to, counseling, or referrals for such services.
 - d. Activities to address the particular needs of homeless children and youths.
 - e. The provision of school supplies.
 - f. The provision of services and assistance to attract, engage, and retain homeless children and youth in public school programs and services provided to non-homeless children and youth.
 - g. Any other service the District deems appropriate and beneficial to homeless children and youth.

School Enrollment Policies

1. The District will immediately enroll a homeless child or youth in his or her school of origin.
2. The District will ensure that a homeless child or youth who enrolls in a school within the District is immediately deemed to satisfy all residency requirements for participation in activities, services, and other programs.
3. The District will allow homeless children or youth to enroll in his or her “school of origin,” which can be:

- a. The school the homeless child was enrolled in prior to becoming homeless.
 - b. The school the homeless child most recently attended.
 - c. Any school the homeless youth attended in the last fifteen (15) months to which the student feels connected.
4. The District will allow a homeless child or youth to remain enrolled in his or her school of origin in any case where:
 - a. A family becomes homeless between academic years or during the academic year.
 - b. For the remainder of the academic year, if the child or youth becomes permanently housed during the academic year, including when the child or youth has been temporarily placed elsewhere separate from his or her homeless parents or guardian.
4. The District will immediately enroll the homeless child or youth in a school within the District even if the homeless child or youth has outstanding fines, fees, textbooks, or other items or moneys due to the school last attended, or is unable to produce clothing or records normally required for enrollment, including, but not limited to, academic records, medical records, birth certificates, school uniforms or dress code requirements, or records regarding residency requirements.
5. The District will ensure that homeless children or youth have the benefit of matriculating with their peers in accordance with established feeder patterns of the District.
6. The Educational Liaison for the District will contact the school last attended by the homeless child or youth, within 10 days of the child or youth attempting to enroll in a school within the District, to obtain all academic and other records.
7. When a homeless youth or child is leaving a school within the District, the District will provide all required records to the new school, regardless of outstanding fees, fines, textbooks, or other items or moneys owed to the last school attended. The District will provide all records to the new school within two (2) business days of receiving the request.
8. The District will allow a homeless youth to participate in extracurricular activities at their new school even if they miss a tryout or sign-up deadline.

Discipline Policy

Homeless children and youth are equally subject to the District's discipline policies and procedures with the following addition: written notice of an expulsion hearing shall also be provided to the District's Educational Liaison for homeless children and youth at least ten (10) calendar days before the hearing.

(Ed. Code § 48918.1(b).)

Definition

The term homeless children and youth means:

1. Children and youth who lack a fixed, regular, and adequate nighttime residence
2. Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement
3. Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
4. Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
5. Migratory children who qualify as homeless because the children are living in circumstances described in (1) - (4)

Adopted 10/14/2020

7.8 Interdistrict Transfer/Reciprocal Agreements

Intent of Policy

The purpose of these policies is ensuring that students have currently existing school district choice options regardless of ethnicity, primary language, literacy, or special needs.

Interdistrict Transfer/Reciprocal Agreements

The District may, with Board approval, enter into an agreement with two or more school districts for the interdistrict attendance of students who are residents of the districts. The agreement will not exceed five school years.

The District's agreement will stipulate the terms and conditions under which the District will permit, deny, or revoke an interdistrict transfer. However, the District will not rescind existing transfer permits for students entering grade 11 or 12 in the subsequent school year.

The District's Attendance Supervisor will be responsible for issuing an individual permit verifying the District's approval of an interdistrict transfer.

Interdistrict Transfer Priorities and Procedures

The District will give priority to a student who is a victim of an act of bullying committed by a student of the school district of residence under an existing interdistrict attendance agreement. If the District does not have an attendance agreement, the District will give additional consideration in the creation of an interdistrict attendance agreement.

Procedures

1. The District will approve or deny an interdistrict attendance request in the current term within thirty (30) calendar days after the student's parent or legal guardian makes such a request, when the District has entered into an interdistrict attendance agreement. When an interdistrict attendance agreement does not exist, the District will enter into such agreement within thirty (30) calendar days after the student's parent or legal guardian makes an interdistrict attendance request.
2. The District will approve or deny an interdistrict attendance request within fourteen (14) calendar days after the commencement of instruction of a new term, when the student's parent or legal guardian makes such a request no later than thirty (30) calendar days before the commencement of instruction in that school district, and the District has entered into an interdistrict attendance agreement. When an interdistrict attendance agreement does not exist, the District will enter into such an agreement within fourteen (14) calendar days after commencement of instruction of a new term.
3. If the District fails to approve an interdistrict transfer request or, in the absence of an interdistrict attendance agreement, fails to enter into such an agreement, within the timelines specified above, the District will advise the individual making the request of their right to appeal to the county board of education.

-
4. The District will provisionally admit a student who resides in another school district pending the decision of the two districts for a period not to exceed two months.

Grounds for Approving Interdistrict Transfer Request

The District shall deny an interdistrict transfer request unless a student's request presents information to support one or more of the following grounds to approve the request:

1. Work related
2. Childcare
3. Continuation of attendance
4. Sibling attendance
5. Special needs
6. Relocating
7. Special program

Right to Appeal

If the District denies an interdistrict attendance request, the student's parent or legal guardian may appeal the denial to the El Dorado County Board of Education within thirty (30) calendar days of receiving notice of the District's denial of the request.

Adopted 10/14/2020

8.1 Pupil Suicide Prevention

Intent of Policy

The Board recognizes that suicide is a leading cause of death among youth and that identifying students at-risk of suicide requires vigilant attention from properly trained District staff.

In an attempt to reduce suicidal behavior and its impact on students and families, the Superintendent or designee shall develop strategies for suicide prevention, intervention, and postvention, and the identification of the mental health challenges frequently associated with suicidal thinking and behavior.

The Superintendent or designee shall develop and implement preventive strategies and intervention procedures that include the following:

Suicide Prevention Liaison(s)

The District shall appoint the Superintendent to act as the District's primary suicide prevention liaison ("Liaison"). At the discretion of the Superintendent, the District may designate a second staff member as the secondary Liaison. The Liaisons will be individuals who have received advanced training in suicide intervention.

Overall Strategic Plan for Suicide Prevention

The Liaison shall, to the extent possible, involve school-employed mental health professionals (e.g., school counselors, psychologists, social workers, nurses), administrators, other school staff members, parents/guardians/caregivers, students, local health agencies and professionals, law enforcement, and community organizations in planning, implementing, and evaluating the District's strategies for suicide prevention and intervention. The District shall work in conjunction with local government agencies, community-based organizations, and other community supports to identify additional resources.

To ensure the District's policy regarding suicide prevention is properly adopted, implemented, and updated, the Liaison(s) shall serve as the suicide prevention point of contact for the District.

Suicide Prevention Strategies

The District shall implement the following suicide prevention strategies:

1. Messaging

The District shall use appropriate messaging designed to raise awareness and promote suicide prevention. All messaging shall be developed with the assistance of mental health professionals knowledgeable in suicide prevention.

2. Suicide Prevention Training and Education for Staff

All school staff members and other adults on campus (including substitutes and intermittent staff, volunteers, interns, tutors, coaches, and afterschool staff) shall be offered training on suicide prevention. Any training program(s) used by the District shall be reviewed by the Liaison and mental health professionals to ensure it promotes the mental health model of suicide prevention and does not encourage the use of the stress model to explain suicide.

3. Employee Qualifications and Scope of Services

District staff members shall act only within the authorization and scope of their credential or license. The purpose of this policy is to assist school professionals in the identification of suicide risk factors and warning signs, and to prevent the immediate risk of a suicidal behavior. However, the District recognizes that the treatment of suicidal ideation requires specialized training which is typically beyond the scope of services and mental health resources offered and/or available in the school setting.

4. Specialized Staff Training (Assessment)

Additional professional development in suicide risk assessment and crisis intervention shall be provided to mental health professionals (school counselors, psychologists, social workers, and nurses) employed by the District.

5. Parents, Guardians, and Caregivers Participation and Education

Whenever possible, parents shall be included in the District's suicide prevention efforts. At a minimum, schools shall share with parents/guardians/caregivers the District's suicide prevention policy and procedures. The District shall provide parents with access to suicide prevention information on:

- Suicide risk factors, warning signs, and protective factors;
- How to talk with a student about thoughts of suicide;
- How to respond appropriately to a student who has suicidal thoughts. Such responses shall include constant supervision of any student judged to be at risk for suicide and referral for an immediate suicide risk assessment.

6. Student Education

In consultation with mental health professionals, the District shall provide developmentally appropriate education to students regarding:

- The warning signs of mental health challenges and emotional distress;
- Coping strategies for dealing with stress and trauma; and
- How to recognize the warning signs and risk factors associated with suicide and mental health issues in oneself and others.

In addition, the District will provide students with guidance on how they may access and/or refer their peers to the District's suicide prevention, intervention, and referral procedures, and any available community resources.

The District may also implement campus-based programs designed to raise student awareness of mental wellness and suicide prevention that may include:

- Mental Health Awareness Weeks;
- Peer Counseling Programs; and/or

-
- Other appropriate programs of a similar nature.

Procedures for Intervention, Assessment, Referral

The District shall develop and implement suicide prevention procedures including the following:

1. Staff Intervention

District staff shall use the following procedures when they suspect or have knowledge of a student's suicidal intentions:

- a. Whenever a District staff member suspects or has knowledge of a student's suicidal intentions, they shall promptly notify a Liaison. If the primary Liaison is not available, the staff member shall contact the secondary Liaison. If a Liaison is not available, then the staff member shall contact a District administrator.
- b. Students experiencing suicidal ideation shall not be left unsupervised.
- c. Once a Liaison has been notified, the Liaison shall notify the principal, another school administrator, school psychologist or school counselor, if different from the Liaison.
- d. The principal, another school administrator, school counselor, school psychologist, social worker, or nurse shall then notify, if appropriate and in the best interest of the student, the student's parents/guardians/caregivers as soon as possible and shall refer the student to mental health resources in the school or community. Determination of notification to parents/guardians/caregivers should follow a formal initial assessment to ensure that the student is not endangered by parental notification.
- e. If the student is in imminent danger, then District staff shall make a 911 call.

2. Notification to Parents, Guardians, and Caregivers

A referral process should be prominently disseminated to all parents/guardians/caregivers, so they know how to respond to a crisis and are knowledgeable about the school and community-based resources.

The names, titles, and contact information of the District's multi-disciplinary crisis team members shall be distributed to all students, staff, parents/guardians/caregivers and be prominently available on the web sites for the District and each school site.

3. Students

The District students shall be encouraged to notify a staff member when they are experiencing emotional distress or suicidal ideation, or when they suspect or have knowledge of another student's emotional distress, suicidal ideation, or attempt.

4. Parental Notification and Involvement

Each school within the District shall identify a process to ensure continuing care for the student identified to be at risk of suicide. The following steps should be followed to ensure continuity of care:

-
- After a referral is made for a student, school staff shall verify with the parent/guardian/caregiver that follow-up treatment has been accessed.
 - If parents/guardians/caregivers refuse or neglect to access treatment for a student who has been identified to be at-risk for suicide or in emotional distress, a Liaison will meet with the parents/guardians/caregivers to identify barriers to and work to rectify the situation and build understanding of the importance of care. If follow-up care for the student is still not provided, school staff should explore what additional steps, if any, the District might take to ensure the student's safety.

5. Action Plan for In-School Suicide Attempts

If a suicide attempt is made during the school day on campus, it is important that the District staff members understand that the health and safety of the student and those around him/her is critical. The following steps should be implemented:

- Remain calm, remember the student is overwhelmed, confused, and emotionally distressed;
- Move all other students out of the immediate area;
- Immediately contact the administrator or suicide prevention Liaison;
- Call 911 and give them as much information about any suicide note, medications taken, and access to weapons, if applicable;
- If needed, provide medical first aid until a medical professional is available;
- A Liaison should be notified so that parents/guardians/caregivers may be contacted as soon as possible;
- Do not send the student away or leave them alone, even if they need to go to the restroom;
- Review options and resources of people who can help; and
- Student should only be released to parents/guardians/caregivers or to a person who is qualified and trained to provide help.

6. Action Plan for Out-of-School Suicide Attempts

If a suicide attempt by a student occurs outside of the District's property, it is crucial that the District protect the privacy of the student and maintain a confidential record of the actions taken to intervene, support, and protect the student. The District Liaison, administrators, and other trained staff shall consider the following steps, as appropriate to each circumstance.

- Contact the parents/guardians/caregivers and offer support to the family;
- Discuss with the family how they would like the school to respond to the attempt while minimizing widespread rumors among teachers, staff, and students;
- Obtain permission from the parents/guardians/caregivers to share information to ensure the facts regarding the crisis is correct;

-
- Designate an administrator or designee to handle media requests;
 - Provide care and determine appropriate support to affected students; and
 - Offer to the student and parents/guardians/caregivers steps for re-integration to school.

7. Supporting Students after a Mental Health Crisis

It is crucial that careful steps are taken to help provide the mental health support for the student and to monitor their actions for any signs of suicide. The following steps should be implemented after the crisis has happened:

- Treat every threat with seriousness and approach it with a calm manner; make the student a priority;
- Listen actively and without judgment to the student. Let the student express his or her feelings;
- Acknowledge the feelings and do not argue with the student;
- Offer hope and let the student know they are safe and that help is provided. Do not promise confidentiality or cause stress;
- Explain the need for help calmly and get the student to a trained professional, guidance counselor, or designated staff to further support the student; and
- Keep close contact with the parents/guardians/caregivers and mental health professionals working with the student.

8. Re-Entry to School After a Suicide Attempt

The District recognizes that a student who threatened or attempted suicide is at a higher risk for suicide in the months following the crisis. A timely and carefully planned re-entry process helps ensure the safety and wellbeing of students who have previously attempted suicide and reduces the risk of another attempt. Involving students in planning for their return to school provides them with a sense of control, personal responsibility, and empowerment.

A District Liaison or appropriately trained designee shall implement the following steps upon the student's reentry into the school:

- Obtain a written release of information signed by parents/guardians/caregivers and providers;
- Confer with student and parents/guardians/caregivers about any specific requests on how to handle the situation;
- Inform the student's teachers about possible days of absences;
- Allow accommodations for student to make up work - understanding that missed assignments may result in additional stress on student;
- Mental health professionals or trusted staff members should maintain ongoing contact to monitor student's actions and mood;
- Work with parents/guardians/caregivers to involve the student in an aftercare plan.

9. Responding After a Suicide Death (Postvention)

The District recognizes that a death by suicide in the school community, whether by a student or staff member, can have devastating consequences on students and staff. It is vital that the District is prepared in the event of this tragedy. The Liaison(s) shall ensure that each school site adopts an action plan for responding to a suicide death as part of the general Crisis Response Plan. The Suicide Death Response Action Plan (“Suicide Postvention Response Plan”) will incorporate both immediate and long-term steps and objectives.

(Ed. Code, §§ 215, 216.)

Adopted 10/14/2020

8.2 Instruction Regarding Alcohol, Narcotics, and other Restricted Drugs

As used in this policy, “narcotics” and “restricted dangerous drugs” refer to the controlled substances identified in Chapter 2, Division 10 of the California Health and Safety Code (Sections 11053 through 11058.)

Elementary Schools

Instruction regarding the nature of alcohol, narcotics, and restricted dangerous drugs will be included in the curriculum for all elementary schools. Instruction will be provided in 5th and 8th grade. Implementation of the curriculum and instruction to teachers will be provided by the administration or their designee.

Adopted 10/14/2020

8.3 Tobacco

Intent of Policy

The Governing Board recognizes tobacco use presents serious health risks and desires to provide support and assistance in reducing the number of students who begin or continue to use tobacco. The Superintendent or designee shall establish a comprehensive program that includes consistent enforcement of laws prohibiting tobacco possession and use by students, tobacco-use prevention education, and intervention and cessation activities and/or referrals.

1. Prohibition Against Tobacco Use

Students shall not smoke or use tobacco, or any product containing tobacco or nicotine, while on campus, while attending school-sponsored activities, or while under the supervision and cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. Student' possession or use of nicotine delivery devices, such as electronic cigarettes, is also prohibited.

This prohibition does not include students' possession or use of their own prescription products.

2. Intervention/Cessation Services

The District may provide or refer students for counseling, intensive education, and other intervention services to assist in the cessation of tobacco use.

When appropriate, such intervention services may be provided as an alternative to suspension for tobacco possession.

Adopted 10/14/2020