

# **EXHIBIT A**

**April 27, 2020**

# National SD

## Board Policy

### Students

BP 5116.1(a)

#### INTRADISTRICT OPEN ENROLLMENT

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also maximizing the efficient use of district facilities **and resources**. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

**(cf. 5116.2 - Involuntary Student Transfers)**

*(cf. 5117 - Interdistrict Attendance)*

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of their residence within the district. (Education Code 35160.5)

*(cf. 5111.1 - District Residency)*

The Board shall annually review this policy. (Education Code 35160.5, 48980)

#### Enrollment Priorities

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

*(cf. 5116 - School Attendance Boundaries)*

BP 5116.1(b)

#### INTRADISTRICT OPEN ENROLLMENT (continued)

The Superintendent or designee shall grant priority **for the enrollment of a student in a district school** to any district student to attend another district school, including a charter school, outside of ~~his/her~~ **the student's** attendance area, **if the student** as follows:

- ~~1. Any student enrolled in a district school that has been identified on the state's Open Enrollment Act list (Education Code 48354)~~

~~*(cf. 5118 - Open Enrollment Act Transfers)*~~

**2.1.** ~~Any student~~ **Is** enrolled in a district school designated by the California Department of Education **(CDE)** as "persistently dangerous" (20 USC 7912; 5 CCR 11992)

*(cf. 0450 - Comprehensive Safety Plan)*

**3.2.** ~~Any student who is~~ **Is** a victim of a violent crime while on school grounds (20 USC 7912)

**3.** **Is a victim of an act of bullying committed by another district student, as determined through an investigation following the parent/guardian's submission of a written complaint with the school, district, or local law enforcement agency pursuant to Education Code 234.1 (Education Code 46600)**

**If the district school requested by the student is at maximum capacity, the Superintendent or designee shall accept an intradistrict transfer request for another district school. (Education Code 46600)**

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 5131.2 - Bullying)*

BP 5116.1(c)

## **INTRADISTRICT OPEN ENROLLMENT (continued)**

BP 5116.1(d)

## **INTRADISTRICT OPEN ENROLLMENT (continued)**

### **Application and Selection Process**

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law **and Board policy**, applications for intradistrict open enrollment shall be submitted between February through June of the school year preceding the school year for which the transfer is requested.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

## INTRADISTRICT OPEN ENROLLMENT (continued)

Except for **the enrollment** priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine **who which students** shall be admitted whenever **the a district** school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance, **except that** **However,** existing entrance criteria **may be used** for **enrolling students in** specialized schools or programs, **may be used** provided that the criteria are uniformly applied to all applicants. **In addition, a** Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

### Transportation

~~Except as required for students who transferred out of a Title I program improvement school,~~ **In general,** the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

## INTRADISTRICT OPEN ENROLLMENT (continued)

**However, upon parent/guardian request, the district shall provide transportation assistance to any student who is eligible for free or reduced-price meals and whose enrollment in a district school outside the student's attendance area is a result of being a victim of bullying. (Education Code 46600)**

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

### Legal Reference:

#### EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 *Compulsory attendance*  
48204 *Residency requirements for school attendance*  
48300-48316 *Student attendance alternatives, school district of choice program*  
~~48350-48361 *Open Enrollment Act*~~  
48980 *Notice at beginning of term*  
CODE OF REGULATIONS, TITLE 5  
11992-11994 *Definition of persistently dangerous schools*  
UNITED STATES CODE, TITLE 20  
6311 *State plans*  
**6313 *Eligibility of schools and school attendance areas; funding allocation***  
7912 *Transfers from persistently dangerous schools*  
COURT DECISIONS  
*Crawford v. Huntington Beach Union High School District*, (2002) 98 Cal.App.4th 1275  
ATTORNEY GENERAL OPINIONS  
85 *Ops.Cal.Atty.Gen.* 95 (2002)

*Management Resources: (see next page)*

BP 5116.1(g)

## **INTRADISTRICT OPEN ENROLLMENT (continued)**

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
*Public School Choice FAQs*  
*Every Student Succeeds Act - Update #8, July 14, 2017*  
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS  
~~*Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, rev. May 4, 2016*~~  
*Unsafe School Choice Option, May 2004*  
WEB SITES  
CSBA: <http://www.csba.org>  
California Department of Education: <http://www.cde.ca.gov>  
U.S. Department of Education: <http://www.ed.gov>

(3/11 7/16) 12/19

**Policy Reference UPDATE Service**

Copyright 2019 by **California School Boards Association**, West Sacramento, California 95691  
All rights reserved.

# National SD

## Administrative Regulation

Students

AR 5116.1(a)

### INTRADISTRICT OPEN ENROLLMENT

#### Transfers for Victims of a Violent Criminal Offense

Within a reasonable amount of time, not to exceed 14 **calendar** days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and **his/her** parent/guardian in making the offer. If the parent/guardian elects to transfer **his/her child the student**, the transfer shall be completed as soon as practicable.

#### Transfers from a "Persistently Dangerous" School

AR 5116.1(b)

### INTRADISTRICT OPEN ENROLLMENT (continued)

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," **the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications intradistrict transfers shall be granted as follows:**

1. Within 10 days of receipt of the notification from CDE, **the Superintendent or designee shall provide parents/guardians of students attending the school with** notice of the school's designation. **Along with this notification, or at least 14 calendar days before the start of the school year, the Superintendent or designee shall provide a list of other district schools to which any student of the school that is designated as persistently dangerous may transfer.**
2. ~~Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child~~

(cf. 0450 - Comprehensive Safety Plan)

2. Parents/guardians who desire to transfer their child out of a "persistently dangerous" the school shall provide a written request response to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.
3. The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. The Superintendent or designee shall notify the parents/guardians of the assigned school.

AR 5116.1(c)

#### INTRADISTRICT OPEN ENROLLMENT (continued)

4. For students whose parents/guardians accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE be made as quickly as possible. If the parents/guardians decline the assigned school, the student may remain in his/her the current school.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

(cf. 5117 - Interdistrict Attendance)

#### Other Intradistrict Open Enrollment

Any student who, prior to the 2016/17 school year, was granted a transfer out of a Title I school that had been identified for program improvement is granted a transfer out of a school that **had** identified by CDE for comprehensive support and improvement shall be allowed to remain in the school of enrollment until he/she completes completing the highest grade offered at that school. (20 USC 6311)

(cf. 0520.1 - Comprehensive and Targeted Support and Improvement)

## **INTRADISTRICT OPEN ENROLLMENT** (continued)

A student granted intradistrict enrollment under other circumstances shall not be required to reapply for readmission but may be subject to displacement due to excessive enrollment.

Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

*(cf. 1312.3 - Uniform Complaint Procedures)*

### **Notifications**

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 35160.5, 48980)

1. All options for meeting residency requirements for school attendance

*(cf. 5111.1 - District Residency)*

*(cf. 5118 - Open Enrollment Act Transfers)*

2. Program options offered within local attendance areas
3. A description of any special program options available on both an interdistrict and intradistrict basis
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied
5. A district application form for requesting a change of attendance
6. The explanation of attendance options under California law as provided by the CDE

*(cf. 5145.6 - Parental Notifications)*

(3/11 7/16) 12/19

**Policy Reference UPDATE Service**

Copyright 2019 by **California School Boards Association**, West Sacramento, California 95691  
All rights reserved.



# National SD

## Board Policy

### Students

BP 5117(a)

#### INTERDISTRICT ATTENDANCE

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

*(cf. 5111.1 - District Residency)*

*(cf. 5116.1 - Intradistrict Open Enrollment)*

#### Interdistrict Attendance Agreements and Permits

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

BP 5117(b)

#### INTERDISTRICT ATTENDANCE (continued)

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

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

BP 5117(c)

## INTERDISTRICT ATTENDANCE (continued)

### Transportation

Upon parent/guardian request, the district shall provide transportation assistance to a student receiving an interdistrict transfer who is eligible for free and reduced-price meals and is the child of an active duty military parent/guardian or a victim of bullying, as defined in Education Code 46600. (Education Code 46600)

*(cf. 3553 - Free and Reduced Price Meals)*

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

*Legal Reference: (see next page)*

## INTERDISTRICT ATTENDANCE (continued)

*Legal Reference:*

EDUCATION CODE

**8151 Apprentices, exemption from interdistrict attendance agreement**

41020 Annual district audits

46600-46610 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48300-48317 Student attendance alternatives, school district of choice program

48900 Grounds for suspension or expulsion; definition of bullying

48915 Expulsion; particular circumstances

48915.1 Expelled individuals; enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

48985 Notices to parents in language other than English

52317 Regional occupational center/program, enrollment of students, interdistrict attendance

CALIFORNIA CONSTITUTION

Article 1, Section 31 Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin

ATTORNEY GENERAL OPINIONS

87 Ops. Cal. Atty. Gen. 132 (2004)

84 Ops. Cal. Atty. Gen. 198 (2001)

COURT DECISIONS

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

Crawford v. Huntington Beach Union High School District (2002) 98 Cal.App.4th 1275

ATTORNEY GENERAL OPINIONS

87 Ops. Cal. Atty. Gen. 132 (2004)

84 Ops. Cal. Atty. Gen. 198 (2001)

*Management Resources:*

WEB SITES

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

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

(10/17 3/19) 12/19

**Policy Reference UPDATE Service**

Copyright 2019 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

# National SD

## Administrative Regulation

Students

AR 5117(a)

### INTERDISTRICT ATTENDANCE

#### Interdistrict Attendance Agreements and Permits

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

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

1. The date upon which the district will begin accepting and processing interdistrict transfer requests for the following school year
2. The reasons for which the district may approve or deny a request, and any information or documents that must be submitted as supporting evidence
3. If applicable, the process and timelines by which a denial of a request may be appealed within the district before the district renders a final decision
4. A statement that failure of a parent/guardian to meet any timelines established by the district shall be deemed an abandonment of the request
5. Applicable timelines for processing a request, including the following statements:
  - a. For an interdistrict transfer request received by the district 15 or fewer calendar days before the commencement of instruction in the school year for which the transfer is sought, the district will notify the parent/guardian of its final decision within 30 calendar days from the date the request was received.

**INTERDISTRICT ATTENDANCE** (continued)

- b. For an interdistrict transfer request received by the district more than 15 days before the commencement of instruction in the school year for which the interdistrict transfer is sought, the district will notify the parent/guardian of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which transfer is sought.
6. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded

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

**(cf. 1312.3 - Uniform Complaint Procedures)**

**(cf. 5131.2 - Bullying)**

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

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

1. To meet the child care needs of the student, only as long as the student's child care provider remains within district boundaries

**INTERDISTRICT ATTENDANCE** (continued)

*(cf. 5148 - Child Care and Development)*

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

*(cf. 6159 - Individualized Education Program)*

3. When the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance
4. To allow the student to complete a school year when the student's parents/guardians have moved out of the district during that year
5. To allow the student to remain with a class graduating that year from an elementary, middle, or senior high school
6. When the parent/guardian provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the school year in the district
8. When the student will be living out of the district for one year or less
9. When recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence

*(cf. 5113.1 - Chronic Absence and Truancy)*

*(cf. 5113.12 - District School Attendance Review Board)*

10. When there is valid interest in a particular educational program not offered in the district of residence
11. To provide a change in school environment for reasons of personal and social adjustment

## **INTERDISTRICT ATTENDANCE** (continued)

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

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

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

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

*(cf. 5145.6 - Parental Notifications)*

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

## **INTERDISTRICT ATTENDANCE (continued)**

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

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

*(cf. 5119 - Students Expelled from Other Districts)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

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

### **Transfers Out of the District**

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

(10/17 3/19) 12/19



# National SD

## Board Policy

Students

BP 5118(a)

### OPEN ENROLLMENT ACT TRANSFERS

Note: The Open Enrollment Act (Education Code 48350-48361) provides students enrolled in one of the 1,000 "low-achieving" schools identified by the Superintendent of Public Instruction with the option to enroll in a higher-achieving school. However, because the Academic Performance Index has been suspended, the list of schools has not been updated since the 2015-16 school year and is based on the results of 2013 state assessments developed under prior state content standards.

The following **optional** policy and accompanying administrative regulation are for use by all districts since even districts without a school on the Open Enrollment List may receive applications from students attending a school on the list in a neighboring district.

The Governing Board desires to offer enrollment options in order to provide children with opportunities for academic achievement that meet their diverse needs. Such options shall also be provided to children who reside within another district's boundaries in accordance with law, Board policy, and administrative regulation.

Whenever a student is attending a district school on the Open Enrollment List as identified by the Superintendent of Public Instruction, he/she may transfer to another school within or outside of the district, as long as the school to which he/she is transferring has a higher Academic Performance Index. (Education Code 48354, 48356)

Note: It is unclear whether the Open Enrollment Act grants students who are attending an open enrollment school the right to transfer to another school within the district as well as outside of the district. In order to avoid conflict with the statute authorizing intradistrict open enrollment, the following policy and administrative regulation require students who wish to transfer to another district school to use the district's policy and procedures created pursuant to Education Code 35160.5; see BP/AR 5116.1 – Intradistrict Open Enrollment. The following **optional** sentence should be modified to reflect district practice.

A parent/guardian whose child is attending a district school on the Open Enrollment List and who wishes to have his/her child attend another school within the district shall apply for enrollment using BP/AR 5116.1, Intradistrict Open Enrollment.

(cf. 5116.1 – Intradistrict Open Enrollment)

(cf. 5117 – Interdistrict Attendance)

Note: Education Code 48354 and 48356 require districts to establish a period of time for resident student enrollment and for accepting transfer applications. In establishing timelines for transfer applications under the Open Enrollment Act, the district should consider how these timelines will align with timelines for other student enrollment options. Education Code 48354 requires the district to give priority for enrollment to students residing in the district; thus, districts must first admit those students, as well as students applying for intradistrict transfers, before admitting students from an open enrollment school outside of the district. See BP/AR 5111 – Admission, AR 5111.1 – District Residency, and BP/AR 5116.1 – Intradistrict Open

**OPEN ENROLLMENT ACT TRANSFERS (continued)**

Enrollment. In order to accurately predict the number of slots that may be available, the timelines for accepting transfer applications under the Open Enrollment Act should also be consistent with the district's timelines for interdistrict attendance permits; see BP/AR 5117—Interdistrict Attendance.

However, the timelines specified in Education Code 48354 and 48357 for Open Enrollment Act transfers may conflict with the deadlines for these other attendance options. Education Code 48354 specifies that these transfer applications must be submitted by January 1 of the preceding school year. Education Code 48357 requires the district to notify parents/guardians within 60 days whether their application for a transfer from an open enrollment school has been accepted or rejected. Therefore, if a parent/guardian submits a transfer application on October 1, the district would need to provide notification of the application's status by December 1, even though the enrollment period for residents might still be open and the district would not yet know how many slots would be available for transfers at a specific school.

One way for a district to comply with these inconsistent statutory provisions is for the Governing Board to waive the January 1 deadline for receipt of all transfer applications, as authorized by Education Code 48354, and create an application window for submission of applications. Such an application window will result in the 60 day deadline for notification of an application's status to fall after the district's deadline by which residents need to enroll their children, allowing residents to receive enrollment priority as required by law.

Districts should specify the transfer application window, if any, in the blank provided in the following paragraph. Because Education Code 48361 specifies that a discretionary decision by the Board regarding the district's administration of the program may only be overturned if the Board acted in an arbitrary and capricious manner, these timelines should be rationally related to the timelines for other intradistrict and interdistrict transfers.

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, the Board hereby waives the January 1 deadline in Education Code 48354 for all applications for transfer from nonresident parents/guardians of children attending a school on the Open Enrollment List in another district. Transfer applications shall be submitted between \_\_\_\_\_ (insert application window dates) \_\_\_\_\_ of the preceding school year for which the transfer is requested.

(cf. 5111.1—District Residency)

Note: Education Code 48355 authorizes the district of residence or the district of enrollment to limit the number of students transferring out of or into the district if the Board determines that the transfer would negatively impact a court ordered or voluntary desegregation plan or the racial and ethnic balance of the district. However, in Crawford v. Huntington Beach Union High School District, an appellate court held that a district's intradistrict enrollment policy which contained a racial and ethnic balance component pursuant to Education Code 35160.5 was unconstitutional. According to the court, the constitutional provisions added by Proposition 209 prohibit a district from adopting a policy containing different admission criteria on the basis of race. Because of the legal uncertainty surrounding this issue, the following paragraph does not reflect the provisions of Education Code 48355 relative to racial and ethnic balance. Districts should consult legal counsel as necessary. The following optional paragraph is for use by districts with a court ordered or voluntary desegregation plan.

**OPEN ENROLLMENT ACT TRANSFERS (continued)**

The Board may deny a transfer out of or into the district upon a determination by the Board that the transfer would negatively impact a court ordered or voluntary desegregation plan in accordance with Education Code 48355.

**Standards for Rejection of Transfer Applications**

Note: Education Code 48356 authorizes the district of enrollment to adopt specific written standards for rejection of a transfer application which may include a consideration of the capacity of a program, class, grade level, or school building or any adverse financial impact that may result from the transfer. The law is unclear whether a district may also consider students' discipline history when evaluating transfer applications. Districts that wish to consider disciplinary history should consult legal counsel.

Because Education Code 48361 specifies that a discretionary decision by the Board regarding the district's administration of the program may only be overturned if a court finds that the Board acted in an arbitrary and capricious manner, it is recommended that the standards be included in a Board adopted policy and be supported by data specific to the district's capacity and financial situation as well as any specific findings by the Superintendent or designee. **Items #1-2 below are examples only. The district should be careful to modify the following section to delete any standards that are not applicable and modify or add any specific district standards, as appropriate. Legal counsel should also be consulted.**

Pursuant to Education Code 48356, the Board has adopted the following standards for acceptance and rejection of transfer applications submitted by a parent/guardian of a student attending a school in another district on the Open Enrollment List. The Superintendent or designee shall apply these standards in accordance with Board policy and administrative regulation and shall ensure that the standards are applied uniformly and consistently.

As applicable, the Superintendent or designee may deny a transfer application under any of the following circumstances:

1. Upon a determination that approval of the transfer application would negatively impact the capacity of a program, class, grade level, or school building, including:
  - a. The class or grade level exceeding the district's limits pursuant to the state Class Size Reduction Program or the Morgan/Hart Class Size Reduction Program for Grades 9-12

- b. The site, classroom, or program exceeding the maximum student-teacher ratio specified in the district's collective bargaining agreement
- e. The site or classroom exceeding the physical capacity of the facility pursuant to the district's facilities master plan or other facility planning document
- d. The class or grade level exceeding capacity pursuant items #a #c above in subsequent years as the student advances to other grade levels at the school

BP 5118(d)

## **OPEN ENROLLMENT ACT TRANSFERS (continued)**

*(cf. 6151—Class Size)*

*(cf. 7110—Facilities Master Plan)*

- 2. Upon a determination that approval of the transfer application would have an adverse financial impact on the district, including:
  - a. The hiring of additional certificated or classified staff
  - b. The operation of additional classrooms or instructional facilities
  - c. Expenses incurred by the district that would not be covered by the apportionment of funds received from the state resulting in a reduction of the resources available to resident students

## **Appeal Process for Denials of Transfer Applications**

Note: Education Code 48361 specifies that a discretionary decision by the Board regarding the district's administration of the program may be overturned if a court finds that the Board acted in an arbitrary and capricious manner. In order to help ensure that any rejection of a transfer application was not arbitrary, it is recommended that the district adopt a process that allows parents/guardians to appeal the Superintendent's or designee's denial to the Board.

The following section is **optional** and should be modified to reflect district practice.

A parent/guardian may appeal the district's denial of a transfer application to the Board by filing a written request of appeal with the Superintendent or designee within 10 days of the receipt of the written notification of denial. In addition, a parent/guardian who believes he/she has been subject to discrimination may file an appeal using the district's Uniform Complaint Procedures.

~~(cf. 1312.3—Uniform Complaint Procedures)~~

~~The Board shall schedule an appeal hearing as soon as practicable at a regular or special meeting of the Board. At the hearing, the parent/guardian shall have the right to present oral or written evidence, rebut district evidence, and question any district witnesses. Unless the parent/guardian requests that the hearing be held in open session, the hearing shall be held in closed session in order to protect the privacy of students in accordance with law.~~

~~(cf. 9321—Closed Session Purposes and Agendas)~~

~~The Board shall make its decision by the next regularly scheduled meeting and shall send its decision to all concerned parties. The Board's decision shall be final.~~

BP 5118(e)

## **OPEN ENROLLMENT ACT TRANSFERS (continued)**

### **Program Evaluation**

Note: Education Code 48359 encourages each district to collect data regarding the number of requests granted, denied, or withdrawn; the number of students who transfer out of and into the district; the race, ethnicity, gender, socioeconomic status, and district to and from which students are transferring; and the number of students classified as English learners or identified as individuals with disabilities transferring out of and into the district.

The following **optional** paragraph is consistent with Education Code 48359 and requires the Superintendent or designee to collect data regarding enrollment patterns to determine the space available at specific schools.

~~The Superintendent or designee shall collect data regarding the number of students who transfer out of the district pursuant to the Open Enrollment Act. He/she also shall collect data regarding the number of students who apply to transfer into the district, the number of requests granted, denied, or withdrawn, and the district schools and programs receiving applications.~~

~~When the Superintendent or designee anticipates that a particular school will receive a large number of transfer applications, he/she shall study the enrollment pattern at that school in order to anticipate future resident enrollment at the school and at the district schools into which those students would normally matriculate.~~

~~The Superintendent or designee shall regularly report to the Board regarding the implementation of this program.~~

*Legal Reference: (see next page)*

BP 5118(f)

## **OPEN ENROLLMENT ACT TRANSFERS (continued)**

### *Legal Reference:*

#### EDUCATION CODE

~~200 Prohibition of discrimination~~

~~35160.5 District policies, rules, and regulations~~

~~46600-46611 Interdistrict attendance agreements~~

~~48200 Compulsory attendance~~

~~48204 Residency requirements for school attendance~~

~~48300-48316 Student attendance alternatives, school district of choice program~~

~~48350-48361 Open Enrollment Act~~

~~48915 Expulsion; particular circumstances~~

~~48915.1 Expelled individuals: enrollment in another district~~

~~52317 Regional Occupational Center/Program, enrollment of students, interdistrict attendance~~

#### FAMILY CODE

~~6500-6552 Caregivers~~

#### CODE OF REGULATIONS, TITLE 5

~~4700-4703 Open Enrollment Act~~

#### CODE OF FEDERAL REGULATIONS, TITLE 34

~~200.36 Dissemination of information~~

~~200.37 Notice of program improvement status, option to transfer~~

~~200.39 Program improvement, transfer option~~

~~200.42 Corrective action, transfer option~~

~~200.43 Restructuring, transfer option~~

~~200.44 Public school choice, program improvement schools~~

#### ATTORNEY GENERAL OPINIONS

~~87 Ops.Cal.Atty.Gen. 132 (2004)~~

~~84 Ops.Cal.Atty.Gen. 198 (2001)~~

#### COURT DECISIONS

~~Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275~~

### *Management Resources:*

#### WEB SITES

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

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

11/10

# National SD

## Administrative Regulation

Students

AR 5118(a)

### OPEN ENROLLMENT ACT TRANSFERS

#### Definitions

*District of enrollment* means the district, other than the district in which the student's parent/guardian resides, in which the parent/guardian intends to enroll his/her child. (Education Code 48352)

*District of residence* means the district in which the parent/guardian of a student resides and in which the student would otherwise be required to enroll pursuant to Education Code 48200. (Education Code 48352)

(cf. 5111.1—District Residency)

*Open enrollment school* means a "low-achieving" school identified by the Superintendent of Public Instruction (SPI) pursuant to Education Code 48352 and 5 CCR 4701. (Education Code 48352; 5 CCR 4701)

#### Transfer Applications into a District School

Note: Education Code 48354 requires a district to give priority for enrollment to students residing in the district; see the accompanying Board policy.

Enrollment priority shall be available to students who reside within this district. No student who resides within a school's attendance area or who is currently enrolled in a school shall be displaced by a student who is transferring pursuant Education Code 48350-48361 or 5 CCR 4700-4703. (Education Code 48354, 48356)

Applications shall be submitted within the deadlines established by Board policy.

However, the application deadline shall not apply to an application requesting a transfer if the parent/guardian with whom the student resides is enlisted in the military and was relocated by the military within 90 days prior to submitting the application. (Education Code 48354)

(cf. 6173.2—Education of Children of Military Families)

The parent/guardian's application may request enrollment of his/her child in a specific school or program. Requests for admission to a magnet school or program designed to serve gifted and talented students shall be subject to the usual admission requirements established by the district for district students. Except for such specialized admission requirements, the Superintendent or designee shall not consider the student's previous academic achievement, athletic performance,

physical condition, English language proficiency, family income, or any of the prohibited bases for discrimination listed in Education Code 200. (Education Code 48354, 48356)

(cf. 0410—Nondiscrimination in District Programs and Activities)  
(cf. 6172—Gifted and Talented Student Program)

---

AR 5118(b)

## **OPEN ENROLLMENT ACT TRANSFERS (continued)**

Students applying for open enrollment transfers shall be assigned priority for approval as follows: (Education Code 48356)

1. First priority for the siblings of students who already attend the desired school
2. Second priority for students transferring from a program improvement school ranked in decile 1 on the Academic Performance Index (API)

If the number of students who request a particular school exceeds the number of spaces available at that school, the Superintendent or designee shall conduct a lottery, in the group priority order identified in items #1 and #2 above, to select students at random until all of the available spaces are filled. (Education Code 48356)

Within 60 days of receiving the application, the Superintendent or designee shall provide written notification to the parent/guardian and the student's district of residence as to whether the application has been accepted or rejected. If the application has been rejected, the notice shall state the reasons for the rejection. If the application has been approved, the notification shall specify the particular school site and the school's address to which the student has been admitted. (Education Code 48357; 5 CCR 4702)

### **Terms of Approval**

The Superintendent or designee shall ensure that the school to which the student is transferring has a higher API than the school in which the student was previously enrolled. (Education Code 48356)

The parent/guardian shall enroll his/her child on or before the first day of instruction or within 14 calendar days of receipt of the district's notice of approval of the application, whichever is later. If the parent/guardian fails to enroll his/her child within this timeframe, the district may decline to enroll the student. (5 CCR 4703)

Upon enrollment, the district shall grant the student any credits toward graduation that he/she received from his/her district of residence. The student shall be eligible for graduation from district schools upon completion of state and district graduation requirements. (Education Code 48358)



~~(cf. 6143—Courses of Study)~~

~~(cf. 6146.1—High School Graduation Requirements)~~

~~(cf. 6146.5—Elementary/Middle School Graduation Requirements)~~

Note: 5 CCR 4702 specifies that once admitted to a school, the student shall not be required to reapply for enrollment to that school, regardless of whether his/her school of residence remains on the Open Enrollment List.

A student admitted to a district school through this process shall be deemed to have fulfilled district residency requirements pursuant to Education Code 48204 and shall not be required to reapply for enrollment in that school, regardless of whether his/her school of residence remains on the Open Enrollment List. (Education Code 48356; 5 CCR 4702)

AR 5118(e)

## **OPEN ENROLLMENT ACT TRANSFERS (continued)**

Note: 5 CCR 4702 specifies that the district of enrollment may allow the student to matriculate to a middle or high school in the district without having to reapply, regardless of whether the middle or high school in the student's district of residence is on the Open Enrollment List. Thus, unified districts, districts with elementary and middle schools, and districts with middle and high schools should be careful to ensure that the terms of approval and notification to parents/guardians clearly specify whether the approval of the transfer application extends to other school(s) in the district to which the student would matriculate or whether the student must reapply if he/she wishes to enroll in those schools upon completion of the course of study at the school to which he/she was originally admitted. **The following optional paragraph requires the student to reapply and should be modified to reflect district practice.**

Once admitted, a transfer student who wishes to matriculate into a district middle or high school or transfer to another district school shall reapply for admission to the new school pursuant to the requirements of Board policy and administrative regulation.

Parents/guardians are responsible for transporting their children to school.

## **Transfers out of District Schools on the Open Enrollment List**

Note: The following **optional** section is for use by districts with schools on the Open Enrollment List pursuant to Education Code 48352. **Districts without schools on the list may delete this section.**

Education Code 48354 requires the district of residence to notify parents/guardians of students attending a school on the Open Enrollment List of their option to transfer to another school within the district or to a school in another district. Pursuant to 5 CCR 4702, this notice must be provided on the first day of instruction or, if the California Department of Education has not posted the list by the first day of instruction, within 14 calendar days after the posting of the list. It is anticipated that the Open Enrollment List will be posted in September of each year. See the accompanying Exhibit for a sample notification.

Upon identification by the California Department of Education (CDE) that a district school is on the Open Enrollment List, the Superintendent or designee shall notify the parents/guardians of each student enrolled in the school of the option to transfer. This notice shall be provided by the

first day of instruction. However, if the CDE has not notified the district whether a school is on the list by the first day of instruction, the notification shall be provided no later than 14 calendar days after the Open Enrollment List is posted on the CDE's web site. (Education Code 48354; 5 CCR 4702)

*(cf. 5145.6—Parental Notifications)*

# National SD

## Exhibit

Students \_\_\_\_\_

E 5118(a)

### OPEN ENROLLMENT ACT TRANSFERS

Note: Pursuant to Education Code 48354, if a school is identified by the Superintendent of Public Instruction for the Open Enrollment List, the district must notify parents/guardians of students attending the school of their option to transfer to a higher performing school. Pursuant to 5 CCR 4702, this notice must be provided on the first day of instruction or, if the California Department of Education has not posted the Open Enrollment List by the first day of instruction, within 14 calendar days of the posting of the list.

The following exhibit provides a sample parental notification when a school has been placed on the Open Enrollment List. This letter should be modified to reflect district practice.

### PARENTAL NOTIFICATION: OPTION TO TRANSFER

[Date]

To the parents/guardians of students at \_\_\_\_\_ School:

The purpose of this letter is to inform you that our school has been identified by the California Department of Education (CDE) as an Open Enrollment school for the \_\_\_\_\_ school year.

### Why is our school on the Open Enrollment List?

The Open Enrollment Act, which became law in the spring of 2010, requires the CDE to annually create a list of 1,000 schools ranked by their Academic Performance Index (API). A school's API is a number that ranges from 200 to 1,000 and is calculated using the results for each school's students on statewide tests. The state has set 800 as the API target for all schools to meet. Schools that fall short of 800 are required to meet annual growth targets until that goal is achieved. Annual API growth targets will vary for each school.

For more information about how the Open Enrollment List is created, please visit the CDE's web site: <http://www.cde.ca.gov/sp/eo/op>.

### What right does a parent have to request a transfer?

All parents/guardians of students attending a school on the Open Enrollment List have the option to request a transfer of their child to another school in this district or in another California district. The school to which your child transfers must have a higher API than the school your child is leaving. Our school's API is \_\_\_\_\_.

The following district schools are available to accept transfers: [List schools with space available and higher API scores.]

---

---

---

---

---

E 5118(b)

**OPEN ENROLLMENT ACT TRANSFERS (continued)**

If you would like to transfer your child to one of the schools listed above, please contact that school for information about applying for intradistrict open enrollment. Information about the performance and academic achievement of each available school is enclosed.

If you would like to transfer your child to a school in another district, you must contact that school district for information regarding their application procedures and timelines. To find a school with a higher API, go to the CDE's website: <http://api.cde.ca.gov/reports>.

Parents/guardians are responsible for providing transportation to and from the new school.

We will keep you updated and informed about opportunities to discuss plans for our school. If you have questions, need additional information on how you can get involved in our school improvement efforts, or would like to discuss the school's instructional program, please feel free to call me and/or visit the school.

Sincerely,

---

---

*[Name of Principal]*

11/10

**Policy Reference UPDATE Service**

Copyright 2019 by **California School Boards Association**, West Sacramento, California 95691  
All rights reserved.

# National SD

## Administrative Regulation

Students

AR 5125(a)

### STUDENT RECORDS

#### Definitions

*Student* means any individual who is or has been in attendance at the district and regarding whom the district maintains student records. (34 CFR 99.3)

*Attendance* includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

*Student records* are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the district that are directly related to an identifiable student and maintained by the district, required to be maintained by an employee in the performance of **his/her the employee's** duties, or maintained by a party acting for the district. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; **5 CCR 430**; 34 CFR 99.3)

1. Directory information

(cf. 5125.1 - Release of Directory Information)

2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee

3. Records of the law enforcement unit of the district, subject to 34 CFR 99.8

(cf. 3515 - Campus Security)

(cf. 3515.3 - District Police/Security Department)

**STUDENT RECORDS** (continued)

4. Records created or received by the district after an individual is no longer a student and that are not directly related to the individual's attendance as a student
5. Grades on peer-graded papers before they are collected and recorded by a teacher

*Mandatory permanent student records* are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)

*Mandatory interim student records* are those records which the schools are directed to compile and maintain for specified periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

*Permitted student records* are those records having clear importance only to the current educational process of the student. (5 CCR 430)

*Disclosure* means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic. (34 CFR 99.3)

*Access* means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record or an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

*Personally identifiable information* includes, but is not limited to: (34 CFR 99.3)

1. The student's name
2. The name of the student's parent/guardian or other family members
3. The address of the student or student's family
4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)

**STUDENT RECORDS** (continued)

5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty
7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the student record relates

*Adult student* is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

*Parent/guardian* means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent. (Education Code 49061, 56050, 56055)

*Legitimate educational interest* is an interest held by any school official, employee, contractor, or consultant whose **official** duties, responsibilities, or contractual obligations to the district, whether routine or as a result of special circumstances, require ~~him/her to have~~ access to **information contained in** student records.

*School officials and employees* are officials or employees, **including teachers**, whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require ~~that they have~~ access to student records. **(34 CFR 99.31)**

**STUDENT RECORDS** (continued)

*Contractor or consultant* is anyone with a formal written agreement or contract with the district regarding the provision of services or functions outsourced ~~to him/her~~ by the district. Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

*Custodian of records* is the employee responsible for the security of student records maintained by the district and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

*County placing agency* means the county social service department or county probation department. (Education Code 49061)

### **Persons Granted Absolute Access**

In accordance with law, absolute access to any student records shall be granted to:

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent (Education Code 49069; Family Code 3025)

*(cf. 6159 - Individualized Education Program)*

### **Access for Limited Purpose/Legitimate Educational Interest**

The following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:

AR 5125(e)

### **STUDENT RECORDS** (continued)

1. Parents/guardians of ~~a student age 18 or older who is~~ a dependent child as defined under 26 USC 152 (Education Code 49076; 34 CFR 99.31)
2. Students who are age 16 or older or who have completed the 10th grade (Education Code 49076; ~~34 CFR 99.31~~)
3. School officials and employees, consistent with the definition provided in the section "Definitions" above (Education Code 49076; 34 CFR 99.31)
4. Members of a school attendance review board (SARB) **appointed pursuant to Education Code 48321** who are authorized representatives of the district and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student (Education Code 49076)

*(cf. 5113.1 - Chronic Absence and Truancy)*

*(cf. 5113.12 - District School Attendance Review Board)*

5. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation



are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)

Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that the district may disclose students' personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at ~~his/her~~ **the** last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record. (34 CFR 99.34)

7. Federal, state, and local officials, as needed for an audit, **or** evaluation **of**, or compliance **with, activity related to** a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)
8. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #7 above (Education Code 49076)

AR 5125(g)

#### **STUDENT RECORDS** (continued)

9. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order. (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

10. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)
11. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)

12. Any probation officer, district attorney, or counsel of record for a ~~minor~~ student **who is a minor** for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor ~~student~~ a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

When disclosing records for these purposes, the Superintendent or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

13. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681 (Education Code 49076)

In such cases, the judge or probation officer shall certify in writing to the Superintendent or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

AR 5125(h)

#### **STUDENT RECORDS** (continued)

14. A foster family agency with jurisdiction over a currently enrolled or former student; short-term residential treatment program staff responsible for the education or case management of a student; or a caregiver who has direct responsibility for the care of a student, including a certified or licensed foster parent, an approved relative or nonrelated extended family member, or a resource family, as defined (Education Code 49076)

Such individuals shall have access to the student's current or most recent records of grades, transcripts, attendance, discipline, online communication on platforms established by schools for students and parents/guardians, and any individualized education program or Section 504 plan developed and maintained by the district (Education Code 49069.3)

*(cf. 6164.6 - Identification and Education Under Section 504)*  
*(cf. 6173.1 - Education for Foster Youth)*

15. A student age 14 years or older who is both a homeless student and an unaccompanied minor as defined in 42 USC 11434a (Education Code 49076)

(cf. 6173 - Education for Homeless Children)

16. An individual who completes items #1-4 of the caregiver's authorization affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school (Education Code 49076)
17. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility **in accordance with state or tribal law** for the care and protection of a student, provided that **the individual is authorized by the agency or organization to receive the records and** the information **requested** is directly related to providing assistance to address the student's educational needs (Education Code 49076; 20 USC 1232(g))
18. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the district provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

When disclosing such records, the Superintendent or designee shall obtain written certification by the recipient of the records as described in item #12 above. (Education Code 49076)

19. Designated peace officers or law enforcement agencies in cases where the district is authorized by law to assist law enforcement in investigations of suspected criminal

AR 5125(i)

## **STUDENT RECORDS** (continued)

conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the district, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5; **34 CFR 99.1-99.67**)

In such cases, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district **in California or any other state** or **to a** California private school. (Education Code 49076.5)

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or

adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released. (Education Code **49061**, 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent/guardian may grant consent if both parents/guardians notify the district, in writing, that such an agreement has been made. (Education Code 49061)

*(cf. 5021 - Noncustodial Parents)*

### **Discretionary Access**

At ~~his/her discretion~~, the **discretion of the** Superintendent or designee, **information** may be released ~~information~~ from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in an emergency if the health and safety of the student or other persons are at stake (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

When releasing information to any such appropriate person, the Superintendent or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

AR 5125(j)

### **STUDENT RECORDS (continued)**

Unless it would further endanger the health or safety of the student or other persons, the Superintendent or designee shall inform the parent/guardian or adult student within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.

2. Accrediting associations **in order to carry out their accrediting functions** (Education Code 49076; 34 CFR 99.31)
3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)

- a. The study is conducted in a manner that does not permit personal identification of **students or** parents/guardians ~~and—students~~ by individuals other than representatives of the organization who have legitimate interests in the information.
  - b. The information is destroyed when no longer needed for the purposes for which the study is conducted.
  - c. The district enters into a written agreement with the organization that complies with 34 CFR 99.31.
- 4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)
  - 5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)

AR 5125(k)

## **STUDENT RECORDS (continued)**

- 6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract **with by** the district, excluding volunteers or other parties (Education Code 49076)

*(cf. 3600 - Consultants)*

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

When disclosing records for the above purposes, the Superintendent or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

**Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)**

## **De-identification of Records**

AR 5125(l)

## **STUDENT RECORDS** (continued)

When authorized by law for any program audit, educational research, or other purposes, the Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; **20 USC 1232g**; 34 CFR 99.31)

### **Process for Providing Access to Records**

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained at different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians **and adult students** shall be notified of the location of student records if not centrally located. (Education Code 49069; 5 CCR 433)

The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons. (5 CCR 433)

AR 5125(m)

## **STUDENT RECORDS** (continued)

The custodian of records shall develop reasonable methods, including physical, technological, and administrative **policy** controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

When required by law, **the a student's** parent/guardian **or an adult student** shall provide written, signed, and dated consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the

parent/guardian **or adult student**, the district shall provide **him/her** a copy of the records disclosed. (34 CFR 99.30)

If the parent/guardian **or adult student** refuses to provide written consent for the release of student information, the Superintendent or designee shall not release the information, unless it is otherwise subject to release based on a court order or a lawful subpoena.

Within five business days following the date of request, **a parent/guardian or other the** authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069)

AR 5125(n)

## **STUDENT RECORDS** (continued)

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

### **Access Log**

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the records **and** the legitimate educational interest of the requester. (Education Code 49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

The log shall include requests for access to records by:

1. Parents/guardians or adult students
2. Students who are 16 years of age or older or who have completed the 10th grade
3. Parties obtaining district-approved directory information
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075

5. School officials and employees who have a legitimate educational interest

## **STUDENT RECORDS** (continued)

6. Law enforcement personnel seeking to enforce immigration laws

The log shall be ~~accessible~~ **open to inspection** only ~~to~~ **by** the parent/guardian, adult student, dependent adult student, ~~student who is age 16 years or older or who has completed the 10th grade,~~ custodian of records, and certain state or federal officials **specified in Education Code 49064.** (Education Code 49064; 5 CCR 432)

### **Duplication of Student Records**

To provide copies of any student record, the district ~~may~~ **shall** charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

*(cf. 3260 - Fees and Charges)*

### **Changes to Student Records**

Only a parent/guardian having legal custody of a student or an adult student may challenge the content of a record or offer a written response to a record. (Education Code 49061)

*(cf. 5125.3 - Challenging Student Records)*

No additions ~~or change~~ **except routine updating** shall be made to a student's record after high school graduation or permanent departure, **other than routine updating, unless required by law or with** ~~without~~ prior consent of the parent/guardian or adult student. (**Education Code 49062.5, 49070;** 5 CCR 437)

~~A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.~~



## **STUDENT RECORDS (continued)**

**When a former student submits a state-issued driver's license, birth certificate, passport, social security card, court order, or other government-issued documentation demonstrating that the former student's legal name and/or gender has changed, the district shall update the former student's records to reflect the updated legal name and/or gender. Upon request by the former student, the district shall reissue any documents conferred upon the former student, including, but not limited to, a transcript, a high school diploma, a high school equivalency certificate, or other similar documents. The district is not required to modify records that the former student has not requested for modification or reissuance. (Education Code 49062.5)**

*(cf. 5145.3 - Nondiscrimination/Harassment)*

**If the former student's name or gender is changed and the requested records are reissued, a new document shall be added to the former student's file that includes all of the following information: (Education Code 49062.5)**

- 1. The date of the request**
- 2. The date the requested records were reissued to the former student**
- 3. A list of the records that were requested by and reissued to the former student**
- 4. The type of documentation, if any, provided by the former student to demonstrate a legal change to the student's name and/or gender**
- 5. The name of the employee who completed the request**
- 6. The current and former names and/or genders of the student**

**Any former student who submits a request to change the legal name or gender on the student's records but is unable to provide any government-issued documentation demonstrating the legal name or gender change, may request a name or gender change through the process described in Education Code 49070 and AR 5125.3 - Challenging Student Records.**

### **Retention and Destruction of Student Records**

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

**STUDENT RECORDS** (continued)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student
2. Date and place of birth and method of verifying birth date  
*(cf. 5111 - Admission)*
3. Sex of student
4. Name and address of parent/guardian of minor student
  - a. Address of minor student if different from the above
  - b. Annual verification of parent/guardian's name and address and student's residence

*(cf. 5111.1 - District Residency)*

5. Entrance and departure dates of each school year and for any summer session or other extra session
6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given **towards graduation**

*(cf. 5121 - Grades/Evaluation of Student Achievement)*

7. Verification of or exemption from required immunizations

*(cf. 5141.31 - Immunizations)*

1. Expulsion orders and the causes therefor

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

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

**STUDENT RECORDS** (continued)

2. A log identifying persons or ~~agencies~~ **organizations** who request or receive information from the student record

3. Health information, including verification or waiver of the health screening for school entry

*(cf. 5141.32 - Health Screening for School Entry)*

4. Information on participation in special education programs, including required tests, case studies, authorizations, and ~~evidence of~~ **actions necessary to establish** eligibility for admission or discharge

*(cf. 6159 - Individualized Education Program)*

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

5. Language training records

*(cf. 6174 - Education for English Learners)*

6. Progress slips/notices required by Education Code 49066 and 49067

7. Parental restrictions/stipulations regarding access to directory information

8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action

9. Parent/guardian authorization or ~~denial~~ **prohibition** of student participation in specific programs

10. Results of standardized tests administered within the past three years

*(cf. 6162.51 - State Academic Achievement Tests)*

11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

*(cf. 6158 - Independent Study)*

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program **and their usefulness ceases**, including: (5 CCR 432, 437)

1. Objective counselor and/or teacher ratings

**STUDENT RECORDS** (continued)

2. Standardized test results older than three years
3. Routine disciplinary data  
*(cf. 5144 - Discipline)*
4. Verified reports of relevant behavioral patterns
5. All disciplinary notices
6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)

**Transfer of Student Records**

When a student transfers into this district from any other school district or a private school, the Superintendent or designee shall inform the student's parent/guardian of his/her rights regarding student records, including the a parent/guardian's right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

When a student transfers into this district from another district, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in his/her the student's suspension or expulsion. (Education Code 48201)

*(cf. 4158/4258/4358 - Employee Security)*  
*(cf. 5119 - Students Expelled From Other Districts)*

When a student transfers from this district to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record

## **STUDENT RECORDS** (continued)

within 10 school days of the district's receipt of the request for the student's records. The original record or a copy shall be retained permanently by this district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918, 49068; 5 CCR 438)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

If the district is withholding grades, diploma, or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

*(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)*

### **Notification of Parents/Guardians**

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. If 15 percent or more of the students enrolled in the district speak a single primary language other than English, then the district shall provide these notices in that language. Otherwise, the district shall provide these notices in the student's home language insofar as practicable. The district shall effectively notify parents/guardians or eligible students with disabilities. (Education Code 49063, 48985; 34 CFR 99.7)

*(cf. 5145.6 - Parental Notifications)*

The notice shall include: (Education Code 49063; 34 CFR 99.7, 99.34)

1. The types of student records kept by the district and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records

**STUDENT RECORDS** (continued)

4. District criteria for defining school officials and employees and for determining legitimate educational interest
5. District policies for reviewing and expunging student records
6. The right to inspect and review student records and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school

*(cf. 5020 - Parent Rights and Responsibilities)*

12. Any other rights and requirements set forth in Education Code 49060-49078 49085, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure by the district to comply with 20 USC 1232g
13. A statement that the district forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

## **STUDENT RECORDS** (continued)

In addition, the annual parental notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will not be released without parental consent or a court order.

### **Student Records from Social Media**

For the purpose of gathering and maintaining records of students' social media activity, the Superintendent or designee shall: (Education Code 49073.6)

1. Gather or maintain only information that pertains directly to school safety or student safety
2. Provide a student with access to any information that the district obtained from **his/her the student's** social media activity and an opportunity to correct or delete such information
3. Destroy information gathered from social media and maintained in student records within one year after a student turns 18 years of age or within one year after the student is no longer enrolled in the district, whichever occurs first
4. Notify each parent/guardian that the student's information is being gathered from social media and that any information maintained in the student's records shall be destroyed as provided in item #3 above. The notification shall also include, but is not limited to, an explanation of the process by which a student or **his/her the student's** parent/guardian may access the student's records for examination of the information gathered or maintained and the process by which removal of the information may be requested or corrections to the information may be made. The notification may be provided as part of the annual parental notification required pursuant to Education Code 48980.
5. If the district contracts with a third party to gather information on a student from social media, ensure that the contract:
  - a. Prohibits the third party from using the information for purposes other than those specified in the contract or from selling or sharing the information with any person or entity other than the district, the student, or **his/her the student's** parent/guardian

**STUDENT RECORDS** (continued)

- b. Requires the third party to destroy the information immediately upon satisfying the terms of the contract, or when the district notifies the third party that the student has turned 18 years of age or is no longer enrolled in the district, whichever occurs first

(12/15 5/18) 12/19



# National SD

## Board Policy

### Students

BP 5131(a)

### CONDUCT

The Governing Board believes that all students have the right to be educated in a **safe and** positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using district transportation.

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5137 - Positive School Climate)*

*(cf. 6145.2 - Athletic Competition)*

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Board policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

*(cf. 5142 - Safety)*

2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption **to the school program**

## CONDUCT (continued)

*(cf. 5131.2 - Bullying)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

3. Conduct that disrupts the orderly classroom or school environment

*(cf. 5131.4 - Student Disturbances)*

4. Willful defiance of staff's authority

5. Damage to or theft of property belonging to students, staff, or the district

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

*(cf. 5131.5 - Vandalism and Graffiti)*

~~The district shall not be responsible for students' personal belongings which are brought on campus or to a school activity and are lost, stolen, or damaged.~~

6. Obscene acts or use of profane, vulgar, or abusive language

*(cf. 5145.2 - Freedom of Speech/Expression)*

7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited **drugs substances**

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5131.62 - Tobacco)*

*(cf. 5131.63 - Steroids)*

8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose **with prior permission of the principal or designee** (Penal Code 417.27)

~~Prior to bringing a laser pointer on school premises for a valid instructional or school-related purpose, a student shall obtain permission from the principal or designee.~~

**CONDUCT** (continued)

9. Use of a ~~cellular/digital telephone,~~ **cell phone, smart watch,** pager, or other mobile communications device during instructional time **or in an unauthorized manner in violation of district policy**

*(cf. 5131.8 - Mobile Communication Devices)*

*(cf. 6163.4 - Student Use of Technology)*

~~Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a district employee. Any device with camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person.~~

~~No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health. (Education Code 48901.5)~~

10. Plagiarism or dishonesty on school work or tests

*(cf. 5131.9 - Academic Honesty)*

*(cf. 6162.54 - Test Integrity/Test Preparation)*

*(cf. 6162.6 - Use of Copyrighted Materials)*

11. ~~Inappropriate attire~~ **Wearing of any attire that violates district or school dress codes, including gang-related apparel**

*(cf. 5132 - Dress and Grooming)*

*(cf. 5136 - Gangs)*

12. Tardiness or unexcused absence from school

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

*(cf. 5113.11 - Attendance Supervision)*

*(cf. 5113.12 - District School Attendance Review Board)*

## CONDUCT (continued)

### 13. Failure to remain on school premises in accordance with school rules

*(cf. 5112.5 - Open/Closed Campus)*

Employees are expected to ~~provide appropriate supervision to~~ enforce standards of conduct and, ~~if when~~ they observe or receive a report of a violation of these standards, to ~~immediately~~ **appropriately** intervene or ~~call for~~ **seek** assistance. ~~If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or an administrator for further investigation.~~ **As necessary, the employee shall refer the matter to a supervisor or the principal or designee.**

When a school ~~official~~ **employee** suspects that a search of a student or ~~his/her~~ **a student's** belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

*(cf. 5145.12 - Search and Seizure)*

When a student uses any prohibited device, or uses a permitted device in ~~an unethical or illegal activity~~ **an unauthorized manner**, a district employee may confiscate the device. The employee shall store the ~~item in a secure manner until an appropriate time~~ **device securely until it is returned to the student or turned over to the principal or designee, as appropriate.**

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or cocurricular activities or other privileges in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

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

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 5127 - Graduation Ceremonies and Activities)*

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5144 - Discipline)*

**CONDUCT** (continued)

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*  
*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*  
*(cf. 6020 - Parent Involvement)*  
*(cf. 6145 - Extracurricular and Cocurricular Activities)*  
*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*  
*(cf. 6164.2 - Guidance/Counseling Services)*  
*(cf. 6164.5 - Student Success Teams)*  
*(cf. 6184 - Continuation Education)*  
*(cf. 6185 - Community Day School)*

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

*Legal Reference: (see next page)*

**CONDUCT** (continued)

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination

32280-32289 Comprehensive safety plan

35181 Governing board authority to set policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension and expulsion

51512 Prohibition against electronic listening or recording device in classroom without permission

CIVIL CODE

1714.1 Liability of parents and guardians for willful misconduct of minor

PENAL CODE

288.2 Harmful matter with intent to seduce

313 Harmful matter

417.25-417.27 Laser scope or laser pointer

647 Use of camera or other instrument to invade person's privacy; misdemeanor

653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23123-23124 Prohibitions against use of electronic devices while driving

CODE OF REGULATIONS, TITLE 5

300-307 Duties of students

UNITED STATES CODE, TITLE 42

~~2000h~~ ~~2000h~~ **20 USC 1681-1688** Title IX, 1972 Education Act Amendments

COURT DECISIONS

*J.C. v. Beverly Hills Unified School District* (2010) 711 F.Supp.2d 1094

*LaVine v. Blaine School District* (~~2000~~ **2001**, 9th Cir.) 257 F.3d 981

*Emmett v. Kent School District No. 415* (2000) 92 F.Supp. 1088

*Bethel School District No. 403 v. Fraser* (1986) 478 U.S. 675

*New Jersey v. T.L.O.* (1985) 469 U.S. 325

*Tinker v. Des Moines Independent Community School District* (1969) 393 U.S. 503

*Management Resources:*

CSBA PUBLICATIONS

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

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

*Cyberbullying: Policy Considerations for Boards*, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Bullying at School*, 2003

WEB SITES

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

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

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

<https://www.ewa.org/organization/center-safe-and-responsible-internet-use>

National School Boards Association: <http://www.nsba.org>

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

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

(3/10 3/12) 10/19

**Policy Reference UPDATE Service**

Copyright 2019 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

# National SD

## Board Policy

### Students

BP 5131.2(a)

### BULLYING

The Governing Board recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a safe school environment that protects students from physical and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

*(cf. 5131 - Conduct)*

*(cf. 5136 - Gangs)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

BP 5131.2(b)

### BULLYING (continued)

The Superintendent or designee shall develop strategies for addressing bullying in district schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

*(cf. 1220 - Citizen Advisory Committees)*

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

*(cf. 6020 - Parent Involvement)*

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable district and school plans.

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 0460 - Local Control and Accountability Plan)*

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the

principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

*(cf. 1312.3 - Uniform Complaint Procedures)*

**If the Superintendent or designee believes it is in the best interest of a student who has been the victim of an act of bullying, as defined in Education Code 48900, the Superintendent or designee shall advise the student's parents/guardians that the student may transfer to another school. If the parents/guardians of a student who has been the victim of an act of bullying requests a transfer for the student pursuant to Education Code 46600, the Superintendent or designee shall allow the transfer in accordance with law and district policy on intradistrict or interdistrict transfer, as applicable.**

*(cf. 5116.1 - Intradistrict Open Enrollment)*

*(cf. 5117 - Interdistrict Attendance)*

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)*

*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*

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

*Legal Reference: (see next page)*

BP 5131.2(d)

## **BULLYING** (continued)

*Legal Reference:*

**EDUCATION CODE**

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

32283.5 Bullying; online training

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

**46600 Student transfers**

48900-48925 Suspension or expulsion

48985 Translation of notices

52060-52077 Local control and accountability plan

**PENAL CODE**



422.55 *Definition of hate crime*  
647 *Use of camera or other instrument to invade person's privacy; misdemeanor*  
647.7 *Use of camera or other instrument to invade person's privacy; punishment*  
653.2 *Electronic communication devices, threats to safety*  
CODE OF REGULATIONS, TITLE 5  
4600-4670 *Uniform complaint procedures*  
UNITED STATES CODE, TITLE 47  
254 *Universal service discounts (e-rate)*  
CODE OF FEDERAL REGULATIONS, TITLE 28  
35.107 *Nondiscrimination on basis of disability; complaints*  
CODE OF FEDERAL REGULATIONS, TITLE 34  
104.7 *Designation of responsible employee for Section 504*  
106.8 *Designation of responsible employee for Title IX*  
110.25 *Notification of nondiscrimination on the basis of age*  
COURT DECISIONS  
Wynar v. Douglas County School District, (2013) 728 F.3d 1062  
J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094  
Lavine v. Blaine School District, (2002) 279 F.3d 719

*Management Resources:*

CSBA PUBLICATIONS  
Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014  
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014  
Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012  
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011  
Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010  
Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009  
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
Bullying Module  
California's Social and Emotional Learning: Guiding Principles, 2018  
Social and Emotional Learning in California: A Guide to Resources, 2018  
Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008  
Bullying at School, 2003

*Management Resources continued: (see next page)*

BP 5131.2(e)

## **BULLYING (continued)**

*Management Resources: (continued)*

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS  
Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018  
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS  
Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014  
Guidance to America's Schools: Bullying of Students with Disabilities, October 2014

*Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010*  
*Dear Colleague Letter: Harassment and Bullying, October 2010*

WEB SITES

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

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

California Office of the Attorney General: <http://oag.ca.gov>

Center on Great Teachers and Leaders: <https://gtlcenter.org>

Collaborative for Academic Social and Emotional Learning: <https://casel.org>

Common Sense Media: <http://www.commonsensemedia.org>

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

Partnership for Children and Youth: <https://www.partnerforchildren.org>

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

(5/18 5/19) 12/19

**Policy Reference UPDATE Service**

Copyright 2019 by **California School Boards Association**, West Sacramento, California 95691  
All rights reserved.

# National SD

## Administrative Regulation

Students

AR 5131.2(a)

### BULLYING

#### Definitions Examples of Prohibited Conduct

*Bullying* is an **unwanted**, aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and **may** involve **a single severe act or** repetition or potential repetition of a deliberate act. **Bullying includes, but is not limited to, any act described in Education Code 48900(r).**

*Cyberbullying* includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images. Cyberbullying also includes breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

(cf. 5145.2 - Freedom of Speech/Expression)  
(cf. 6163.4 - Student Use of Technology)

Examples of the types of conduct that may constitute bullying and are prohibited by the district include, but are not limited to:

1. Physical bullying: **An act** that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
2. Verbal bullying: **An act** that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm

**BULLYING** (continued)

3. Social/relational bullying: **An act** that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
4. Cyberbullying: **An act** such as sending demeaning or hateful text messages or emails, ~~sending~~ **spreading** rumors by email or by posting on social networking sites, or posting **or sharing** embarrassing photos, videos, web site, or fake profiles

**Measures to Prevent Bullying**

The Superintendent or designee shall implement measures to prevent bullying in district schools, including, but not limited to, the following:

1. Ensuring that each school establishes clear rules for student conduct and implements strategies to promote a positive, collaborative school climate

*(cf. 5131 - Conduct)*

*(cf. 5137 - Positive School Climate)*

2. Providing **information** to students, through student handbooks, **district and school web sites and social media**, and other age-appropriate means, ~~information~~ about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying
3. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously
4. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as **classrooms**, playgrounds, hallways, restrooms, and cafeterias
5. Annually notifying district employees that, pursuant to Education Code 234.1, any school staff who witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

**BULLYING** (continued)

**Staff Development**

The Superintendent or designee shall **annually** make **available to all certificated staff and to other employees who have regular interaction with students** the California Department of Education's **(CDE)** online training module on the dynamics of bullying and cyberbullying, **which includes** the identification of bullying and cyberbullying and the implementation of strategies to address bullying, ~~available annually to all certificated staff and to other employees who have regular interaction with students.~~ (Education Code 32283.5)

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

he Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

**Information and Resources**

**BULLYING** (continued)

**The Superintendent or designee shall post on the district's web site, in a prominent location and in a manner that is easily accessible to students and parents/guardians, information on bullying and harassment prevention which includes the following: (Education Code 234.6)**

1. The district's policy on student suicide prevention, including a reference to the policy's age appropriateness for students in grades K-6

*(cf. 5141.52 - Suicide Prevention)*

2. The definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8

3. Title IX information included on the district's web site pursuant to Education Code 221.61, and a link to the Title IX information included on CDE's web site pursuant to Education Code 221.6

4. District policies on student sexual harassment, prevention and response to hate violence, discrimination, harassment, intimidation, bullying, and cyberbullying

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

5. A section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media

6. A link to statewide resources, including community-based organizations, compiled by the CDE pursuant to Education Code 234.5.

7. Any additional information the Superintendent or designee deems important for preventing bullying and harassment

*(cf. 1113 - District and School Web Sites)*

**BULLYING** (continued)

**Student Instruction**

As appropriate, the district shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character/~~values—education~~ **development**, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

*(cf. 6142.8 - Comprehensive Health Education)*  
*(cf. 6142.94 - History-Social Science Instruction)*

The district shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff shall be expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

**Reporting and Filing of Complaints**

**BULLYING** (continued)

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3 - Uniform Complaint Procedures. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

*(cf. 1312.3 - Uniform Complaint Procedures)*

Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

### **Discipline/Corrective Actions**

AR 5131.2(g)

### **BULLYING** (continued)

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

***(cf. 5116.2 - Involuntary Student Transfers)***

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 5144 - Discipline)*

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

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

*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

### **Support Services**

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel



for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

*(cf. 6164.2 - Guidance/Counseling Services)*

AR 5131.2(h)

## **BULLYING** (continued)

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement district intervention protocols which may include, but are not limited to, referral to district or community mental health services, other health professionals, and/or law enforcement.

~~*(cf. 5141.52 - Suicide Prevention)*~~

(5/19) 12/19

# National SD

## Board Policy

Students

BP 5131.8(a)

### MOBILE COMMUNICATION DEVICES

The Governing Board recognizes that the use of smartphones and other mobile communication devices on campus may be beneficial to student learning and well-being, but could be disruptive of the instructional program in some circumstances. The Board permits limited use of mobile communication devices on campus in accordance with law and the following policy.

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5131.2 - Bullying)*

*(cf. 5131.4 - Student Disturbances)*

*(cf. 5131.9 - Academic Honesty)*

*(cf. 5137 - Positive School Climate)*

*(cf. 5141.52 - Suicide Prevention)*

*(cf. 6163.4 - Student Use of Technology)*

Students may use cell phones, smart watches, pagers, or other mobile communication devices on campus during noninstructional time as long as the device is utilized in accordance with law and any rules that individual school sites may impose.

Mobile communication devices shall be turned off during instructional time. However, a student shall not be prohibited from possessing or using a mobile communication device under any of the following circumstances: (Education Code 48901.5, 48901.7)

1. In the case of an emergency, or in response to a perceived threat of danger
2. When a teacher or administrator grants permission to the student to possess or use a mobile communication device, subject to any reasonable limitation imposed by that teacher or administrator
3. When a licensed physician or surgeon determines that the possession or use is necessary for the student's health and well-being

**MOBILE COMMUNICATION DEVICES** (continued)

**4. When the possession or use is required by the student's individualized education program**

*(cf. 6159 - Individualized Education Program)*

**Smartphones and other mobile communication devices shall not be used in any manner which infringes on the privacy rights of any other person.**

**When a school official reasonably suspects that a search of a student's mobile communication device will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.**

*(cf. 5145.12 - Search and Seizure)*

*(cf. 5145.2 - Freedom of Speech/Expression)*

**When a student uses a mobile communication device in an unauthorized manner, the student may be disciplined and a district employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.**

**MOBILE COMMUNICATION DEVICES** (continued)

**A student may also be subject to discipline, in accordance with law, Board policy, or administrative regulation, for off-campus use of a mobile communication device which poses a threat or danger to the safety of students, staff, or district property or substantially disrupts school activities.**

**The Superintendent or designee shall inform students that the district will not be responsible for a student's mobile communication device which is brought on campus or to a school activity and is lost, stolen, or damaged.**

*Legal Reference: (see next page)*

## MOBILE COMMUNICATION DEVICES (continued)

### Legal Reference:

#### EDUCATION CODE

*200-262.4 Prohibition of discrimination*

*32280-32289 Comprehensive safety plan*

*35181 Governing board authority to set policy on responsibilities of students*

*35291-35291.5 Rules*

*44807 Duty concerning conduct of students*

*48900-48925 Suspension and expulsion, especially:*

*48901.5 Regulation of possession or use of electronic signaling devices*

*48901.7 Limitation or prohibition of student use of cell phones*

*51512 Prohibition against electronic listening or recording device in classroom without permission*

#### CIVIL CODE

*1714.1 Liability of parents and guardians for willful misconduct of minor*

#### PENAL CODE

*288.2 Harmful matter with intent to seduce*

*313 Harmful matter*

*647 Use of camera or other instrument to invade person's privacy; misdemeanor*

*653.2 Electronic communication devices, threats to safety*

#### VEHICLE CODE

*23123-23124 Prohibitions against use of electronic devices while driving*

#### CODE OF REGULATIONS, TITLE 5

*300-307 Duties of students*

#### UNITED STATES CODE, TITLE 20

*1681-1688 Discrimination based on sex or blindness*

#### COURT DECISIONS

*J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094*

*New Jersey v. T.L.O. (1985) 469 U.S. 325*

*Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503*

### Management Resources:

#### CSBA PUBLICATIONS

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

*Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Bullying at School, 2003*

#### WEB SITES

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

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

Center for Safe and Responsible Internet Use: <https://www.ewa.org/organization/center-safe-and-responsible-internet-use>

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

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

# National SD

## Board Policy

Students

BP 5132(a)

### DRESS AND GROOMING

The Governing Board believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to wear clothing that is suitable for the school activities in which they participate. Students shall not wear clothing that presents a health or safety hazard or ~~is likely to~~ causes a substantial disruption to the educational program.

*(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)*

District and school rules pertaining to student attire shall be included in student handbooks, may be posted in school offices and classrooms, and may be periodically reviewed with all students as necessary.

Students shall not be prohibited from dressing in a manner consistent with their gender identity or gender expression or with their religious or cultural observance.

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

**In addition, the dress code shall not discriminate against students based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Education Code 212.1)**

The principal or designee is authorized to enforce this policy and shall inform any student who does not reasonably conform to the dress code. The dress code shall not be enforced in a manner that discriminates against a particular viewpoint or results in a disproportionate application of the dress code based on students' gender, sexual orientation, race, ethnicity, household income, or body type or size.

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

*(cf. 0415 - Equity)*

*(cf. 5145.2 - Freedom of Speech/Expression)*

School administrators, teachers, and other staff shall be notified of appropriate and equitable enforcement of the dress code.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

When practical, students shall not be directed to correct a dress code violation during instructional time or in front of other students.

Repeated violations or refusal to comply with the district's dress code may result in disciplinary action.

*(cf. 5144 - Discipline)*

## **Gang-Related Apparel**

BP 5132(c)

## **DRESS AND GROOMING (continued)**

The principal, staff, and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a proposed dress code shall be presented to the Board, which shall approve the plan upon determining that it is necessary to protect the health and safety of the school environment. The dress code policy may be included in the school's comprehensive safety plan. (Education Code 35183)

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5136 - Gangs)*

When determining specific items of clothing that may be defined as gang apparel, the school shall ensure that the determination is free from bias based on race, ethnicity, national origin, immigration status, or other protected characteristics.

## **Uniforms**

The Board may approve a school-initiated dress code requiring students at the school to wear a school uniform whenever the Board determines that such a dress code will promote student achievement, a positive school climate, and/or student safety.

The Superintendent or designee shall establish procedures whereby parents/guardians may choose to have their children exempted from the school uniform policy. Students shall not be penalized academically, otherwise discriminated against, or denied attendance to school if their parents/guardians so decide. (Education Code 35183)

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms. (Education Code 35183)

*Legal Reference: (see next page)*

## DRESS AND GROOMING (continued)

### *Legal Reference:*

#### EDUCATION CODE

##### **212.1 Nondiscrimination based on race or ethnicity**

220 Nondiscrimination

32281 School safety plans

35183 School dress codes; uniforms

35183.5 Sun-protective clothing

48907 Student exercise of free expression

49066 Grades; effect of physical education class apparel

#### COURT DECISIONS

Jacobs v. Clark County School District (2008) 26 F. 3d 419

Harper v. Poway Unified School District (2006) 445 App. 3d 166

Marvin H. Jeglin et al v. San Jacinto Unified School District et al (C.D. Cal. 1993)  
827 F.Supp. 1459

Arcadia Unified School District v. California Department of Education (1992) 2 Cal. 4th 251

Hazelwood School District v. Kuhlmeier (1988) 108 S. Ct. 562

Hartzell v. Connell (1984) 35 Cal. 3d 899

Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503

(10/96 5/19) 10/19

### **Policy Reference UPDATE Service**

Copyright 2019 by **California School Boards Association**, West Sacramento, California 95691  
All rights reserved.

# National SD

## Board Policy

Students

BP 5141.21(a)

### ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

The Governing Board believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should **have an opportunity be able** to participate in the educational program.

*(cf. 5113 - Absences and Excuses)*

*(cf. 5113.1 - Chronic Absence and Truancy)*

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan, as applicable.

*(cf. 5141.24 - Specialized Health Care Services)*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6164.6 - Identification and Education Under Section 504)*

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing a parents/guardians to administer medication to **his/her-their** child at school, designate other individuals to do so on **his/her their** behalf, and, with the **child's student's** authorized health care provider's approval, request the district's permission for **his/her-child the student** to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

*(cf. 1250 - Visitors/Outsiders)*

*(cf. 5141 - Health Care and Emergencies)*

*(cf. 5141.22 - Infectious Diseases)*

*(cf. 5141.23 - Asthma Management)*

*(cf. 5141.27 - Food Allergies/Special Dietary Needs)*

*(cf. 6116 - Classroom Interruptions)*

The Superintendent or designee shall make **available** epinephrine auto-injectors **available** at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction. (Education Code 49414)



The ~~Board authorizes the~~ Superintendent or designee ~~to~~ **shall** make **available** naloxone hydrochloride or another opioid antagonist **available** for emergency medical aid to any person suffering, or reasonably believed to be suffering, from an opioid overdose. (Education Code 49414.3)

**OPTION 2: Because of the conflict between state and federal law regarding the legality of medicinal cannabis, the Board prohibits the administration of medicinal cannabis to students on school grounds by parents/guardians or school personnel.**

The Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

### **Administration of Medication by School Personnel**

When allowed by law, medication prescribed to a student by an authorized health care provider may be administered by a school nurse or, when a school nurse or other medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated school personnel with appropriate training. School nurses and other designated school personnel shall administer medications to students in accordance with law, Board policy, administrative regulation, and, as applicable, the written statement provided by the student's parent/guardian and authorized health care provider. Such personnel shall be afforded appropriate liability protection.

*(cf. 3530 - Risk Management/Insurance)*

*(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*

*(cf. 4119.43/4219.43/4319.43 - Universal Precautions)*

The Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual. **(Education Code 49414, 49414.3, 49414.5, 49423, 49423.1)**

The Superintendent or designee shall maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school personnel.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

(cf. 4331 - Staff Development)

Legal Reference: (see next page)

BP 5141.21(e)

## **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS** (continued)

Legal Reference:

**EDUCATION CODE**

48980 Notification at beginning of term

49407 Liability for treatment

49408 Emergency information

49414 Emergency epinephrine auto-injectors

49414.3 Emergency medical assistance; administration of medication for opioid overdose

49414.5 Providing school personnel with voluntary emergency training

49422-49427 Employment of medical personnel, especially:

49423 Administration of prescribed medication for student

49423.1 Inhaled asthma medication

49480 Continuing medication regimen; notice

**BUSINESS AND PROFESSIONS CODE**

2700-2837 Nursing, especially:

2726 Authority not conferred

2727 Exceptions in general

3501 Definitions

4119.2 Acquisition of epinephrine auto-injectors

4119.8 Acquisition of naloxone hydrochloride or another opioid antagonist

**HEALTH AND SAFETY CODE**

**11362.7-11362.85 Medicinal cannabis**

**CODE OF REGULATIONS, TITLE 5**

600-611 Administering medication to students

**UNITED STATES CODE, TITLE 20**

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

**UNITED STATES CODE, TITLE 21**

**812 Schedules of controlled substances**

**844 Penalties for possession of controlled substance**

**UNITED STATES CODE, TITLE 29**

794 Rehabilitation Act of 1973, Section 504

**COURT DECISIONS**

*American Nurses Association v. Torlakson*, (2013) 57 Cal.4th 570

Management Resources:

**AMERICAN DIABETES ASSOCIATION PUBLICATIONS**

**Training Standards for the Administration of Epinephrine Auto-Injectors, rev. 2015**

Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006

Training Standards for the Administration of Epinephrine Auto-Injectors, rev. 2015

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

Program Advisory on Medication Administration, 2005

NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS

Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003

*Management Resources continued: (see next page)*

BP 5141.21(f)

## **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)**

*Management Resources: (continued)*

### WEB SITES

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

American Diabetes Association: <http://www.diabetes.org>

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

National Diabetes Education Program: <http://www.ndep.nih.gov>

U.S. Department of Health and Human Services, National Institutes of Health, Blood Institute, asthma information: <http://www.nhlbi.nih.gov/health/public/lung/index.htm#asthma>

(12/13 12/16) 12/19

### **Policy Reference UPDATE Service**

Copyright 2019 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

# National SD

## Administrative Regulation

Students

AR 5141.21(a)

### ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

#### Definitions

*Authorized health care provider* means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant. (Education Code 49423; 5 CCR 601)

*Other designated school personnel* means any individual employed by the district, including a nonmedical school employee, who has volunteered or consented to administer medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication. (5 CCR 601, 621)

*Medication* may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies. (5 CCR 601)

*Epinephrine auto-injector* means a disposable delivery device designed for the automatic injection of a premeasured dose of epinephrine into the human body to prevent or treat a life-threatening allergic reaction. (Education Code 49414)

*Anaphylaxis* means a potentially life-threatening hypersensitivity to a substance, which may result from an insect sting, food allergy, drug reaction, exercise, or other cause. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

AR 5141.21(b)

### ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)

(cf. 5141.23 - Asthma Management)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

*Opioid antagonist* means naloxone hydrochloride or another drug approved by the federal Food and Drug Administration that, when administered, negates or neutralizes in whole or in part the

pharmacological effects of an opioid in the body and that has been approved for the treatment of an opioid overdose. (Education Code 49414.3)

### **Notifications to Parents/Guardians**

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options. (Education Code 49480)

*(cf. 5145.6 - Parental Notifications)*

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following requirements: (Education Code 49480)

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.
2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

AR 5141.21(c)

### **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS** (continued)

When a student requires medication during the school day in order to participate in the educational program, the Superintendent or designee shall, as appropriate, inform the student's parents/guardians that the student may qualify for services or accommodations pursuant to the Individuals with Disabilities Education Act (20 USC 1400-1482) or Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794).

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

*(cf. 6164.6 - Identification and Education Under Section 504)*

### **Parent/Guardian Responsibilities**

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

1. **Providing** **Submitting the** parent/guardian **written statement** and **the** authorized health care provider's written statements each school year as described in the sections

"Parent/Guardian Statement" and "Health Care Provider Statement" below. The parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49414.5, 49423, 49423.1; 5 CCR 600, 626)

2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician, and updating the information when needed. (Education Code 49480)
3. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider. (5 CCR 606)

AR 5141.21(d)

## **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS** (continued)

### **Parent/Guardian Statement**

When district employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student
2. Grant permission for an authorized district representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with regard to the medication
3. Contain an acknowledgment that the parent/guardian understands how district employees will administer the medication or otherwise assist the student in its administration
4. Contain an acknowledgment that the parent/guardian understands **the** his/her responsibilities ~~to enable district employees to administer or otherwise assist the student in the administration of medication, including, but not limited to, the parent/guardian's responsibility~~ to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment

5. Contain an acknowledgment that the parent/guardian understands **that he/she may the right to** terminate the consent for the administration of the medication or for otherwise assisting the student in the administration of medication at any time

In addition to the requirements in items #1-5 above, if a parent/guardian has requested that **his/her child the student** be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall: (Education Code 49423, 49423.1)

1. Consent to the self-administration
2. Release the district and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication

AR 5141.21(e)

## **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS** (continued)

In addition to the requirements in items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the district to administer medication to **his/her child the student**, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation
2. That the individual is permitted to be on the school site
3. Any limitations on the individual's authority

### **Health Care Provider Statement**

When any district employee is to administer prescribed medication to a student, or when a student is to be allowed to carry and self-administer prescribed medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student (Education Code 49423, 49423.1; 5 CCR 602)
2. The name of the medication (Education Code 49423, 49423.1; 5 CCR 602)
3. The method, amount, and time schedules by which the medication is to be taken (Education Code 49423, 49423.1; 5 CCR 602)

4. If a parent/guardian has requested that ~~his/her child~~ **the student** be allowed to self-administer medication, confirmation that the student is able to self-administer the medication (Education Code 49414.5, 49423, 49423.1; 5 CCR 602)
5. For medication that is to be administered by unlicensed personnel, confirmation by the student's health care provider that the medication may safely and appropriately be administered by unlicensed personnel (Education Code 49423, 49423.1; 5 CCR 602)
6. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation

AR 5141.21(f)

## **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS** (continued)

7. Possible side effects of the medication
8. Name, address, telephone number, and signature of the student's authorized health care provider

**For self-administration of inhaled asthma medication, the district shall accept a written statement from a physician or surgeon contracted with a health plan licensed pursuant to Health and Safety Code 1351.2. Such written statement shall be in English and Spanish, and shall include the name and contact information for the physician or surgeon. (Education Code 49423.1)**

### **District Responsibilities**

The Superintendent or designee shall ensure that any unlicensed school personnel authorized to administer medication to a student receives appropriate training from the school nurse or other qualified medical personnel.

The school nurse or other designated school personnel shall:

1. Administer or assist in administering medication in accordance with the authorized health care provider's written statement
2. Accept delivery of medications from parents/guardians and count and record them upon receipt
3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medication, and note on the list the type of medication and the times and dosage to be administered



4. Maintain for each student a medication log which may:

AR 5141.21(g)

**ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**  
(continued)

- a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information
  - b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication
5. Maintain for each student a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student
6. Ensure that student confidentiality is appropriately maintained

*(cf. 5125 - Student Records)*

7. Coordinate and, as appropriate, ensure the administration of medication during field trips and other school-related activities

*(cf. 5148.2 - Before/After School Programs)*

*(cf. 6145.2 - Athletic Competition)*

*(cf. 6153 - School-Sponsored Trips)*

8. Report to a student's parent/guardian and the site administrator any refusal by the student to take **his/her** **the** medication
9. Keep all medication to be administered by the district in a locked drawer or cabinet
10. As needed, communicate with a student's authorized health care provider and/or pharmacist regarding the medication and its effects
11. Counsel other designated school personnel regarding the possible effects of a medication on a student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose

**ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**  
(continued)

12. Ensure that any unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances
13. In the event of a medical emergency requiring administration of medication, provide immediate medical assistance, directly observe the student following the administration of medication, contact the student's parent/guardian, and determine whether the student should return to class, rest in the school office, or receive further medical assistance
14. Report to the site administrator, the student's parent/guardian, and, if necessary, the student's authorized health care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement

**Emergency Epinephrine Auto-Injectors**

The Superintendent or designee shall provide epinephrine auto-injectors to school nurses or other employees who have volunteered to administer them in an emergency and have received training. The school nurse, or a volunteer employee when a school nurse or physician is unavailable, may administer an epinephrine auto-injector to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life-threatening symptoms of anaphylaxis at school or a school activity. (Education Code 49414)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer an epinephrine auto-injector and describing the training that the volunteer will receive. (Education Code 49414)

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

**ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**  
(continued)

The principal or designee at each school may designate one or more volunteers to receive initial and annual refresher training, which shall be provided by a school nurse or other qualified person designated by a physician and surgeon authorized pursuant to Education Code 49414 and shall be based on the standards developed by the Superintendent of Public Instruction (SPI). Written materials covering the required topics for training shall be retained by the school for reference. (Education Code 49414)

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

A school nurse or other qualified supervisor of health, or a district administrator if the district does not have a qualified supervisor of health, shall obtain a prescription for epinephrine auto-injectors for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or epinephrine auto-injector manufacturers. Elementary schools shall, at a minimum, be provided one adult (regular) and one junior epinephrine auto-injector. Secondary schools shall be provided at least one adult (regular) epinephrine auto-injector, unless there are any students at the school who require a junior epinephrine auto-injector. (Education Code 49414)

If an epinephrine auto-injector is used, the school nurse or other qualified supervisor of health shall restock the epinephrine auto-injector as soon as reasonably possible, but no later than two weeks after it is used. In addition, epinephrine auto-injectors shall be restocked before their expiration date. (Education Code 49414)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering epinephrine auto-injectors shall be provided to each volunteer and retained in **his/her the employee's** personnel file. (Education Code 49414)

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414, including, but not limited to, the acceptance of epinephrine auto-injectors from a manufacturer or wholesaler. (Education Code 49414)

*(cf. 3290 - Gifts, Grants and Bequests)*

## **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS** (continued)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of epinephrine auto-injectors for a period of three years from the date the records were created. (Business and Professions Code 4119.2)

*(cf. 3580 - District Records)*

### **Emergency Medication for Opioid Overdose**

The district may elect to make emergency naloxone hydrochloride or another opioid antagonist available at schools for the purpose of providing emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. In determining whether to make this medication available, the Superintendent or designee shall evaluate the emergency medical response time to the school and determine whether initiating emergency medical services is an acceptable alternative to providing an opioid antagonist and training personnel to administer the medication. (Education Code 49414.3)

When available at the school site, the school nurse shall provide emergency naloxone hydrochloride or another opioid antagonist for emergency medical aid to any person exhibiting potentially life-threatening symptoms of an opioid overdose at school or a school activity. Other designated personnel who have volunteered and have received training may administer such medication when a school nurse or physician is unavailable, and shall only administer the medication by nasal spray or auto-injector. (Education Code 49414.3)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer naloxone hydrochloride or another opioid antagonist, describing the training that the volunteer will receive, and explaining the right of the volunteer to rescind his/her the offer to volunteer at any time, including after receiving training. The notice shall also include a statement that no benefit will be granted to or withheld from any employee based on his/her the offer to volunteer and that there will be no retaliation against any employee for rescinding his/her the offer to volunteer. (Education Code 49414.3)

The principal or designee may designate one or more volunteer employees to receive initial and annual refresher training, based on standards adopted by the SPI, regarding the storage and emergency use of naloxone hydrochloride or another opioid antagonist. The training shall be provided at no cost to the employee, conducted during his/her regular working hours, and be provided by a school nurse or other qualified person designated by an authorizing physician and surgeon. Written materials provided during the training shall be retained at the school for reference. (Education Code 49414.3)

A school nurse, other qualified supervisor of health, or, if the district does not have a qualified supervisor of health, a district administrator shall obtain a prescription for naloxone hydrochloride or another opioid antagonist for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or manufacturers. (Education Code 49414.3)

If the medication is used, the school nurse, other qualified supervisor of health, or district administrator, as applicable, shall restock the medication as soon as reasonably possible, but no later than two weeks after it is used. In addition, the medication shall be restocked before its expiration date. (Education Code 49414.3)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering naloxone hydrochloride or another opioid antagonist for emergency aid shall be provided to each volunteer and retained in ~~his/her~~ **the employee's** personnel file. (Education Code 49414.3)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414.3, including, but not limited to, the acceptance of the naloxone hydrochloride or another opioid antagonist from a manufacturer or wholesaler. (Education Code 49414.3)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of naloxone hydrochloride or another opioid antagonist for a period of three years from the date the records were created. (Business and Professions Code 4119.8)

(12/14 12/16) 12/19

# National SD

## Administrative Regulation

Students

AR 5141.26(a)

### TUBERCULOSIS TESTING

Any student ~~with~~ **who is reasonably suspected of having** active tuberculosis shall be excluded from attendance at a district school ~~in accordance with AR 5112.2 - Exclusions from Attendance~~ **until the student provides evidence of a certificate showing that the student is free of communicable tuberculosis. (Health and Safety Code 121485, 121495, 121505)**

*(cf. 5112.2 - Exclusions from Attendance)*

Students shall be screened or tested for tuberculosis under the following circumstances:

1. **When required by the local health department as** ~~As~~ part of the comprehensive health screening required for school entry, parents/guardians shall, **within 90 days after their child's entry into first grade, provide evidence within 90 days after their child's entry into first-grade certification evidencing** that their child has been screened for risk of tuberculosis within the preceding 18 months. **Such certification shall be on a form approved by the California Department of Health Care Services.** (Health and Safety Code 124040, 124085, **124105**)

**In lieu of the certificate, parents/guardians may submit a signed waiver indicating that they do not want or are unable to obtain the health screening and evaluation services for their child and, if applicable, the reasons that they are unable to obtain the services. (Health and Safety Code 124085)**

*(cf. 5141.32 - Health Screening for School Entry)*

AR 5141.26(b)

### TUBERCULOSIS TESTING (continued)

2. Whenever ordered by the local health officer **for the preservation and protection of public health**, students seeking admission for the first time to a district school at any grade level shall submit to tuberculosis testing. ~~Any student~~ **Students who are** subject to the **health officer's** order shall be admitted to school as follows:

- a. The Superintendent or designee shall unconditionally admit ~~the student if he/she,~~ **any student who,** prior to admission, submits a certificate, signed by any public or private medical provider, indicating that ~~he/she~~ **the student** has completed an approved tuberculosis examination and is free from active tuberculosis. (Health and Safety Code 121485, 121490, 121500; 22 CCR 41305, 41311, 41313)

(cf. 5141.3 - Health Examinations)

(cf. 5141.6 - School Health Services)

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

~~A student shall not be required to obtain the~~ **The Superintendent or designee shall exempt a student from the requirement to submit a** certificate if ~~his/her~~ **the student's** parent/guardian, or ~~custodian~~ **the student if an emancipated minor,** provides ~~the Superintendent or designee with~~ an affidavit stating that the required examination is contrary to ~~his/her~~ **one's personal** beliefs. If there is probable cause to believe that such a student has active tuberculosis, ~~he/she~~ **the student** may be excluded from school until the Superintendent or designee is satisfied that ~~he/she~~ **the student** is not afflicted. (Health and Safety Code 121505)

- b. A student who has not submitted the certificate ~~or personal beliefs affidavit~~ may be ~~conditionally~~ admitted ~~provided~~ **on condition** that ~~he/she~~ **the student** receives an approved tuberculin skin test within 10 school days after admission. A student who **has** had a positive skin test and has not subsequently obtained a chest x-ray may be ~~conditionally~~ admitted ~~if he/she~~ **on condition that the student** receives a chest x-ray within 20 school days after admission. Any student who fails to provide the certificate within those time periods shall be prohibited from further attendance until ~~he/she provides~~ the certificate **is provided**. (Health and Safety Code 121495; 22 CCR 41315, 41327)

AR 5141.26(c)

## **TUBERCULOSIS TESTING** (continued)

- c. Whenever the local health officer so orders, a student may be required to complete an additional examination and provide another certificate indicating that ~~he/she~~ **the student** is free of communicable tuberculosis. (Health and Safety Code 121485)
- d. At the discretion of the local health officer, the district may admit a student without a certificate if ~~he/she~~ **the student** is undergoing or has already undergone preventive treatment for tuberculosis infection or treatment for tuberculosis disease. (22 CCR 41319)

3. Whenever the Superintendent or designee suspects that a student who has not been examined for tuberculosis either has the disease or has been exposed, **he/she the Superintendent or designee** shall immediately report by telephone to the local health officer. When required by the local health officer, the district shall exclude the student from school until **he/she the student** is certified to be free of communicable tuberculosis. (22 CCR 41329)

The Superintendent or designee shall maintain a record of any student's tuberculosis examination as part of the student's mandatory permanent student record. (22 CCR 41323)

*(cf. 5125 - Student Records)*

The Superintendent or designee shall annually file a report with the local health department on the results of tuberculosis examinations for all **individuals new district students** required to complete such examinations in accordance with item #2 above, including, but not necessarily limited to, the number of **individuals students** unconditionally and conditionally admitted and the number of **individuals students** exempted on the basis of their personal beliefs. (22 CCR 41325)

All district staff shall receive information on how tuberculosis is spread and how it can be prevented and treated.

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

*(cf. 4119.43/4219.43/4319.43 - Universal Precautions)*

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

*(cf. 5141.22 - Infectious Diseases)*

*Legal Reference: (see next page)*

AR 5141.26(d)

## **TUBERCULOSIS TESTING (continued)**

*Legal Reference:*

**EDUCATION CODE**

48213 Prior parent notification of exclusion; exemption

49451 Parent's refusal to consent to health examination

**HEALTH AND SAFETY CODE**

120230 Exclusion of persons from school when residence is in isolation or quarantine

121365 Duties of local health officer re: tuberculosis control

121475-121520 Tuberculosis tests for students

124025-124110 Child Health and Disability Prevention Program

**CODE OF REGULATIONS, TITLE 5**

202 Exclusion of students with contagious disease

432 Student records



3030 Eligibility for special education; tuberculosis that adversely affects educational performance  
CODE OF REGULATIONS, TITLE 22  
41301-41329 Tuberculosis tests for students

*Management Resources:*

**CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES PUBLICATIONS**

**CHDP School Handbook: School Entry Health Examination Requirements, rev. January 2006**

**CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS**

**California Immunization Handbook: Pre-Kindergarten (Child-Care) and School Immunization Requirements, 10th Edition, July 2019**

**WEB SITES**

American Lung Association: <http://www.lungusa.org>

California Department of Health Care Services: <https://www.dhcs.ca.gov>

California Department of Public Health, Tuberculosis Control: <http://www.cdph.ca.gov/programs/tb>  
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/TBCB.aspx>

Centers for Disease Control and Prevention, Tuberculosis: <http://www.cdc.gov/tb>

Health Officers Association of California: <http://www.calhealthofficers.org>

(3/93 3/10) 10/19

**Policy Reference UPDATE Service**

Copyright 2019 by California School Boards Association, West Sacramento, California 95691

All rights reserved.

# National SD

## Board Policy

### Students

BP 5142(a)

### SAFETY

The Governing Board recognizes the importance of providing a safe school environment that is conducive to learning and ~~helps ensure~~ **promotes** student safety **and well-being,** ~~and the prevention of student injury.~~ ~~The Superintendent or designee shall implement appropriate practices~~ **measures shall be implemented** to minimize the risk of harm to students, including, but not limited to, ~~practices relative to~~ **protocols for maintaining safe conditions on school grounds, promoting safe use of** school facilities and equipment, ~~the outdoor environment,~~ **and guiding student participation in** educational programs and school-sponsored activities.

(cf. 0450 - Comprehensive Safety Plan)

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

(cf. 3514 - Environmental Safety)

(cf. 3514.1 - Hazardous Substances)

(cf. 3514.2 - Integrated Pest Management)

**(cf. 3515 - Campus Security)**

**(cf. 3515.21 - Unmanned Aircraft Systems (Drones))**

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3530 - Risk Management/Insurance)

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5142.1 - Identification and Reporting of Missing Children)

BP 5142(b)

### SAFETY (continued)

(cf. 5143 - Insurance)

~~(cf. 5144 - Discipline)~~

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

(cf. 6145.2 - Athletic Competition)

(cf. 6163.2 - Animals at School)

(cf. 7111 - Evaluating Existing Buildings)

~~Staff~~ **School staff** shall be responsible for the proper supervision of students **at all times when students are subject to district rules, including, but not limited to,** during school hours, ~~during~~

school-sponsored activities, **before and after-school programs, morning drop-off and afternoon pick-up,** and while students are using district transportation ~~to and from school.~~

The Superintendent or designee shall ensure that students receive appropriate instruction on topics related to safety **and emergency procedures,** as well as injury and disease prevention.

(cf. 5141.7 - Sun Safety)

(cf. 6142.8 - Comprehensive Health Education)

### **Crossing Guards/**Student** Safety Patrol**

To assist students in safely crossing streets adjacent to or near school sites, the Board may employ crossing guards and/or establish a **student** safety patrol at any district school. The Superintendent or designee shall periodically examine traffic patterns within school attendance areas in order to identify locations where crossing assistance may be needed.

**(cf. 5142.2 - Safe Routes to School Program)**

*Legal Reference: (see next page)*

BP 5142(d)

### **SAFETY (continued)**

*Legal Reference:*

**EDUCATION CODE**

8482-8484.65 After School Education and Safety Program

17280-17317 Building approvals (Field Act)

17365-17374 Fitness of school facilities for occupancy

32001 Fire alarms and drills

32020 School gates; entrances for emergency vehicles

32030-32034 Eye safety

32040 First aid equipment

32225-32226 Two-way communication devices in classrooms

32240-32245 Lead-free schools

32250-32254 CDE school safety and security resources unit

32280-32289 Safety plans

44807 Duty of teachers concerning conduct of students

44808 Exemption from liability when students are not on school property

44808.5 Permission for students to leave school grounds; notice (high school)

45450-45451 Crossing guards

48900 Hazing

49300-49307 School safety patrol

49330-49335 Injurious objects

49341 Hazardous materials in school science laboratories

51202 Instruction in personal and public health and safety

GOVERNMENT CODE

810-996.6 California Tort Claims Act

HEALTH AND SAFETY CODE

115725-115735 Playground safety

115775-115800 Wooden playground equipment

~~115810-115816 Playground safety and recycling grants~~

**116046 Issuance of best practices guidelines for K-12 pool safety**

PENAL CODE

245.6 Hazing

PUBLIC RESOURCES CODE

5411 Purchase of equipment usable by ~~physically disabled~~ persons **with disabilities**

VEHICLE CODE

21100 Rules and regulations; crossing guards

**21201 Rules for operation of bicycle on roadway**

21212 Use of helmets

42200 Fines and forfeitures, disposition by cities

42201 Fines and forfeitures, disposition by counties

CODE OF REGULATIONS, TITLE 5

202 Exclusion of students with a contagious disease

570-576 School safety patrols

5531 Supervision of social activities

5552 Playground supervision

5570 When school shall be open and teachers present

**14030 Standards for development of plans for the design and construction of school facilities**

14103 Bus driver; authority over pupils

Legal Reference continued: (see next page)

BP 5142(e)

**SAFETY (continued)**

Legal Reference: (continued)

COURT DECISIONS

**J.H. v. Los Angeles Unified School District, (2010) 183 Cal.App.4th 123**

**Lane v. City of Sacramento, (2010) 183 Cal. App. 4th. 1337**

*Wiener v. Southcoast Childcare Centers*, (2004) 32 Cal.4th 1138

*Kahn v. East Side Union High School District*, (2003) 31 Cal.4th 990

***Knight v. Jewett*, (1992) 3 Cal.4th 296, 313**

*Hoyem v. Manhattan Beach City School District*, (1978) 22 Cal. 3d 508

*Dailey v. Los Angeles Unified School District*, (1970) 2 Cal 3d 741

Management Resources:

AMERICAN SOCIETY FOR TESTING AND MATERIALS

F 1487-05, Standard Consumer Safety Performance Specification for Playground Equipment for Public Use, ~~2005~~ **2017**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

***Science Safety Handbook for California Public Schools, 2014***

U.S. CONSUMER PRODUCT SAFETY COMMISSION PUBLICATIONS

~~*Handbook for Public Playground Safety* Pub. No. 325, 1994, rev. 1997~~ ***Handbook, 2010***

WEB SITES

*American Society for Testing and Materials: <http://www.astm.org>*  
*California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/ls/ss>*  
*California Department of Public Health: <http://www.cdph.ca.gov>*  
*Centers for Disease Control and Prevention: <http://www.cdc.gov>*  
*Environmental Protection Agency: <http://www.epa.gov>*  
*U.S. Consumer Product Safety Commission: <http://www.cpsc.gov>*  
*U.S. Department of Education, Safe Schools: <http://www.ed.gov/about/offices/list/osep/osep/gtss.html>*

(11/02 7/06) 10/19

**Policy Reference UPDATE Service**

Copyright 2019 by **California School Boards Association**, West Sacramento, California 95691  
All rights reserved.

# National SD

## Administrative Regulation

Students

AR 5142(a)

### SAFETY

Each principal or designee shall establish ~~school~~ **emergency procedures, rules for student conduct, and** rules for the safe and appropriate use of school **facilities,** equipment, and materials, ~~and for student conduct~~ consistent with law, Board policy, and administrative regulation. **The rules shall be communicated to students,** ~~Copies of the rules shall be~~ distributed to parents/guardians, and ~~shall be~~ readily available at the school at all times.

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5131 - Conduct)*

*(cf. 5144 - Discipline)*

### Release of Students

Students shall be released during the school day only to the custody of an adult ~~if~~ **who is one of the following:**

1. ~~The adult is the~~ **The** student's custodial parent/guardian;

*(cf. 5021 - Noncustodial Parents)*

2. ~~The~~ **An** adult ~~has been~~ authorized on the student's emergency card as someone to whom the student may be released when the custodial parent/guardian cannot be reached, ~~and~~ **provided** the principal or designee verifies the adult's identity;

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

3. ~~The adult is an~~ **An** authorized law enforcement officer acting in accordance with law;

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

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

***(cf. 5145.13 - Response to Immigration Enforcement)***

4. ~~The~~ **An** adult ~~is~~ taking the student to emergency medical care at the request of the principal or designee;

*(cf. 5141 - Health Care and Emergencies)*

## **SAFETY** (continued)

### **Supervision of Students**

Teachers shall be present at their respective rooms and shall open them to admit students not less than 30 minutes before the time **when that** school starts. (5 CCR 5570)

Every teacher shall hold students accountable for their conduct on the way to and from school, on the playgrounds, and during recess. (Education Code 44807)

The principal or designee shall require all individuals supervising students to remain alert **in spotting for unauthorized persons and** dangerous conditions, promptly report any such **conditions observations** to the principal or designee, and file a written report **on such conditions** as appropriate.

**(cf. 1250 - Visitors/Outsiders)**

*(cf. 3530 - Risk Management/Insurance)*

In arranging for appropriate supervision on playgrounds, the principal or designee shall:

~~1. Where playground supervision is not otherwise provided, provide for certificated employees to supervise the conduct and safety, and direct the play, of students who are on school grounds before and after school and during recess and other intermissions (5 CCR 5552)~~

**2.1.** Clearly identify supervision zones on the playground and require all playground supervisors to remain outside at a location from which they can observe their entire zone of supervision

**3.2.** Consider the size of the playground area, the number of areas that are not immediately visible, and the age of the students to determine the ratio of playground supervisors to students

~~Where~~ **At any school where** playground supervision is not otherwise provided, **the principal or designee shall** provide for certificated employees to supervise the conduct and safety, and direct the play, of students who are on school grounds before and after school and during recess and other intermissions. (5 CCR 5552)

## **SAFETY** (continued)

The Superintendent or designee shall ensure that teachers, teacher aides, playground supervisors, yard aides, and volunteers who supervise students receive training in safety practices and in supervisory techniques that will help ~~them to forestall~~ **prevent** problems and resolve conflicts **among students**. Such training shall be documented and kept on file.

*(cf. 1240 - Volunteer Assistance)*

*(cf. 3515.2 - Disruptions)*

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 5131.4 - Student Disturbances)*

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

### **Student Safety Patrols**

A school safety patrol shall be composed of students of the school ~~who are~~ selected by the principal and shall serve only with written consent ~~from their~~ **of the students and their** parents/guardians. Patrol members shall be at least 10 years old and at least in the fifth grade. (Education Code 49302; 5 CCR 571)

School safety patrols shall be used only at those locations where the nature of traffic will permit their safe operation. The locations where school safety patrols are used should be determined jointly with the local law enforcement agency. (5 CCR 572)

Patrol members shall be under the supervision and control of the principal or designee and shall receive training in proper procedures, including, but not limited to, the operations specified in 5 CCR 573-574. Whenever on duty, patrol members shall wear the standard uniform required by 5 CCR 576.



## Playground Safety

AR 5142(d)

### SAFETY (continued)

Any new playground or any replacement of equipment or modification of components inside an existing playground shall conform to standards set forth by the American Society for Testing and Materials and the guidelines set forth by the U.S. Consumer Product Safety Commission. **The Superintendent or designee shall have a playground safety inspector certified by the National Playground Safety Institute conduct an initial inspection to aid compliance with applicable safety standards.** (Health and Safety Code 115725)

~~Any playground installed between January 1, 1994, and December 31, 1999, shall conform to these standards not later than 15 years after the date of installation. (Health and Safety Code 115725)~~

### Activities with Safety Risks

~~Because of~~ **Due to** concerns about the risk to student safety, the principal or designee shall not permit the following activities on campus or during school-sponsored events unless the activity is properly supervised, students wear protective gear as appropriate, and each participant has insurance coverage:

1. Trampolining
2. Scuba diving
3. Skateboarding or use of scooters
4. In-line or roller skating or use of skate shoes
5. Sailing, boating, or water skiing
6. ~~Snow trips~~ **Cross-country or downhill skiing**

**SAFETY** (continued)

7. Motorcycling
8. Target shooting
9. Horseback riding
10. Rodeo

**11. Archery**

**12. Mountain bicycling**

**13. Rock climbing**

**14. Rocketeering**

**15. Surfing**

**16.** Other activities determined by the principal to have a high risk to student safety

*(cf. 5143 - Insurance)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6153 - School-Sponsored Trips)*

Students who operate or ride as a passenger on a bicycle, nonmotorized scooter, or skateboard, or wear in-line or roller skates, upon a street, bikeway, or any other public bicycle path or trail shall wear a properly fitted and fastened bicycle helmet that meets the standards of law. Students also shall be required to wear such helmets while wearing in-line or roller skates. (Vehicle Code 21212)

**SAFETY** (continued)

**Students in a laboratory shall be under the supervision of a certificated employee. Students shall be taught laboratory safety, and safety guidelines and procedures shall be posted in science classrooms. Students shall receive continual reminders about general and specific hazards.**

**Hazardous materials shall be properly used, stored, and disposed of in accordance with law and the district's chemical hygiene plan.**

*(cf. 3514.1 - Hazardous Substances)*

**Bloodborne pathogens shall be handled in accordance with the district's exposure control plan.**

*(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*  
*(cf. 5141.22 - Infectious Diseases)*

**The district's emergency plan, emergency contact numbers, and first aid supplies shall be readily accessible.**

**Parents/guardians shall be made aware of the kinds of laboratory activities that will be conducted during the school year.**

**Hearing Protection**

The Superintendent or designee shall monitor students' exposure to excessive noise in classrooms and provide protection as necessary. The Superintendent or designee ~~also~~ may **also** provide hearing conservation education to teach students ways to protect their hearing.

**Eye Safety Devices**

The Superintendent or designee shall provide schools with eye safety devices for use whenever students, teachers, or visitors are engaged in or observing an activity or using hazardous substances likely to cause injury to the eyes. Eye safety devices may be sold to students for an amount not to exceed their actual cost to the district. (Education Code 32030, 32031, 32033)

*(cf. 3260 - Fees and Charges)*

**SAFETY** (continued)

**Protection Against Insect Bites**

To help protect students against insect bites or stings that may spread disease or cause allergic reactions, students shall be allowed to apply insect repellent provided by their parents/guardians, under the supervision of school personnel, and in accordance with the manufacturer's directions, when engaging in outdoor activities.

(7/06 7/07) 10/19

# National SD

## Board Policy

### Instruction

BP 6143(a)

#### COURSES OF STUDY

The Governing Board recognizes that a well-aligned sequence of courses fosters academic **progress growth** and provides for the best possible use of instructional time. The district's course of study shall provide students with opportunities to attain the skills, knowledge, and abilities they need to be successful ~~in school, college, and the workplace~~ **academically, professionally, and personally**.

*(cf. 6011 - Academic Standards)*

*(cf. 6141 - Curriculum Development and Evaluation)*

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

The Superintendent or designee shall establish processes for ensuring the articulation of courses across grade levels within the district. As necessary, ~~he/she also~~ **the Superintendent or designee** shall work with representatives of appropriate area districts and postsecondary institutions to ensure articulation of courses with other institutions to which district students may matriculate. The sequence of courses shall be designed to ensure that each course provides adequate preparation for the next course in the sequence, **only utilizes prerequisites that are essential to success in a given program or course**, avoids significant duplication of content, and allows for reinforcement and progression in the subject matter.

**The district shall not provide any course separately on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability or require or refuse participation by any of its students on any such basis. (5 CCR 4940)**

*(cf. 0415 - Equity)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

### Elementary Grades

BP 6143(b)

#### COURSES OF STUDY (continued)

The Board shall adopt a course of study for elementary grades that sufficiently prepares students for the secondary course of study.

*(cf. 6146.5 - Elementary/Middle School Graduation Requirements)*

**COURSES OF STUDY** (continued)*Legal Reference:*EDUCATION CODE

33319.3 Driver education; CDE materials on road rage  
 33540 Government and civics instruction in interaction with government agencies  
 48980 Parental notifications  
 51202 Instruction in personal and public health and safety  
 51203 Instruction on alcohol, narcotics and restricted dangerous drugs  
 51204 Course of study designed for student's needs  
 51204.5 Social science instruction; history of California; contributions of various groups  
 51210-51212 Course of study for grades 1-6  
 51220-51229 Course of study for grades 7-12  
 51241 Exemption from physical education  
 51911-51921 Comprehensive health education  
 51930-51939 Comprehensive sexual health and HIV/AIDS prevention instruction  
 51940 Curriculum for brain and spinal cord injury prevention  
 60040-60052 Requirements for instructional materials  
 66204 Certification of high school courses as meeting university admission criteria

HEALTH AND SAFETY CODE

11032 Definitions of dangerous drugs

CODE OF REGULATIONS, TITLE 5

**4940 Nondiscrimination; course access**

~~10020-10049~~ **10043** Automobile driver education and training

10060 Physical education program

UNITED STATES CODE, TITLE 20

~~6101~~ **6111**-6251 School-to-Work Opportunities Act of 1994

*Management Resources:*WEB SITES

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

**American Health Association: <https://www.heart.org>**

**American Red Cross, Hands-Only CPR: <https://www.redcross.org/take-a-class>**

California Career Resource Network: <http://www.californiacareers.info>

California Colleges.edu: <http://www.californiacolleges.edu>

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

California State University, Admission Requirements: [http://www.csumentor.edu/planning/high\\_school](http://www.csumentor.edu/planning/high_school)

University of California, a-g Course Submissions: <http://www.ucop.edu/a-g>

~~Guide/ag/course-submissions~~ **<https://hs-articulation.ucop.edu/guide/update-your-a-g-list/submitting-courses>**

University of California, List of Approved a-g Courses:

~~<http://www.universityofcalifornia.edu/admissions/freshman/requirements>~~ **<https://hs-articulation.ucop.edu/agcourselist>**

(11/07 11/11) 12/19

**Policy Reference UPDATE Service**

Copyright 2019 by California School Boards Association, West Sacramento, California 95691

All rights reserved

# National SD

## Administrative Regulation

**Instruction**

AR 6143(a)

### **COURSES OF STUDY**

#### **Grades 1-6**

Courses of study for grades 1-6 shall include the following:

*(cf. 6146.5 - Elementary/Middle School Graduation Requirements)*

1. English: knowledge and appreciation of language and literature, and the skills of speaking, reading, listening, spelling, handwriting, and composition (Education Code 51210)

*(cf. 6142.91 - Reading/Language Arts Instruction)*

2. Mathematics: concepts, operational skills, and problem solving (Education Code 51210)

*(cf. 6142.92 - Mathematics Instruction)*

3. Social sciences: age-appropriate instruction drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, including instruction in: (Education Code 51210)

- a. The history, resources, development, and government of California and the United States

Instruction shall include the early history of California and a study of the role and contributions of men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups to the economic,

**COURSES OF STUDY** (continued)

political, and social development of California and the United States, with particular emphasis on portraying the role of these groups in contemporary society. (Education Code 51204.5, 60040)

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

*(cf. 6142.3 - Civic Education)*

*(cf. 6142.94 - History-Social Science Instruction)*

- b. The development of the American economic system, including the role of the entrepreneur and labor
- c. The relations of persons to their human and natural environments
- d. Eastern and western cultures and civilizations
- e. Contemporary issues
- f. The wise use of natural resources

*(cf. 6142.5 - Environmental Education)*

- 4. Science: biological and physical aspects, with emphasis on experimental inquiry and the place of humans in ecological systems (Education Code 51210)

*(cf. 6142.93 - Science Instruction)*

- 5. Visual and performing arts: instruction in dance, music, theatre, and visual arts aimed at developing aesthetic appreciation and creative expression (Education Code 51210)

*(cf. 6142.6 - Visual and Performing Arts Education)*

- 6. Health: principles and practices of individual, family, and community health, including instruction at the appropriate grade levels and subject areas in: (Education Code 51202, 51210)



**COURSES OF STUDY** (continued)

- a. Personal and public safety and accident prevention, including instruction in emergency first aid, hemorrhage control, treatment for poisoning, resuscitation techniques, and cardiopulmonary resuscitation when appropriate equipment is available

*(cf. 6142.8 - Comprehensive Health Education)*

- b. Fire prevention
- c. The protection and conservation of resources, including the necessity for the protection of the environment
- d. Venereal disease

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

- e. The effects of alcohol, narcotics, drugs, and tobacco upon the human body

*(cf. 5131.6 - Alcohol and Other Drugs)*

- f. Violence as a public health issue

- 7. Physical education, with emphasis on physical activities conducive to health and vigor of body and mind (Education Code 51210)

*(cf. 6142.7 - Physical Education and Activity)*

- 8. Violence awareness and prevention

- 9. Career awareness exploration

*(cf. 6178 - Career Technical Education)*

(11/11 10/16) 12/19

**Policy Reference UPDATE Service**

Copyright 2019 by **California School Boards Association**, West Sacramento, California 95691  
All rights reserved

# National SD

## Board Policy

### Instruction

BP 6154(a)

### HOMEWORK/MAKEUP WORK

The Governing Board recognizes that meaningful homework assignments can be a valuable extension of student learning time and assist students in developing good study habits. Homework shall be assigned when necessary to support classroom lessons, enable students to complete unfinished assignments, or review and apply academic content for better understanding.

The Superintendent or designee shall collaborate with school administrators and teachers to develop and regularly review guidelines for the assignment of homework and the related responsibilities of students, staff, and parents/guardians.

Homework assignments shall be reasonable in length and appropriate to the grade level and course. The Board expects that the number, frequency, and degree of difficulty of homework assignments will increase with the grade level and the maturity of students. Teachers shall assign homework only as necessary to fulfill academic goals and reinforce current instruction.

*(cf. 6011 - Academic Standards)*

As needed, teachers may receive training in designing relevant homework assignments that reinforce classroom learning objectives.

*(cf. 4131 - Staff Development)*

Although on-time completion of homework is important to maintain academic progress, the Board recognizes that students learn at different rates. Students shall receive credit for work that is completed late in order to encourage their continued learning.

Age-appropriate instruction may be given to help students allocate their time wisely, meet their deadlines, **learn to work independently**, and develop good personal study habits.

BP 6154(b)

### HOMEWORK/MAKEUP WORK (continued)

At the beginning of the school year, teachers shall communicate homework expectations to students and their parents/guardians. Homework guidelines **also** shall **also** be included in student and/or parent/**guardian** handbooks. These communications shall include the manner in which

homework relates to achievement of academic standards and course content, the impact of homework assignments on students' grades, any school resources and programs that are available to provide homework support, and ways in which parents/guardians may appropriately assist their children.

Although it is the student's responsibility to undertake assignments independently, parents/guardians may serve as a resource and are encouraged to ensure that their child's homework assignments are completed. When a student repeatedly fails to complete ~~his/her~~ homework, the teacher shall notify the student's parents/guardians as soon as possible so that corrective action can be taken prior to the release of any final grades or report cards.

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 6020 - Parent Involvement)*

To further support students' homework efforts, the Superintendent or designee may establish and maintain ~~telephone help lines~~ **electronic forums**, provide access to school library media centers and technological resources, and/or provide before-school and after-school programs where students can receive homework assistance from teachers, volunteers, and/or student tutors. The Board encourages the Superintendent or designee to design class and transportation schedules that will enable students to make use of homework support services.

*(cf. 1240 - Volunteer Assistance)*

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

*(cf. 3541 - Transportation Routes and Services)*

*(cf. 5148 - Child Care and Development)*

*(cf. 5148.2 - Before/After School Programs)*

*(cf. 6112 - School Day)*

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

*(cf. 6163.1 - Library Media Centers)*

BP 6154(c)

## **HOMEWORK/MAKEUP WORK** (continued)

Teachers shall review all completed homework to assess the student's understanding of academic content and shall provide timely feedback to the student.

### **Makeup Work**

Students who ~~miss school work~~ **are absent from school** shall be given the opportunity to complete all assignments and tests that can be reasonably provided. As determined by the teacher, the assignments and tests shall be ~~reasonably~~ equivalent to, but not necessarily identical to, the assignments and tests missed during the absence. Students shall receive full credit for work satisfactorily completed within a reasonable period of time.

*(cf. 5113 - Absences and Excuses)*

The Superintendent or designee shall notify parents/guardians that no student may have **his/her a** grade reduced or lose academic credit for any excused absence when missed assignments and tests are satisfactorily completed within a reasonable period of time. Such notification shall include the full text of Education Code 48205. (Education Code 48980)

*(cf. 5121 - Grades/Evaluation of Student Achievement)*

*(cf. 5145.6 - Parental Notifications)*

### **Suspended Students**

**When a parent/guardian of a student who has been suspended for two or more school days requests homework that the student would otherwise have been assigned, the student's teacher shall provide such homework. If a homework assignment is requested and is turned in to the teacher by the student either upon the student's return from suspension or within the timeframe originally prescribed by the teacher, whichever is**

BP 6154(c)

### **HOMEWORK/MAKEUP WORK (continued)**

**later, and is not graded before the end of the academic term, the homework assignment shall not be included in the calculation of the student's overall grade in the class. (Education Code 48913.5)**

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

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

#### *Legal Reference:*

##### EDUCATION CODE

8420-8428 21st Century High School After School Safety and Enrichment for Teens

8482-8484.65 After School Education and Safety Program

8484.7-8484.9 21st Century Community Learning Centers

48205 Absences for personal reasons

48913 Completion of work missed by suspended student

**48913.5 Homework assignments for suspended students**

48980 Parental notifications

##### UNITED STATES CODE, TITLE 20

7171-7176 21st Century Community Learning Centers

#### *Management Resources:*

CSBA PUBLICATIONS

*Research-Supported Strategies to Improve the Accuracy and Fairness of Grades*, Governance Brief, July 2016

WEB SITES

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

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

(2/99 12/16) 12/19

**Policy Reference UPDATE Service**

Copyright 2019 by **California School Boards Association**, West Sacramento, California 95691  
All rights reserved.

# National SD

## Administrative Regulation

Instruction

AR 6174(a)

### EDUCATION FOR ENGLISH LEARNERS

#### Definitions

*English learner* means a student who is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An English learner may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant. (Education Code 306; 20 USC 7801)

*Designated English language development* means instruction provided during a time set aside in the regular school day for focused instruction on the state-adopted English language development standards to assist English learners to develop critical English language skills necessary for academic content learning in English. (5 CCR 11300)

*Integrated English language development* means instruction in which the state-adopted English language development standards are used in tandem with the state-adopted academic content standards. Integrated English language development includes specially designed academic instruction in English. (5 CCR 11300)

*Native speaker of English* means a student who has learned and used English at home from early childhood and English has been the primary means of concept formation and communication. (Education Code 306)

#### Identification and Assessments

Upon enrollment in the district, each student's primary language shall be determined through the use of a home language survey. (Education Code 52164.1; 5 CCR 11307, **11518.5**)

**EDUCATION FOR ENGLISH LEARNERS** (continued)

Any student who is identified as having a primary language other than English as determined by the home language survey, and who has not previously been identified as an English learner by a California public school or for whom there is no record of results from an administration of an English language proficiency test, shall be initially assessed for English proficiency using the English Language Proficiency Assessments for California (ELPAC). **Prior to administering the ELPAC, the Superintendent or designee shall notify the student's parent/guardian in writing that the student will be administered the initial ELPAC.** (Education Code 313, 52164.1; 5 CCR 11518.5)

~~Each year after a student is identified as an English learner and until the student is redesignated as English proficient, the summative assessment of the ELPAC shall be administered to the student during a four month period after January 1 as determined by the California Department of Education. (Education Code 313)~~

Administration of the ELPAC, including the use of variations and accommodations in test administration when authorized, shall be conducted in accordance with test publisher instructions and 5 CCR 11518.5-11518.35.

*(cf. 6159 - Individualized Education Program)*  
*(cf. 6162.51 - State Academic Achievement Tests)*  
*(cf. 6164.6 - Identification and Education Under Section 504)*

**EDUCATION FOR ENGLISH LEARNERS** (continued)

**Based on the initial assessment, the student shall be classified either as initially fluent in English proficient or as an English learner. The Superintendent or designee shall notify the student's parent/guardian, in writing, of the results of the ELPAC initial assessment within 30 calendar days after the student's date of initial enrollment, or, if administered prior to the student's initial date of enrollment, up to 60 calendar days prior to such enrollment, but not before July 1 of the school year of the student's initial enrollment. The notice shall indicate whether the student met the ELPAC initial assessment criterion for proficiency and include**

**the district's contact information for use if the parent/guardian has questions or concerns regarding the student's classification. (5 CCR 11518.5)**

Each year after a student is identified as an English learner and until the student is redesignated as English proficient, the summative assessment of the ELPAC shall be administered to the student during a four-month period after January 1 as determined by the California Department of Education. (Education Code 313)

The Superintendent or designee shall notify parents/guardians of their child's results on the **summative assessment of the** ELPAC within 30 calendar days following receipt of the results from the test contractor or, if the results are received from the test contractor after the last day of instruction for the school year, within 15 working days of the start of the next school year. (Education Code 52164.1; 5 CCR 11518.15)

*(cf. 5145.6 - Parental Notifications)*

The parent/guardian of a student participating in, or identified for participation in, a language instruction program supported by federal Title I or Title III funds shall receive notification of the assessment of the student's English proficiency. Such notice shall be provided not later than 30 calendar days after the beginning of the school year or, if the student is identified for

AR 6174(d)

## **EDUCATION FOR ENGLISH LEARNERS** (continued)

program participation during the school year, within two weeks of the student's placement in the program. The notice shall include all of the following: (Education Code 313.2, 440; 20 USC 6312)

1. The reason for the identification of the student as an English learner and the need for placement in a language acquisition program
2. The level of English proficiency, how the level was assessed, and the status of the student's academic achievement
3. A description of the language acquisition program in which the student is, or will be, participating, including a description of all of the following:
  - a. The methods of instruction used in the program and in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction



- b. The manner in which the program will meet the educational strengths and needs of the student
  - c. The manner in which the program will help the student develop English proficiency and meet age-appropriate academic standards for grade promotion and graduation
  - d. The specific exit requirements for the program, the expected rate of transition from the program into classes not tailored for English learners, and the expected rate of graduation from secondary school if applicable
  - e. **Where When** the student has been identified for special education, the manner in which the program meets the requirements of the student's IEP
4. As applicable, the identification of a student as a long-term English learner or at risk of becoming a long-term English learner, as defined in Education Code 313.1, and the

AR 6174(e)

#### **EDUCATION FOR ENGLISH LEARNERS (continued)**

manner in which the program for English language development instruction will meet the educational strengths and needs of such students and help such students develop English proficiency and meet age-appropriate academic standards

- 5. Information about the parent/guardian's right to have the student immediately removed from a program upon the parent/guardian's request
- 6. Information regarding a parent/guardian's option to decline to enroll the student in the program or to choose another program or method of instruction, if available
- 7. Information designed to assist a parent/guardian in selecting among available programs, if more than one program or method is offered

#### **Language Acquisition Programs**

Whenever parents/guardians of enrolled students, and those enrolled for attendance in the next school year, request that the district establish a specific language acquisition program in accordance with Education Code 310, such requests shall be addressed through the following process: (5 CCR 11311)

1. The school shall make a written record of each request, including any request submitted verbally, that includes the date of the request, the names of the parent/guardian and student making the request, a general description of the request, and the student's grade level on the date of the request. As needed, the school shall assist the parent/guardian in clarifying the request. All requests shall be maintained for at least three years from the date of the request.
2. The school shall monitor requests on a regular basis and notify the Superintendent or designee when the parents/guardians of at least 30 students enrolled in the school, or at least 20 students in the same grade level, request the same or a substantially similar type of language acquisition program. If the requests are for a multilingual program model, the district shall consider requests from parents/guardians of students enrolled in the school who are native English speakers in determining whether this threshold is reached.

AR 6174(f)

#### **EDUCATION FOR ENGLISH LEARNERS (continued)**

3. If the number of parents/guardians described in item #2 is attained, the Superintendent or designee shall:
  - a. Within 10 days of reaching the threshold, notify the parents/guardians of students attending the school, the school's teachers, administrators, and the district's English learner parent advisory committee and parent advisory committee, in writing, of the requests for a language acquisition program
  - b. Identify costs and resources necessary to implement any new language acquisition program, including, but not limited to, certificated teachers with the appropriate authorizations, necessary instructional materials, pertinent professional development for the proposed program, and opportunities for parent/guardian and community engagement to support the proposed program goals
  - c. Within 60 calendar days of reaching the threshold number of parents/guardians described in item #2 above, determine whether it is possible to implement the requested language acquisition program and provide written notice of the determination to parents/guardians of students attending the school, the school's teachers, and administrators
  - d. If a determination is made to implement the language acquisition program, create and publish a reasonable timeline of actions necessary to implement the program. If a determination is made that it is not possible to implement the program, provide a written explanation of the reason(s) the program cannot be provided.

The district shall notify parents/guardians at the beginning of each school year or upon the student's enrollment regarding the process to request a language acquisition program, including a dual-language immersion program, for their child. The notice shall also include the following: (5 CCR 11309, 11310)

1. A description of the programs provided, including structured English immersion
2. Identification of any language to be taught in addition to English when the program includes instruction in a language other than English
3. The manner in which the program is designed using evidence-based research and includes both designated and integrated English language development
4. The manner in which the district has allocated sufficient resources to effectively implement the program, including, but not limited to, certificated teachers with the

AR 6174(g)

#### **EDUCATION FOR ENGLISH LEARNERS (continued)**

appropriate authorizations, necessary instructional materials, pertinent professional development, and opportunities for parent/guardian and community engagement to support the program goals

5. The manner in which the program will, within a reasonable period of time, lead to language proficiency and achievement of the state-adopted content standards in English and, when the program includes instruction in another language, in that other language
6. The process to request establishment of a language acquisition program not offered at the school
7. For any dual-language immersion program offered, the specific languages to be taught. The notice also may include the program goals, methodology used, and evidence of the proposed program's effectiveness.

#### **Reclassification/Redesignation**

The district shall ~~continue to~~ provide additional and appropriate educational services to English learners for the purposes of overcoming language barriers and academic deficits in other areas of the core curriculum. ~~until they~~ (5 CCR 11302)

1. ~~Demonstrate English language proficiency comparable to that of the district's average native English language speakers~~
2. ~~Recoup any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers~~

### **Reclassification/Redesignation**

English learners shall be reclassified as fluent English proficient when they are able to comprehend, speak, read, and write English well enough to receive instruction in an English language mainstream classroom and make academic progress at a level substantially equivalent to that of students of the same age or grade whose primary language is English and who are in the regular course of study. (Education Code 52164.6)

The procedures used to determine whether an English learner shall be reclassified as fluent English proficient shall include, but not be limited to: (Education Code 313, 52164.6; 5 CCR 11303)

AR 6174(h)

### **EDUCATION FOR ENGLISH LEARNERS (continued)**

1. Assessment of English language proficiency using an objective assessment instrument, including, but not limited to, the ELPAC
2. Participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions related to the student
3. Parent/guardian involvement, including:
  - a. Notice to parents/guardians of language reclassification and placement, including a description of the reclassification process and the parent/guardian's opportunity to participate
  - b. Encouragement of parent/guardian participation in the district's reclassification procedure, including seeking parent/guardian opinion and consultation during the reclassification process
4. Student performance on an objective assessment of basic skills in English that shows whether the student is performing at or near grade level

**The student's language proficiency assessments, the participants in the reclassification process, and any decisions regarding reclassification shall be retained in the student's permanent record. (5 CCR 11305)**

(cf. 5125 - Student Records)

The Superintendent or designee shall monitor the progress of reclassified students to ensure their correct classification and placement. (5 CCR 11304)

The Superintendent or designee shall monitor students for at least ~~two~~ **four** years following their reclassification to **ensure correct classification and placement and to** determine whether any additional academic support is needed.

### **Advisory Committees**

A ~~parent/guardian advisory committee shall be established at the district level when there are more than 50 English learners in the district and at the school level~~ **school-level English Learner Advisory Committee (ELAC) shall be established** when there are more than 20 English learners at the school. Parents/guardians of English learners, **elected by parents/guardians of English learners at the school**, shall constitute committee membership in at least the same percentage as English learners represent of the total number of students in the school. **The school may designate for this purpose an existing school-level advisory committee provided that it meets these criteria for committee membership.** (Education Code 52176; 5 CCR 11308)

**The ELAC shall be responsible for assisting in the development of a schoolwide needs assessment, recommending ways to make parents/guardians aware of the importance of school attendance, and advising the principal and school staff in the development of a detailed master plan for English learners for the individual school and submitting the plan to the Governing Board for consideration for inclusion in the district master plan. (Education Code 52176)**

**When the district has more than 50 English learners, the Superintendent or designee shall establish a District English Learner Advisory Committee (DELAC), the majority of whose membership shall be composed of parents/guardians of English learners who are not employed by the district. Alternatively, the district may use a subcommittee of**

AR 6174(j)

### **EDUCATION FOR ENGLISH LEARNERS (continued)**

**an existing districtwide advisory committee on which parents/guardians of English learners have membership in at least the same percentage as English learners represent of the total number of students in the district. (Education Code 52176)**

The ~~district's English language advisory committee~~ **DELAC** shall advise the **Governing** Board on at least the following tasks: (5 CCR 11308)

1. ~~The development of a~~ **Developing a district master** plan for education programs and services for English learners, taking into consideration the school site plans for English learners
2. ~~The~~ **Conducting a** districtwide needs assessment on a school-by-school basis
3. ~~Establishment of~~ **Establishing** a district program, goals, and objectives for programs and services for English learners
4. ~~Development of~~ **Developing** a plan to ensure compliance with applicable teacher or **instructional** aide requirements
5. ~~Administration of~~ **Administering** the annual language census
6. ~~Review of~~ **Reviewing** and **commenting** on the district's reclassification procedures

#### **7. Reviewing and commenting on the required written parental notifications**

*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 6020 - Parent Involvement)*

In order to assist the advisory committee in carrying out its responsibilities, the Superintendent or designee shall ensure that committee members receive appropriate training and materials. This training shall be planned in full consultation with the members. (5 CCR 11308)

### **LCAP Advisory Committee**

When there are at least 15 percent English learners in the district, with at least 50 students who are English learners, a district-level English learner parent advisory committee shall be established to review and comment on the district's local control and accountability plan (LCAP) in accordance with BP 0460 - Local Control and Accountability Plan. The committee shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 11301, 15495)

*(cf. 0460 - Local Control and Accountability Plan)*

The ~~advisory committee established pursuant to 5 CCR 11308, as described in the section "Advisory Committee" above, could~~ **DELAC may also** serve as the LCAP English learner advisory committee ~~if its composition includes a majority of parents/guardians of English learners.~~

(7/18 7/19) 12/19

#### **Policy Reference UPDATE Service**

Copyright 2019 by **California School Boards Association**, West Sacramento, California 95691  
All rights reserved.

# National SD

## Administrative Regulation

Instruction

AR 6175(a)

### MIGRANT EDUCATION PROGRAM

#### Eligibility

Students age 3 to 21 years shall be eligible for the district's migrant education program if they, their parents/guardians, or their spouses are migratory agricultural workers or fishers who, in the preceding 36 months, moved into the district due to economic necessity and engaged in new temporary or seasonal employment or personal subsistence in agriculture or fishing. If such employment was not secured soon after the move, students may be considered migrant students if they, their parents/guardians, or their spouses actively sought such new employment and have a recent history of moves for temporary or seasonal agricultural or fishing employment. (20 USC 6399; 34 CFR 200.81)

A student who ceases to be a migrant student during a school term shall be eligible for services until the end of the term. If comparable services are not available through other programs, a student who is no longer migratory may continue to receive services for one additional school year.

#### Enrollment

**A migrant student shall be immediately enrolled in the district even if the student:**  
(Education Code 48204.7)

AR 6175(b)

### MIGRANT EDUCATION PROGRAM (continued)

- 1. Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended**

*(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)*

- 2. Does not have clothing normally required by the school, such as school uniforms**

*(cf. 5132 - Dress and Grooming)*

3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, medical records, including, but not limited to, records or other proof of immunization history, or other documentation

*(cf. 5111.1 - District Residency)*

*(cf. 5141.26 - Tuberculosis Testing)*

*(cf. 5141.31 - Immunizations)*

*(cf. 5141.32 - Health Screening for School Entry)*

If a migrant student experiences a change in residence, the student may remain enrolled in the school of origin for the duration of the student's status as a migrant student. (Education Code 48204.7)

If a student's status as a migrant student changes during a school year, the Superintendent or designee shall allow the student to continue at the school of origin through the duration of that school year or, if the student is enrolled in a high school, through graduation. (Education Code 48204.7)

A migrant student who is transitioning between school grade levels shall be allowed to continue in the district of origin in the same attendance area to provide the student the benefit of matriculating with peers in accordance with the established feeder patterns of school districts. A migrant student who is transitioning to a middle school or high school designated for matriculation in another school district shall be allowed to enroll in that school. (Education Code 48204.7)

The Superintendent or designee shall inform a migrant student and the student's parent/guardian of the impact of remaining in the school of origin on the student's eligibility to receive migrant education services pursuant to Education Code 54440-54445. (Education Code 48204.7)

The Superintendent or designee may, but is not required to, provide transportation to enable a migrant student to attend the school of origin, unless otherwise required by federal law. (Education Code 48204.7)

AR 6175(c)

## **MIGRANT EDUCATION PROGRAM (continued)**

### **Student Records**

The Superintendent or designee shall maintain records documenting the eligibility of students enrolled in the district's migrant education program. However, the district shall not collect information or documents regarding the citizenship or immigration status of students or their family members for the purpose of determining eligibility for migrant education services.



*(cf. 5125 - Student Records)*  
*(cf. 5145.13 - Response to Immigration Enforcement)*

The Superintendent or designee shall acquire education and health records from migrant students' previous school districts, as appropriate.

When a migrant student transfers to another district, the student's records shall be provided to the receiving district upon request at no cost in order to assist that district in meeting the needs of the student. (20 USC 6398)

### **Program Components**

The migrant education program shall include all of the following components: (Education Code 54443.1)

1. A general needs assessment summarizing the needs of the population to be served
2. A comprehensive program to meet the educational, health, and related needs of participating students which supplements the district program and includes, but is not limited to:

AR 6175(d)

### **MIGRANT EDUCATION PROGRAM** (continued)

- a. Instructional services, including academic, remedial and compensatory, bilingual-crosscultural, and career technical instruction

*(cf. 6174 - Education for English Learners)*  
*(cf. 6177 - Summer Learning Programs)*  
*(cf. 6178 - Career Technical Education)*

- b. Counseling and career education services

*(cf. 6164.2 - Guidance/Counseling Services)*

- c. Preschool services in accordance with Education Code 54443

*(cf. 5148.3 - Preschool/Early Childhood Education)*

- d. Other educational services that are not otherwise available in sufficient quantity or quality to eligible migrant students

- e. The acquisition of instructional materials and equipment necessary to adequately provide the appropriate services
- f. Other related services to meet the special needs of eligible migrant students to enable them to participate effectively in instructional services
- g. The coordination and teaming of existing resources serving migrant students, such as bilingual-crosscultural education, health screening, and compensatory education

*(cf. 5141.6 - School Health Services)*

*(cf. 5147 - Dropout Prevention)*

*(cf. 6171 - Title I Programs)*

- 3. Individual assessment of the educational and relevant health needs of each participating student, within 30 days of enrollment, including assessments concurrently provided pursuant to compensatory education, bilingual-crosscultural education, school improvement programs, and other programs serving the student
- 4. A brief individual learning plan listing the services to be provided to each student, which shall be given to the parent/guardian in writing or at a parent/guardian conference, annually and when the student moves to a new district
- 5. Staffing and staff development plans and practices to meet the needs of students and implement the program

*(cf. 4131 - Staff Development)*

AR 6175(e)

## **MIGRANT EDUCATION PROGRAM (continued)**

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

- 6. Parent/guardian and community involvement as specified in Education Code 54444.2, including, but not necessarily limited to, the establishment of a parent/guardian advisory council to actively involve parents/guardians in planning, operating, and evaluating the district's migrant education program

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 6020 - Parent Involvement)*

The migrant education program shall provide for the same opportunities for parent/guardian involvement that are provided to parents/guardians for federal Title I programs. (20 USC 6394)

7. Evaluations which include annual student progress and overall program effectiveness and quality control reports

Contingent upon funding, the district shall provide home-based and/or school-based family literacy services to migrant families to enhance literacy levels, parenting skills, and English language skills of parents/guardians.

### **Summer School**

The district shall conduct summer school program(s) for eligible migrant students. The summer school program shall respond to the individual needs of participating students and shall build on and be consistent with the instructional programs offered to these students during the regular school year. Coursework shall be of the same level of difficulty in each subject as that provided to students enrolled in regular classes of instruction within the district in the preceding year. (Education Code 54444.3)

AR 6175(f)

### **MIGRANT EDUCATION PROGRAM** (continued)

Teachers in the summer school program shall have cultural training or background and understanding of the special needs of migrant students and possess the proper credential for the subjects and grade levels to which they are assigned. (Education Code 54444.3)

The program shall comply with the following requirements for instructional time: (Education Code 54444.3)

1. For kindergarten class, a minimum of 180 minutes per day, including recesses, for not less than 20 instructional days
2. For grades 1-8, a minimum of 200 minutes per day, including recesses and passing time but excluding noon intermissions, for not less than 20 instructional days
3. For grades 7-12, a minimum of 240 minutes per day, including passing time but excluding noon intermissions, for not less than 30 instructional days

When district facilities that are suitable for the summer climate are available, the district shall make facilities available at cost to other agencies that request facilities for the operation of migrant summer school programs. When approved by the Superintendent of Public Instruction, the district may jointly offer facilities with a neighboring district to meet the needs of the migrant summer school program for the entire area. (Education Code 54444.3)

## **Applicability of Graduation Requirements**

To obtain a high school diploma, migrant students shall complete all courses required by Education Code 51225.3 and shall generally fulfill any additional **local** graduation requirements prescribed by the Board.

*(cf. 6146.1 - High School Graduation Requirements)*

However, when a migrant student who has completed the second year of high school transfers into the district or transfers between high schools within the district, the student shall be exempted from all district-adopted coursework and other district-established graduation requirements, unless the district makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school by the end of the fourth year of high school. Within 30 calendar days of the transfer, the Superintendent

AR 6175(g)

## **MIGRANT EDUCATION PROGRAM** (continued)

or designee shall notify the student and the student's parent/guardian of the availability of the exemption and whether the student qualifies for it. If the Superintendent or designee fails to provide this notification, the student shall be eligible for the exemption once notified, even if the notification occurs after the student no longer meets the definition of a migrant student. (Education Code 51225.1)

*(cf. 5145.6 - Parental Notifications)*

To determine whether a migrant student is in the third or fourth year of high school, the district shall use either the number of credits the student has earned as of the date of the transfer or the length of school enrollment, whichever qualifies the student for the exemption. (Education Code 51225.1)

The Superintendent or designee shall notify any migrant student who is granted an exemption and the student's parent/guardian how any requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. (Education Code 51225.1)

The district shall not require or request a migrant student to transfer schools in order to qualify for an exemption, and no request for a transfer solely to qualify for an exemption shall be made by a migrant student or parent/guardian. (Education Code 51225.1)

If a migrant student is exempted from local graduation requirements, the exemption shall continue to apply after the student no longer meets the definition of a migrant student if the student is still enrolled in school or transfers to another school or district. (Education Code 51225.1)

Upon making a finding that a migrant student is reasonably able to complete district graduation requirements within a fifth year of high school, the Superintendent or designee shall: (Education Code 51225.1)

1. Inform the student and parent/guardian of the student's option to remain in school for a fifth year to complete the district's graduation requirements and how that will affect the student's ability to gain admission to a postsecondary educational institution
2. Provide information to the student about transfer opportunities available through the California Community Colleges
3. Upon agreement with the student or parent/guardian, permit the student to stay in school for a fifth year to complete the district's graduation requirements

AR 6175(h)

## **MIGRANT EDUCATION PROGRAM** (continued)

### **Parent Advisory Council**

The parent advisory council shall be comprised of members who are knowledgeable of the needs of migrant students and shall be elected by the parents/guardians of students enrolled in the district's migrant education program. The composition of the council shall be determined by the parents/guardians at a general meeting to which all parents/guardians of participating students shall be invited. The parents/guardians shall be informed, in a language they understand, that they have the sole authority to decide on the composition of the council. (Education Code 54444.2)

At least two-thirds of the advisory council shall consist of parents/guardians of migrant students. (Education Code 54444.2)

All parent/guardian candidates for the council shall be nominated by parents/guardians. Nonparent candidates, such as teachers, administrators, other school personnel, or students, shall be nominated by the groups they represent. All other community candidates shall be nominated by the parents/guardians. (Education Code 54444.2)

The parent/guardian advisory council shall meet at least six times during the year and shall: (Education Code 54444.4)

1. Establish program goals, objectives, and priorities

2. Review annual needs assessments, program activities for each school, and individual learning plans
3. Advise on the selection, development, and reassignment of migrant education program staff
4. Participate actively in planning and negotiating program applications and service agreements
5. Perform all other responsibilities required under state and federal laws or regulations

The Superintendent or designee shall establish and implement a training program for advisory council members to enable them to carry out their responsibilities. The training program shall be developed in consultation with the council and shall include appropriate training materials in a language understandable to each member. (Education Code 54444.2)

The Superintendent or designee shall provide the council, without charge, a copy of all applicable state and federal migrant education statutes, rules, regulations, guidelines, audits, monitoring reports, and evaluations. Upon request, these materials also shall be provided without charge to each member of the council. (Education Code 54444.2)

AR 6175(i)

## **MIGRANT EDUCATION PROGRAM (continued)**

### **Notification and Complaints**

Information regarding the educational rights of migrant students, as specified in Education Code 51225.1 and 51225.2, shall be included in the annual uniform complaint procedures notification distributed to students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 51225.1, 51225.2)

Any complaint that the district has not complied with requirements regarding the education of migrant students, as specified in Education Code 51225.1 or 51225.2, may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

(7/09 12/18) 12/19

#### **Policy Reference UPDATE Service**

Copyright 2019 by **California School Boards Association**, West Sacramento, California 95691  
All rights reserved.