

**Ferndale Unified School District
Board of Trustees**

Danella Barnes-Penman

Jerry Hansen

JoLynn Jorgensen

Cory Nunes

Corrie Pedrotti

November 12, 2020
Regular School Board Meeting
Ferndale High School- Mabel Lowry Library
1231 Main Street, Ferndale, CA 95536

6:30 p.m. CLOSED SESSION

7:00 p.m. OPEN SESSION

Join Zoom Meeting

<https://us04web.zoom.us/j/71714456776?pwd=ZlhxTWZlXkpnSNGRUY0QxcWlFM0lXQT09>

Meeting ID: 717 1445 6776

Passcode: 3z5Emq

AGENDA

1.0 CALL TO ORDER

Notice: *Any writing, not exempt from public disclosure under Government Code Sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22, which is distributed to all or a majority of the members of the governing board by any person in connection with a matter subject to discussion or consideration at an open meeting of the Board is available for public inspection at Ferndale High School main office. (1231 Main Street, Ferndale, California).*

2.0 ADJUSTMENTS TO THE AGENDA

3.0 PUBLIC COMMENT ON CLOSED SESSION ITEMS

Members of the public may comment on closed session agenda items. Action taken in closed session will be reported out in open session, if required by law. Individuals will have up to three (3) minutes to address closed session agenda items. The Board shall limit the total time for public comment on each item of discussion to twenty (20) minutes.

4.0 ADJOURN TO CLOSED SESSION

4.1 Public Employment: Pursuant to Government Code Section 54957
FHS JV Boys Basketball Coach

5.0 REGULAR SESSION RECONVENED

5.1 Report Action taken in Closed Session, if required by law.

6.0 WELCOME/FLAG SALUTE

7.0 ANNOUNCEMENTS/REPORTS *(The Board is asked to receive information)*

- 7.1 Student Representative Reports
- 7.2 Certificated Representative Report
- 7.3 Classified Representative Report
- 7.4 Facilities Report
- 7.5 Board Member Reports/Announcements
- 7.6 Learning Continuity Plan (LCP)/ Local Control Accountability (LCAP) Report
- 7.7 School Improvement Grant (SIG) Report
- 7.8 2020-2021 Budget Report
- 7.9 Elementary School Principal Report
- 7.10 High School Principal/Superintendent Report

8.0 PUBLIC COMMENT ON OPEN SESSION ITEMS

Members of the public may comment on open agenda items or any other item pertaining to Board business. Action may be taken on items listed as such. Individuals will have up to three (3) minutes to address matters pertaining to Board Business. The Board shall limit the total time for public comment on each item of discussion to twenty (20) minutes.

9.0 CONSENT AGENDA *(The Board is asked to receive/approve)*

- 9.1 Approve Board Meeting Minutes
Regular Meeting (October 14, 2020)
- 9.2 Approve Commercial Warrants (October 2020)
- 9.3 Approve FES/FHS Student Body Accounts/Revolving Cash Accounts and Enrollment Reports
- 9.4 Approve Personnel Activity Report
- 9.5 Approve Draft Athletic Schedules from HDNL
- 9.6 Approve HDNL Return to Play Procedures

10.0 INFORMATION/ACTION *(The Board is asked to receive/discuss; the Board may also decide to take action at its discretion)*

- 10.1 Action - Receive/Discuss/Approve BP/AR 5141.22 Infectious Diseases
- 10.2 Action - Receive/Discuss/Approve BP/E 5145.6 Parental Notifications
- 10.3 Action - Receive/Discuss/Approve BP/AR 6142.7 Physical Education and Activity
- 10.4 Action - Receive/Discuss/Approve BP/AR 6159 Individualized Education Plan
- 10.5 Action - Receive/Discuss/Approve BP/AR 6159.1 Procedural Safeguards
- 10.6 Action - Receive/Discuss/Approve BP/AR 6159.2 Nonpublic, Nonsectarian School and Agency Services for Special Education
- 10.7 Action - Approve the Williams Uniform Complaint Third (3rd) Quarterly Report
- 10.8 Information – LCP Budget Overview Draft
- 10.9 Action – Approve Updated LCP

11.0 FUTURE AGENDA ITEMS

- 11.1 December 9 meeting - 2020-2021 First Interim Report and Approve Budget Overview
- 11.2 December 9 meeting - Annual Board Organization Meeting and Election of Officers
- 11.3 2020 Diploma Presentations

12.0 REVIEW OF CORRESPONDENCE TO THE BOARD

13.0 ADJOURNMENT

Notice: In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Superintendent's Office at (707) 786-5900. Notification by Friday noon preceding the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting. Written materials distributed to the FUSD Board of Trustees within 72 hours of the Board meeting are available for public inspection immediately upon distribution at the Superintendent's Office 1231 Main Street, Ferndale, CA 95536. NOTICE: Any writing, not exempt from public disclosure under Government Code Section 6253.5, 6256, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22, which is distributed to all or a majority of the members of the governing board by any person in connection with a matter subject to discussion or consideration at an open regular meeting of the board is available for public inspection at the Superintendent's office.

Ferndale Unified School District

SUPERINTENDENT'S RECOMMENDATION FOR BOARD ACTION

AGENDA ITEM: 9.1

DATE: November 12, 2020

SUBJECT:

Regular Board Meeting Minutes (October 14, 2020)

DEPARTMENT/PROGRAM:

Administration

ACTION REQUESTED:

Review, amend and approve.

PREVIOUS STAFF/BOARD ACTION:

This is a routine consent agenda item.

BACKGROUND INFORMATION AND/OR STATEMENT OF NEED:

See attached minutes and please communicate with Beth or Denise prior to the meeting for any corrections or clarifications.

FISCAL IMPLICATIONS:

None

CONTACT PERSON(S):

Denise Grinsell, Business Manager
Beth Anderson, Superintendent/Principal

**Ferndale Unified School District
Board of Trustees**

Danella Barnes-Penman

Jerry Hansen

JoLynn Jorgensen

Cory Nunes

Corrie Pedrotti

**October 14, 2020
Regular School Board Meeting**

6:30 p.m. CLOSED SESSION

7:00 p.m. OPEN SESSION

Ferndale High School- Mabel Lowry Library
1231 Main Street, Ferndale, CA 95536

Minutes

Present: Danella Barnes-Penman , Jerry Hansen, JoLynn Jorgensen, Cory Nunes, Corrie Pedrotti

Also Present: Beth Anderson, Superintendent/ Principal, Jeff Landry, Principal

1.0 CALL TO ORDER

President Jorgensen called the meeting to order at 6:34 p.m.

2.0 ADJUSTMENTS TO THE AGENDA

None

3.0 PUBLIC COMMENT ON CLOSED SESSION ITEMS

None

4.0 ADJOURN TO CLOSED SESSION

The board adjourned to closed session at 6:35 p.m.

4.1 Public Employment: Pursuant to Government Code Section 54957

FHS Varsity Boys Basketball Coach

FHS JV Girls Basketball Coach

FHS Varsity Girls Basketball Coach

FHS Basketball Cheer Coach

FHS Varsity Volleyball Coach

FHS Varsity Softball Coach

FHS Varsity Baseball Coach

5.0 REGULAR SESSION RECONVENED

Regular session was reconvened at 7:01 p.m.

5.1 Report Action taken in Closed Session, if required by law.

President Jorgensen announced that the board accepted the recommendation of the administration to hire: Dan Albee- FHS Varsity Boys Basketball Coach, Terra Albee- FHS JV Girls Basketball Coach, Jamie Elsmore- FHS Varsity Girls Basketball Coach, Harmony Taylor- FHS Basketball Cheer Coach, Jessica Grant- FHS Varsity Volleyball Coach, Gerald Watkins- FHS Varsity Softball Coach, Justin Andersen- FHS Varsity Baseball Coach.

6.0 WELCOME/FLAG SALUTE

7.0 ANNOUNCEMENTS/REPORTS *(The Board is asked to receive information)*

- 7.1 Student Representative Reports - None
- 7.2 Certificated Representative Report – Jeff Michael spoke briefly about his History class
- 7.3 Classified Representative Report - None
- 7.4 Facilities Report - None
- 7.5 Board Member Reports/Announcements – Danella Barnes-Penman shared that the gas giveaway for staff went to Jeremy Griffith and Nancy Giacone. She is also looking forward to the Pumpkin Chunkin contest on October 30 for grades 8-12.
- 7.6 School Improvement Grant (SIG) Report – Principal Landry said they just had their quarterly meeting with good feedback. They are receiving math training and he shared their leadership model.
- 7.7 2020-2021 Budget Report – Supt. Anderson said that Denise Grinsell is working on the 1st Interim Report.
- 7.8 Elementary School Principal Report – Principal Landry said their fire drill went well, they are using a student center coaching module. 8th grade fundraising was successful. Math testing is underway. Student rewards and lunch with the principal went well and he has had positive calls home.
- 7.9 High School Principal/Superintendent Report – Supt. Anderson reported that FHS is nearing the end of the 1st quarter which is the equivalent of 1st semester for four periods. PSAT will be given on October 28. New quarter starts on November 2. FHS has gone from 26 distant learners down to 13 with three more to come back at the start of the second quarter. Teachers have become better equipped at *Zoom* and other strategies. Also, students come back in the afternoon for additional help. Grades look good and mask and sanitizer safety is going well. Sports season are underway for conditioning. Jodi McDonald and Clint McClurg have been great working with county health and CIF. The great shake out drill will be tomorrow. Anderson reminded all that two seats are up for school board and everyone needs to vote. Covid money is being allocated/spent on chromebooks among other things. P.G. & E also donated an additional 25 chromebooks for each site.

8.0 PUBLIC COMMENT ON OPEN SESSION ITEMS

Caroline Titus asked for Jeff's notes.

9.0 CONSENT AGENDA *(The Board is asked to receive/approve)*

- 9.1 Approve Board Meeting Minutes Regular Meeting (September 9, 2020) and Special Meeting (September 30, 2020)
- 9.2 Approve Commercial Warrants (September 2020)
- 9.3 Approve FES/FHS Student Body Accounts/Revolving Cash Accounts and Enrollment Reports
- 9.4 Approve Personnel Activity Report

A motion was made by Jerry Hansen and seconded by Cory Nunes to approve the consent agenda. Roll call vote summary: ayes 5-0 noes.

10.0 INFORMATION/ACTION

10.1 Receive/Discuss/Approve BP/E 3555 Nutrition Program Compliance

A motion was made by Cory Nunes and seconded by Danella Barnes-Penman to approve BP/E 3555 Nutrition Program Compliance. Roll call vote summary: ayes 5-0 noes.

10.2 Receive/Discuss/Approve AR 4030 Nondiscrimination in Employment

A motion was made by Danella Barnes-Penman and seconded by Jerry Hansen to approve AR 4030 Nondiscrimination in Employment. Roll call vote summary: ayes 5-0 noes.

10.3 Receive/Discuss/Approve BP 4119.11/4219.11/4319.11 Sexual Harassment

A motion was made by Cory Nunes and seconded by Danella Barnes-Penman to approve BP 4119.11/4219.11/4319.11 Sexual Harassment. Roll call vote summary: ayes 5-0 noes.

10.4 Receive/Discuss/Approve New AR 4119.12/4219.12/4319.12 Title IX Sexual Harassment

A motion was made by Corrie Pedrotti and seconded by Cory Nunes to approve AR 4119.12/4219.12/4319.12 Title IX Sexual Harassment. Roll call vote summary: ayes 5-0 noes.

10.5 Receive/Discuss/Approve AR 5145.3 Nondiscrimination/Harassment

A motion was made by Jerry Hansen and seconded by Cory Nunes to approve AR 5145.3 Nondiscrimination/Harassment. Roll call vote summary: ayes 5-0 noes.

10.6 Receive/Discuss/Approve BP/AR 5145.7 Sexual Harassment

A motion was made by Corrie Pedrotti and seconded by Danella Barnes-Penman to approve BP/AR 5145.7 Sexual Harassment. Roll call vote summary: ayes 5-0 noes.

10.7 Receive/Discuss/Approve New AR 5145.71 Title IX Sexual Harassment Complaint Procedures

A motion was made by Jerry Hansen and seconded by Cory Nunes to approve AR 5145.71 Title IX Sexual Harassment Complaint Procedures. Roll call vote summary: ayes 5-0 noes.

11.0 FUTURE AGENDA ITEMS

11.1 Athletic Schedules

11.2 2020-2021 First Interim Report

11.3 Annual Board Organization Meeting and Election of Officers – December 9, 2020

11.4 2021 Diploma Presentations

11.5 November School Board meeting on Thursday, November 12

12.0 REVIEW OF CORRESPONDENCE TO THE BOARD

13.0 ADJOURNMENT

President Jorgensen adjourned the meeting at 7:44 p.m.

Ferndale Unified School District

SUPERINTENDENT'S RECOMMENDATION FOR BOARD ACTION

AGENDA ITEM: 9.2

DATE: November 12, 2020

SUBJECT:

Commercial Warrants Summary (October 2020)

DEPARTMENT/PROGRAM:

Administration/Business

ACTION REQUESTED:

Approve commercial warrant summary

PREVIOUS STAFF/BOARD ACTION:

This is a routine consent agenda item.

BACKGROUND INFORMATION AND/OR STATEMENT OF NEED:

Please call Denise about questions regarding commercial warrants prior to the meeting.

FISCAL IMPLICATIONS:

Funding is included in the 2020-2021 adopted budget.

CONTACT PERSON(S):

Denise Grinsell, Business Manager
Beth Anderson, Superintendent/Principal

HUMBOLDT COUNTY OFFICE OF EDUCATION
ACCOUNTS PAYABLE - BOARD PAYMENT REPORT
 Board of Trustees Meeting 11/12/2020

45 Ferndale Unified

Fiscal Year: 2021

Transmittal Number: 2100011-0 AUDIT

Reference	Vendor	Description	Amount
PV210143-001	ASAP LOCK & KEY	KEYS FOR CUST	26.81
		Total Payment Amount	26.81
PV210144-001	CASH & CARRY	FHS CAF	593.51
PV210160-001	CASH & CARRY	FHS CAF	350.49
		Total Payment Amount	944.00
PV210145-001	CRYSTAL CREAMERY	CAF MILK	193.36
		Total Payment Amount	193.36
PV210146-001	DAVID L. MOONIE & CO. LLP	2ND PROGRESS BILLING	4,950.00
		Total Payment Amount	4,950.00
PV210147-001	FARM SHOP, THE	BATTERY FORK LIFT	148.11
		Total Payment Amount	148.11
PV210148-001	FORTUNA ACE HARDWARE	SUPPLIES	73.66
		Total Payment Amount	73.66
PV210159-001	INFINITY COMMUNICATIONS & CONS	ERATE 25%	825.00
		Total Payment Amount	825.00
PV210149-001	MENDES SUPPLY CO.	CUSTODIAL SUPPLIES	1,104.16
		Total Payment Amount	1,104.16
PV210150-001	PRO PACIFIC FRESH	FES CAF	320.67
		Total Payment Amount	320.67
PV210152-001	RECOLOGY EEL RIVER	GARBAGE	1,897.21
		Total Payment Amount	1,897.21
PV210153-001	RESTIF CLEANING SERVICE	SEPT CLEANING	14,720.00
		Total Payment Amount	14,720.00
PV210151-001	REVOLVING CASH FUND	AG FLORAL REIMB	247.47
		Total Payment Amount	247.47
PV210154-001	STAPLES	SUPPLIES	52.24
		Total Payment Amount	52.24

HUMBOLDT COUNTY OFFICE OF EDUCATION
ACCOUNTS PAYABLE - BOARD PAYMENT REPORT
 Board of Trustees Meeting 11/12/2020

45 Ferndale Unified

Fiscal Year: 2021

Transmittal Number: 21000011-0 AUDIT

Reference	Vendor	Description	Amount
PV210155-001	SYSCO	FES CAF	674.79
Total Payment Amount			674.79
PV210156-001	TIPPLE MOTORS INC	VAN SERVICES/FUEL	1,202.04
Total Payment Amount			1,202.04
PV210157-001	U.S. BANCORP EQUIP FINANCE INC	COPIER LEASE	1,836.58
Total Payment Amount			1,836.58
PV210158-001	WYCKOFF PLUMBING	REPAIRS	249.65
Total Payment Amount			249.65
Transmittal Total			29,465.75
		Fund Summary:	
		Fund 01	27,332.93
		Fund 13	2,132.82

Transmittal Number: 21000012-0 AUDIT

PV210161-001	AIRGAS USA LLC	AG MECH	604.32
Total Payment Amount			604.32
PV210162-001	ASAP LOCK & KEY	KEYS	86.71
Total Payment Amount			86.71
PV210163-001	CAL-ORE GREASE TRAP SERVICES	OCT SERVICES	145.00
Total Payment Amount			145.00
PV210164-001	CASH & CARRY	FHS CAF	2,291.35
Total Payment Amount			2,291.35
PO210019-001	CDW.G	Chromebooks SIG	3,750.00
Total Payment Amount			3,750.00
PV210165-001	CITY OF FERNDAL	HEALTH INSPECTIONS	100.00
Total Payment Amount			100.00
PV210166-001	CLENDENEN'S CIDER WORKS	APPLES FOR LUNCHES	418.00
Total Payment Amount			418.00

HUMBOLDT COUNTY OFFICE OF EDUCATION
ACCOUNTS PAYABLE - BOARD PAYMENT REPORT
 Board of Trustees Meeting 11/12/2020

45 Ferndale Unified

Fiscal Year: 2021

Transmittal Number: 21000012-0 AUDIT

Reference	Vendor	Description	Amount
PV210167-001	CRYSTAL CREAMERY	MILK CAF	1,087.20
		Total Payment Amount	1,087.20
PV210168-001	DAVIS JOINT UNIFIED SD	AG INDUCTION O'DAY	2,250.00
		Total Payment Amount	2,250.00
PV210169-001	DEL ORO WATER COMPANY	WATER SERVICES	837.85
		Total Payment Amount	837.85
PV210170-001	DEPARTMENT OF JUSTICE	SEPT LIVE SCAN	147.00
		Total Payment Amount	147.00
PV210171-001	ECOLAB	OCT SERVICES	339.47
		Total Payment Amount	339.47
PV210172-001	FRANZ FAMILY BAKERIES	BREAD FES CAF	165.96
		Total Payment Amount	165.96
PV210173-001	FRONTIER	PHONE/INTERNET	3,370.12
		Total Payment Amount	3,370.12
PQ210028-005	HENRY SCHEIN	Health Supplies	1,170.70
		Total Payment Amount	1,170.70
PQ210037-001	LEARNING WITHOUT TEARS	licenses/text	864.45
		Total Payment Amount	864.45
PV210174-001	MENDES SUPPLY CO.	PAPER TOWELS	195.76
		Total Payment Amount	195.76
PV210175-001	O & M INDUSTRIES	HEATER FILTERS	160.00
		Total Payment Amount	160.00
PV210176-001	P G & E	ELECTRICITY SEPT	3,337.45
		Total Payment Amount	3,337.45
PV210178-001	PITNEY BOWES	POSTAGE	57.22
		Total Payment Amount	57.22

HUMBOLDT COUNTY OFFICE OF EDUCATION
ACCOUNTS PAYABLE - BOARD PAYMENT REPORT
 Board of Trustees Meeting 11/12/2020

45 Ferndale Unified

Fiscal Year: 2021

Transmittal Number: 21000012-0 AUDIT

Reference	Vendor	Description	Amount
PV210177-001	PRO PACIFIC FRESH	FES CAF	1,031.82
		Total Payment Amount	1,031.82
PV210179-001	REVOLVING CASH FUND	CTEIG/CAF	1,160.45
		Total Payment Amount	1,160.45
PV210180-001	SEQUOIA GAS CO (C)	PROPANE OCT	2,271.79
		Total Payment Amount	2,271.79
PV210181-001	SIX RIVERS PORTABLE TOILETS	BUS BARN	90.78
		Total Payment Amount	90.78
PV210182-001	SONOMA COUNTY OFFICE OF ED.	BTSA	10,500.00
		Total Payment Amount	10,500.00
CM210002-001	STAPLES ADVANTAGE	CM'S FOR PO 210024	(336.20)
PO210024-001	STAPLES ADVANTAGE	FHS supply order	1,167.85
PO210024-002	STAPLES ADVANTAGE	FHS supply order	7.17
PO210024-003	STAPLES ADVANTAGE	FHS supply order	11.52
PV210183-001	STAPLES ADVANTAGE	SUPPLIES	313.22
		Total Payment Amount	1,163.56
PV210184-001	STITCH WITCH	2019-20 HONOR JACKETS	141.05
		Total Payment Amount	141.05
PV210185-001	SYSCO	FES CAF	3,128.90
		Total Payment Amount	3,128.90
PV210186-001	VALLEY PACIFIC PETROLEUM INC	DIESEL	2,935.07
		Total Payment Amount	2,935.07
PV210187-001	WEX BANK	FUEL	133.62
		Total Payment Amount	133.62
		Transmittal Total	43,935.60
		Fund Summary:	
		Fund 01	35,528.73
		Fund 13	8,406.87

HUMBOLDT COUNTY OFFICE OF EDUCATION
ACCOUNTS PAYABLE - BOARD PAYMENT REPORT
Board of Trustees Meeting 11/12/2020

45 Ferndale Unified

Fiscal Year: 2021

Payment Count: 47 Transmittal Count: 2 Grand Total: 73,401.35

The above Payable transactions have been issued in accordance with the District's policies and procedures.
It is recommended that the Board of Trustees approve them.

Authorized Agent

Board Approval

Ferndale Unified School District

SUPERINTENDENT'S RECOMMENDATION FOR BOARD ACTION

AGENDA ITEM: 9.3

DATE: November 12, 2020

SUBJECT:

FES/FHS Revolving Cash Accounts and Enrollment Reports

DEPARTMENT/PROGRAM:

Business/Administration

ACTION REQUESTED:

Approve FES/FHS Student Body/Revolving Cash Accounts and Enrollment Reports

PREVIOUS STAFF/BOARD ACTION:

School Site staff has prepared the attached FES/FHS Student Body/Revolving Cash Accounts and Enrollment Reports for Board review.

BACKGROUND INFORMATION AND/OR STATEMENT OF NEED:

The Board reviews Student Body Accounts/Revolving Cash Accounts and Enrollment Reports on a routine basis.

FISCAL IMPLICATIONS:

None

CONTACT PERSON(S):

Denise Grinsell, Business Manager
Beth Anderson, Superintendent/Principal

**FERNDALE UNIFIED SCHOOL DISTRICT ENROLLMENT
FERNDALE ELEMENTARY SCHOOL –299
November 4, 2020**

Mrs. Soli (TK/K) (19)

4 distance

15 in person

Mrs. Brazil (K) (18)

3 distance

15 in person

Mrs. Collenberg (1st) (17)

17 in person

Mrs. Griffith (1st) (16)

16 in person

Mrs. Currier (2nd) (18)

1 distance

17 in person

Mrs. Townsend (2nd/3rd) (20)

2 distance = 1 2nd & 1 3rd

18 in person = 10 2nd & 9 3rd

Mrs. Rodriguez (3rd) (21)

1 distance

20 in person

Mr. Duggan (4th) (19)

3 distance

16 in person

Mrs. Fisk-Becker (4th) (19)

3 distance

16 in person

Mrs. Busher (5th) (23)

3 distance

20 in person

Mrs. Pidgeon (5th) (8)

8 in person

Mrs. Calvi (6th) (20)
20 in person

Mrs. Busick (6th) (19)
4 distance
15 in person

Jr. High (25 7th & 37 8th)
Mr. Rigney, Mr. Totten, Mr. Griffith, Ms. Cueva

Block 1 (7th) (16)
16 in person

Block 2 (7th) (9)
9 in person

Block 1 (8th) (19)
5 distance
14 in person

Block 2 (8th) (18)
3 distance
15 in person

**FERNDALE UNIFIED SCHOOL DISTRICT
ENROLLMENT
FERNDALE HIGH SCHOOL – 154**

November 6, 2020

<u>GRADE</u>	<u>ENROLLMENT</u>
9	39
10	31
11	36
12	48

TOTAL: 154

145 - In Person students

9 - Distance Learning students

11:45 AM

10/29/20

Ferndale High School
Reconciliation Summary
Student Body Funds, Period Ending 10/31/2020

	<u>Oct 31, 20</u>
Beginning Balance	33,615.64
Cleared Transactions	
Checks and Payments - 5 items	-735.14
Deposits and Credits - 3 items	25,377.62
Total Cleared Transactions	<u>24,642.48</u>
Cleared Balance	<u>58,258.12</u>
Uncleared Transactions	
Checks and Payments - 10 items	-2,396.25
Total Uncleared Transactions	<u>-2,396.25</u>
Register Balance as of 10/31/2020	<u>55,861.87</u>
Ending Balance	55,861.87

11:45 AM

10/29/20

Ferndale High School
Reconciliation Detail
 Student Body Funds, Period Ending 10/31/2020

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						33,615.64
Cleared Transactions						
Checks and Payments - 5 items						
Check	09/11/2020	2064	Erin Banke	X	-37.66	-37.66
Check	09/14/2020	2065	Alexa Alexandre	X	-73.13	-110.79
Check	09/17/2020	2066	Theresa Noga	X	-91.68	-202.47
Check	10/05/2020	2068	Halee Nickols	X	-500.00	-702.47
Check	10/05/2020	2067	Erin Banke	X	-32.67	-735.14
Total Checks and Payments					-735.14	-735.14
Deposits and Credits - 3 items						
Deposit	09/18/2020			X	3,810.00	3,810.00
Deposit	10/12/2020			X	0.31	3,810.31
Deposit	10/29/2020			X	21,567.31	25,377.62
Total Deposits and Credits					25,377.62	25,377.62
Total Cleared Transactions					24,642.48	24,642.48
Cleared Balance					24,642.48	58,258.12
Uncleared Transactions						
Checks and Payments - 10 items						
Check	03/19/2020	2029	Dave Griffiths		-55.86	-55.86
Check	08/10/2020	2056	Halee Nickols		-1,000.00	-1,055.86
Check	08/31/2020	2062	Macey Sutherland		-600.00	-1,655.86
Check	10/14/2020	2069	Alexa Alexandre		-118.64	-1,774.50
Check	10/21/2020	2071	Ferndale Pizza Co		-125.00	-1,899.50
Check	10/21/2020	2070	Erin Banke		-100.62	-2,000.12
Check	10/28/2020	debit	Sun Valley Group		-222.50	-2,222.62
Check	10/28/2020	debit	Safeway		-110.93	-2,333.55
Check	10/28/2020	debit	Renner Petroleum		-35.65	-2,369.20
Check	10/28/2020	2072	Theresa Noga		-27.05	-2,396.25
Total Checks and Payments					-2,396.25	-2,396.25
Total Uncleared Transactions					-2,396.25	-2,396.25
Register Balance as of 10/31/2020					22,246.23	55,861.87
Ending Balance					<u>22,246.23</u>	<u>55,861.87</u>

COUNTY OF HUMBOLDT
FERNDALÉ UNIFIED SCHOOL DISTRI
1231 MAIN ST
FERNDALÉ CA 95536-9416

It is good practice to familiarize yourself with the list of fees associated with your account(s). To review your current fee schedule, please visit www.TriCountiesBank.com/fee-schedule.

Effective December 1, 2020, a new \$200 fee will be imposed for setting up a Deposit Account Control Agreement. Usually, this fee applies for the setup of an agreement to grant a lender the control over a customer deposit account if a loan default occurs. Consult your local banker for details or call 1-800-922-8742 24 hours a day, seven days a week.



Small Business Interest Chkg			Account: XXXXXXXX6479	
Account #	XXXXXXX6479	Statement Dates	09-14-20 thru 10-12-20	
Beginning Balance	33,615.64			
2 Deposits/Credits	25,377.31			
5 Checks/Debits	735.14			
Total Service Charges	0.00			
Interest and/or Reward Paid	0.31			
Ending Balance	58,258.12			

Transactions		
Date	Description	Amount
9-18	Deposit	3,810.00
10-09	Deposit	21,567.31
10-09	Int Pmt Sys-Gen	0.31

Checks								
Check #	Date	Amount	Check #	Date	Amount	Check #	Date	Amount
2064	9-16	37.66	2066	9-23	91.68	2068	10-08	500.00
2065	9-22	73.13	2067	10-05	32.67			

* Indicates a Gap in Check Number Sequence

Interest Summary

Interest Earned	9/14/20 thru 10/12/20
Days in Statement Cycle	29
Interest Earned	0.31
Annual Percentage Yield Earned	.01%
Interest Paid this Year	3.94
Interest Withheld this Year	0.00

End of Statement

11:18 AM

10/06/20

Ferndale Unified School District
Reconciliation Summary
FUSD Revolving Cash, Period Ending 09/30/2020

	<u>Sep 30, 20</u>
Beginning Balance	2,210.47
Cleared Transactions	
Checks and Payments - 20 items	-3,307.35
Deposits and Credits - 4 items	3,738.61
Total Cleared Transactions	<u>431.26</u>
Cleared Balance	<u><u>2,641.73</u></u>
Uncleared Transactions	
Checks and Payments - 4 items	<u>-370.02</u>
Total Uncleared Transactions	<u>-370.02</u>
Register Balance as of 09/30/2020	<u><u>2,271.71</u></u>
New Transactions	
Checks and Payments - 2 items	-398.71
Deposits and Credits - 1 item	173.30
Total New Transactions	<u>-225.41</u>
Ending Balance	<u><u>2,046.30</u></u>

Ferndale Unified School District
Reconciliation Detail
FUSD Revolving Cash, Period Ending 09/30/2020

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						2,210.47
Cleared Transactions						
Checks and Payments - 20 items						
Check	08/27/2020	3056	Alexa Alexandre	X	-280.29	-280.29
Check	08/27/2020	3058	Jennie Titus	X	-126.01	-406.30
Check	08/27/2020	3055	Theresa Noga	X	-123.08	-529.38
Check	09/01/2020	3063	Alexa Alexandre	X	-819.01	-1,348.39
Check	09/01/2020	3059	Theresa Noga	X	-216.98	-1,565.37
Check	09/01/2020	3062	Denise Grinsell	X	-94.22	-1,659.59
Check	09/01/2020	3061	Jinne Calvi	X	-35.00	-1,694.59
Check	09/01/2020	3060	Jeremy Griffith	X	-24.77	-1,719.36
Check	09/03/2020	3065	Jennie Titus	X	-21.10	-1,740.46
Check	09/10/2020	3068	Kim Wilson	X	-178.64	-1,919.10
Check	09/10/2020	3067	Erin Banke	X	-40.00	-1,959.10
Check	09/14/2020	3072	Yohei Shiraishi	X	-369.22	-2,328.32
Check	09/14/2020	3071	Holly Soli	X	-151.90	-2,480.22
Check	09/14/2020	3070	Rex Rigney	X	-116.00	-2,596.22
Check	09/14/2020	3069	Alexa Alexandre	X	-58.56	-2,654.78
Check	09/17/2020	3073	Alexa Alexandre	X	-171.52	-2,826.30
Check	09/17/2020	3074	Vanessa Huerta	X	-28.75	-2,855.05
Check	09/25/2020	3075	Kim Wilson	X	-115.00	-2,970.05
Check	09/25/2020	3076	Kelly O'Day	X	-58.30	-3,028.35
Check	09/28/2020	3077	Shirley Soderman	X	-279.00	-3,307.35
Total Checks and Payments					-3,307.35	-3,307.35
Deposits and Credits - 4 items						
Deposit	09/01/2020			X	706.39	706.39
Deposit	09/11/2020			X	645.52	1,351.91
Deposit	09/25/2020			X	2,386.69	3,738.60
Deposit	09/30/2020			X	0.01	3,738.61
Total Deposits and Credits					3,738.61	3,738.61
Total Cleared Transactions					431.26	431.26
Cleared Balance					431.26	2,641.73
Uncleared Transactions						
Checks and Payments - 4 items						
Check	06/03/2020	3047	Marissa Hardwick		-30.00	-30.00
Check	09/02/2020	3064	Sharon Richardson		-35.00	-65.00
Check	09/10/2020	3066	Henry Chiles		-26.02	-91.02
Check	09/30/2020	3078	Shirley Soderman		-279.00	-370.02
Total Checks and Payments					-370.02	-370.02
Total Uncleared Transactions					-370.02	-370.02
Register Balance as of 09/30/2020					61.24	2,271.71
New Transactions						
Checks and Payments - 2 items						
Check	10/01/2020	3079	Alexa Alexandre		-363.71	-363.71
Check	10/01/2020	3080	Corrina Kitchen		-35.00	-398.71
Total Checks and Payments					-398.71	-398.71
Deposits and Credits - 1 item						
Deposit	10/05/2020				173.30	173.30
Total Deposits and Credits					173.30	173.30
Total New Transactions					-225.41	-225.41
Ending Balance					-164.17	2,046.30



P.O. Box 1800
Saint Paul, Minnesota 55101-0800

3806 TRN S Y ST01

Business Statement

Account Number:
1 575 1366 8200
Statement Period:
Sep 1, 2020
through
Sep 30, 2020

Page 1 of 2



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FERNDAL UNIFIED SCHOOL DIST
1231 MAIN ST
FERNDAL CA 95536-9416



To Contact U.S. Bank

24-Hour Business
Solutions:

1-800-673-3555

U.S. Bank accepts Relay Calls

Internet:

usbank.com

NEWS FOR YOU

Scan here with your phone's camera to download the U.S. Bank Mobile App.



INFORMATION YOU SHOULD KNOW

Effective November 9, 2020 the "Your Deposit Account Agreement" booklet will include several updates and may affect your rights.

The main updates to note in the revised "Your Deposit Account Agreement" booklet sections and sub sections, include:

- Throughout the document, references to the Federal Regulation D (governing savings and/or money market withdrawal limitations) have been removed, as they are no longer applicable.
- In section "Withdrawal Rights, Ownership of Account, and Beneficiary Designation", sub section "Joint Account - With Survivorship", clarification on ownership type.
- In the "Dormant Accounts and Escheat" and "Time Deposit" sections, clarification on the state permitted process and cost structure for escheatment.
- Update to section "Types of Transactions", sub section "Account Access at Automated Teller Machines" regarding: You may access your Home Equity Line of Credit or Personal Line of Credit for balance inquiries and making a payment to the respective line of credit at the ATM. Customers with a Debit or ATM card that have accessed a Home Equity Line of Credit or a Personal Line of Credit through the expanded card access feature, cash withdrawals/advances and transferring from the Home Equity Line of Credit or Personal Line of Credit is no longer allowed.

Starting November 9th, you may pick up a copy at your local branch, view on usbank.com, or call 800.USBANKS (872.2657) to request a copy. If you have any questions, our bankers are available to help at your local branch. You can also call us at U.S. Bank 24-Hour Banking at 800.USBANKS (872.2657). We accept relay calls.

NON PROFIT CHECKING

U.S. Bank National Association

Member FDIC

Account Number 1-575-1366-8200

Account Summary

Beginning Balance on Sep 1		\$	2,210.47	Interest Paid this Year	\$	0.67
Customer Deposits	3		3,738.60	Number of Days in Statement Period		30
Other Deposits	1		0.01			
Checks Paid	20		3,307.35-			
Ending Balance on Sep 30, 2020		\$	2,641.73			

Customer Deposits

Number	Date	Ref Number	Amount	Number	Date	Ref Number	Amount
	Sep 1	8355598578	706.39		Sep 25	9252998127	2,386.69
	Sep 17	8953590055	645.52				



FERNDALE UNIFIED SCHOOL DIST
1231 MAIN ST
FERNDALE CA 95536-9416

Business Statement

Account Number:
1 575 1366 8200
Statement Period:
Sep 1, 2020
through
Sep 30, 2020



NON PROFIT CHECKING

(CONTINUED)

U.S. Bank National Association

Account Number 1-575-1366-8200

Customer Deposits (continued)

Total Customer Deposits \$ **3,738.60**

Other Deposits

Date	Description of Transaction	Ref Number	Amount
Sep 30	Interest Paid	3000003213	\$ 0.01

Total Other Deposits \$ **0.01**

Checks Presented Conventionally

Check	Date	Ref Number	Amount	Check	Date	Ref Number	Amount
3055	Sep 1	8355773768	123.08	3068	Sep 21	8056101510	178.64
3056	Sep 3	8954143593	280.29	3069	Sep 21	8055588988	58.56
3058*	Sep 2	8655090607	126.01	3070	Sep 21	8057498049	116.00
3059	Sep 10	8953095586	216.98	3071	Sep 17	8952031040	151.90
3060	Sep 18	9253914243	24.77	3072	Sep 16	8655233812	369.22
3061	Sep 14	8056355342	35.00	3073	Sep 21	8055588990	171.52
3062	Sep 25	9251864379	94.22	3074	Sep 21	8055558274	28.75
3063	Sep 3	8954143594	819.01	3075	Sep 28	8055977237	115.00
3065*	Sep 10	8953391078	21.10	3076	Sep 28	8057221069	58.30
3067*	Sep 16	8654774142	40.00	3077	Sep 29	8356588029	279.00

* Gap in check sequence

Conventional Checks Paid (20) \$ **3,307.35-**

Balance Summary

Date	Ending Balance	Date	Ending Balance	Date	Ending Balance
Sep 1	2,793.78	Sep 16	886.17	Sep 25	3,094.02
Sep 2	2,667.77	Sep 17	1,379.79	Sep 28	2,920.72
Sep 3	1,568.47	Sep 18	1,355.02	Sep 29	2,641.72
Sep 10	1,330.39	Sep 21	801.55	Sep 30	2,641.73
Sep 14	1,295.39				

Balances only appear for days reflecting change.

ANALYSIS SERVICE CHARGE DETAIL

Account Analysis Activity for: August 2020

Account Number:	1-575-1366-8200	\$	0.00
Analysis Service Charge assessed to	1-575-1366-8200	\$	0.00

Service Activity Detail for Account Number 1-575-1366-8200

Service	Volume	Avg Unit Price	Total Charge
Depository Services			
Combined Transactions/Items	35		No Charge
Subtotal: Depository Services			0.00
Fee Based Service Charges for Account Number 1-575-1366-8200			\$ 0.00

Ferndale Unified School District

SUPERINTENDENT'S RECOMMENDATION FOR BOARD ACTION

AGENDA ITEM: 9.4

DATE: November 12, 2020

SUBJECT:

Personnel Activity Report

DEPARTMENT/PROGRAM:

Administration/Personnel

ACTION REQUESTED:

Approve Personnel Activity Report

PREVIOUS STAFF/BOARD ACTION:

Board receives a report when there is any personnel activity.

BACKGROUND INFORMATION AND/OR STATEMENT OF NEED:

Attached is a list of personnel activity.

FISCAL IMPLICATIONS:

None

CONTACT PERSON(S):

Denise Grinsell, Business Manager
Beth Anderson, Superintendent/Principal

FERNDALE UNIFIED SCHOOL DISTRICT
PERSONNEL REPORT
November 12, 2020

CURRENT VACANCIES – 2020-2021 SCHOOL YEAR

CERTIFICATED PERSONNEL

None

CLASSIFIED PERSONNEL

None

COACHING PERSONNEL

FHS JV Boys Basketball Coach
FHS Varsity Girls Soccer Coach
FHS Varsity Boys Soccer Coach
FES Coaches TBD

Ferndale Unified School District

SUPERINTENDENT'S RECOMMENDATION FOR BOARD ACTION

AGENDA ITEM 9.5

DATE: November 12, 2020

SUBJECT:

FHS Season 1 Athletic Schedules

DEPARTMENT/PROGRAM:

Athletics/Administration

ACTION REQUESTED:

Approve

PREVIOUS STAFF/BOARD ACTION:

Seasonal schedules for athletic teams are brought to the Board for approval.

BACKGROUND INFORMATION AND/OR STATEMENT OF NEED:

Seasonal schedules for athletic teams are brought to the Board for approval.

FISCAL IMPLICATIONS:

None

CONTACT PERSON(S):

Beth Anderson, Superintendent
Clint McClurg, FHS Athletic Director

HDN Inter-Conference Girls Basketball (COVID)

2020-21

18-Dec Fortuna @ McKinleyville
(Fri.) Del Norte @ Eureka
Arcata @ Ferndale

18-Jan Arcata @ McKinleyville
(Mon.) Eureka @ Fortuna
Del Norte @ St. Bernard

6-Jan McKinleyville @ Arcata
(Wed.) Fortuna @ Eureka
Del Norte--Bye
Ferndale @ South Fork
Hoopa @ St. Bernard

20-Jan Del Norte @ Fortuna
(Wed.) Eureka @ Arcata
McKinleyville--Bye
Hoopa @ South Fork
St. Bernard @ Ferndale

8-Jan Fortuna @ Del Norte
(Fri.) Arcata @ Eureka
McKinleyville @ Hoopa

22-Jan McKinleyville @ Eureka
(Fri.) Del Norte @ Arcata
South Fork @ Fortuna

11-Jan Eureka @ McKinleyville
(Mon.) Arcata @ Del Norte
Fortuna--Bye
South Fork @ Hoopa
Ferndale @ St. Bernard

25-Jan McKinleyville @ Del Norte
(Mon.) Arcata @ Fortuna
Eureka--Bye
South Fork @ St. Bernard
Hoopa @ Ferndale

13-Jan Del Norte @ McKinleyville
(Wed.) Fortuna @ Arcata
Eureka--Bye
St. Bernard @ South Fork
Ferndale @ Hoopa

15-Jan McKinleyville @ Fortuna
(Fri.) Eureka @ Del Norte
Arcata--Bye
South Fork @ Ferndale
St. Bernard @ Hoopa

26-January (Tuesday)

Out of Bracket game

7:00 PM starting time

28-January-30-January

Post Season Tourney

1st Draft--9/19/20

HDN Inter-Conference Boys Basketball (COVID)

2020-21

17-Dec McKinleyville @ Fortuna
(Thurs.) Eureka @ Del Norte
Ferndale @ Arcata

16-Jan McKinleyville @ Arcata
(Sat.) Fortuna @ Eureka
St. Bernard @ Del Norte

5-Jan Arcata @ McKinleyville
(Tues.) Eureka @ Fortuna
Del Norte--Bye
South Fork @ Ferndale
St. Bernard @ Hoopa

20-Jan Del Norte @ Fortuna
(Wed.) Eureka @ Arcata
McKinleyville--Bye
South Fork @ Hoopa
Ferndale @ St. Bernard

7-Jan Fortuna @ Del Norte
(Thurs.) Arcata @ Eureka
Hoopa @ McKinleyville

22-Jan Eureka @ McKinleyville
(Fri.) Arcata @ Del Norte
Fortuna @ South Fork

9-Jan McKinleyville @ Eureka
(Sat.) Del Norte @ Arcata
Fortuna--Bye
Hoopa @ South Fork
St. Bernard @ Ferndale

25-Jan Del Norte @ McKinleyville
(Mon.) Fortuna @ Arcata
Eureka--Bye
St. Bernard @ South Fork
Ferndale @ Hoopa

12-Jan McKinleyville @ Del Norte
(Tues.) Arcata @ Fortuna
Eureka--Bye
South Fork @ St. Bernard
Hoopa @ Ferndale

14-Jan Fortuna @ McKinleyville
(Thurs.) Del Norte @ Eureka
Arcata--Bye
Ferndale @ South Fork
Hoopa @ St. Bernard

26-January (Tuesday)

Out of Bracket game

7:00 PM starting time

28-January-30-January

Post Season Tourney

1st Draft--9/19/20

Ferndale Unified School District

SUPERINTENDENT'S RECOMMENDATION FOR BOARD ACTION

AGENDA ITEM 9.6

DATE: November 12, 2020

SUBJECT:

HDNL Return to Play Procedures

DEPARTMENT/PROGRAM:

Athletics/Administration

ACTION REQUESTED:

Receive/Approve HDNL Return to Play Procedures as it applies to FHS and FES student athletes.

PREVIOUS STAFF/BOARD ACTION:

The Board previously approved the School Site Specific Protection Plans for both sites which applied to the instructional school day and does not include Athletics procedures.

BACKGROUND INFORMATION AND/OR STATEMENT OF NEED:

Due to COVID-19 response, the Superintendent would like the board to receive and approve the County Department of Public Health's approved HDNL Return to Paly Procedures.

FISCAL IMPLICATIONS:

None

CONTACT PERSON(S):

Beth Anderson, Superintendent
Clint McClurg, FHS Athletic Director
Jodi McDonald, FHS Certified Athletic Trainer



Humboldt-Del Norte High School Sports League

HDNL Return to Play Policy Proposal

Overview

Humboldt-Del Norte Sports League's *Return to Play Policy* is in alignment with current best practices regarding COVID-19 as articulated by local, state, and federal health officials. The term "phases" as used in this document is intended to serve as a guideline for schools in developing a process for returning to physical activity/training on their campuses and is not intended to refer to the term as used by state and local county agencies on the gradual opening of workplaces, public activities, and travel¹. This *HDNL 4 Phase Approach to Return to Play* comprises of the most up-to-date information from the Center for Disease Control and Prevention (CDC), the California Interscholastic Federation (CIF), the National Federation of State High School Associations (NFHS), and the California Community College Athletic Trainers' Association (CCCATA) guidelines for schools/athletic programs to meet student and staff health and safety needs given the current and continuing COVID-19 conditions.

It is understood that this is a fluid situation, which demands that we stay flexible and prepared to adjust. As new information arises, the HDNL understands that progression through phases may be slowed, reversed, or halted at any time based on state and local guidelines.

The HDNL understands that new information and research is being disseminated regularly, and protocols and procedures must be adjusted to reflect those changes. The proposed Action Plan for Positive COVID-19 Test² is in need of further clarification and oversight by state and local health officials as well as physicians prior to implementation.

This report outlining the well-defined policies and procedures of the Humboldt-Del Norte High School Sports League's return to participation in athletics following the COVID-19 pandemic is a compilation of current best practices and guidelines of the Centers for Disease Control and Prevention (CDC), the California Interscholastic Federation (CIF), the National Federation of State High School Associations (NFHS), the National Athletic Trainers Association (NATA), and the California Community Colleges Athletic Trainers Association (CCCATA). These guidelines and recommending phasing in of additional activities was created by Jodi McDonald, MAT, ATC in collaboration with the Humboldt County Department of Health and Human Services, pending approval. Revised 9/21/2020



Humboldt-Del Norte High School Sports League

Special Considerations

Criteria for Participation in Group Training Sessions

- **Coaches**
 - All coaches working with student-athletes who have attended a mandatory training session (to be presented by their respective districts) and must devise a plan that includes disinfecting and cleaning procedures and responsibilities, signage plus a procedural plan for conditioning and drills on sites (times, sessions, locations, drop off and pick up sites, etc.)
 - Coaches who do not attend the mandatory training session will not be able to conduct or be present at team training sessions.
 - All team meetings are to occur on Zoom.
 - Any and all student participation is completely voluntary; there will be no implicit or explicit discipline and/or negative repercussions for missing these sessions. Coaches may help to provide home workouts for those unable to attend these sessions.

- **Administration**
 - Student-athlete protocol guidelines will be posted at each school facility
 - Athletic programs will be responsible for gathering student/parent agreement to uphold guidelines with the understanding that:
 - Hydration stations (i.e. coolers, water fountains, etc.) will not be utilized
 - Individuals must bring their own hydration bottles
 - Individual hydration bottles may not be shared with other
 - Increased risk of COVID-induced myocardial injury (including but not limited to cardiomyopathy, demand ischemia, acute coronary syndrome, or myocarditis)

- **Student-Athletes**
 - Student-athletes must have submitted a pre-participation physical exam to athletic trainer (if available) or to their coach
 - If a student athlete has been previously diagnosed with COVID-19, additional cardiac screening will be required before ANY athletic participation is permitted^{11, 12}

- **Coaches, Athletes, and Staff**
 - Athletes, coaches, and staff who are not a vulnerable individual may participate. Vulnerable individuals include those with serious underlying health conditions such as high blood pressure, chronic lung disease, diabetes, obesity, and asthma, those whose immune system is compromised, as well as those in the older population.
 - No signs or symptoms of COVID-19 in the past 14 days.
 - IF a person has had a case of COVID-19, they will need medical clearance from their treating physician before participate
 - No close, sustained contact with anyone who is sick within 14 days of beginning group training (i.e. a person in your household).
 - Absolutely no training sessions or workouts may occur without proper supervision and screening conducted by a coach. One coach per cohort or “pod” is required in all phases of return to play.



Humboldt-Del Norte High School Sports League

Required Protocol for Training Sessions

- Coaches must wear a face mask at all times through Phases 1 through 3. Student-athletes must wear a face mask during pre-training screening¹. (See Appendix 2 for screening form)
 - Cloth coverings must be worn by students at all times during Phases 1 and 2 as outlined below.
 - Exceptions are: swimming, distance running, or other high intensity aerobic activity (i.e., sprinting workouts). In the absence of masks, social distancing **MUST** be practiced
 - During phase 3, cloth face covering may continue to be used when not engaging in vigorous activity, such as sitting on the bench during contests, in the locker room, and in the athletic training room (if applicable).
- Screening to be conducted by the coach (wearing a face mask) as follows:
 - Student-athletes arrive no earlier than 10 minutes prior to training session
 - Student-athletes remain in their personal vehicle until the coach initiates pre-training screening
 - If you are experiencing symptoms or running a fever - **YOU MUST STAY HOME****
 - Student-athletes must maintain social distancing of at least 6 feet
 - Students-athletes must wear a face mask while they wait for screening
 - Coach will ask each student individually screening questions, and record responses on a Google form (Appendix 2)
 - Coach will perform a temperature check and record results on a google form
 - If a temperature of 100°F or higher is measured, OR any symptoms are reported, the student-athlete will not participate in training and will be directed to go home
 - Parents are recommended to wait until screening is completed in order to transport their student-athlete home in case they do not pass through screening

Timing and Exiting of Training Groups

- Training sessions will be scheduled with a 30-minute gap between sessions, as necessary
- Student-athletes are not to arrive earlier than 10 minutes prior to the start-time of their session
- Student-athletes must remain in their personal vehicle until the start time of the session
- When a session concludes, student-athletes are not to gather in any manner and must leave campus in their personal vehicle immediately
- Coaches are required to exit with and supervise students and ensure they are exiting campus appropriately

Strength and Conditioning

- Sanitizing
 - Coaches and student-athletes are to use disinfectant wipes to clean all areas of use in shared spaces before and after each session
 - Coaches and student-athletes are to sanitize equipment after each use (i.e. if stations are being used for training, equipment must be sanitized prior to each athlete's use)
- Student-athletes must maintain social distancing of at least 6 feet at all times
 - In enclosed shared spaces, limiting the number of athletes training at one time may be necessary
- Student-athletes **MUST** be accompanied by at least one coach for any training session



Humboldt-Del Norte High School Sports League

- Small group participants must remain the same with no changes. Grouping siblings into the same groups is encouraged when possible
- Doors and windows are to remain open for entirety of training sessions when indoors
- Prior to the start of each training session, coaches will review the following:
 - Use hand sanitizers in fitness centers before and after activities
 - Do not shake hands or make physical contact with others
 - Avoid touching your face
 - If you sneeze or cough, do so into your elbow with arm bent accordingly
 - Maintain proper social distancing behavior at all times

Sport-Specific Skill Training Sessions

- These activities may be phased in at some juncture, but should not be conducted until given explicit approval directly by county health officials
- A master schedule will be developed by Athletic Directors so as to prevent large numbers of athletes being on campus at one time. Teams may only conduct workouts at assigned times as communicated by the AD to the coach
- It is possible to have multiple groups training at one time, as long as ample space is available and separate entrances/exits are available (i.e. football field and gymnasium)
- Protocols stated above would be used for skill training sessions and the appropriate personal protective equipment (PPE) will be available at each site
- Coaches will wear facial coverings at all times
- Student-athletes will wear facial coverings during the screening prior to training and during all training sessions (excluding previously mentioned exceptions)
- ALL small group activities must be conducted with social distancing procedures; this is vital to the health and safety of all
- Balls/pads/equipment must be wiped down before, during, and after workouts



Humboldt-Del Norte High School Sports League

Four-Phase Approach to Return to Play⁴

Phase 1 - Resocialization with Major Social Distancing and No Shared Equipment (Healthy Group Only)

Pre-Workout Screening

- Any person who has had a fever or COVID-19 symptoms in the previous 72 hours should not be allowed to take part in workouts and should contact his or her primary care provider or other appropriate health-care professional
- All coaches and students will be screened for signs/symptoms of COVID-19 prior to a workout. Screening includes a temperature check. Responses to screening questions for each person should be recorded and stored so that there is a record of everyone present in case a student develops COVID-19
- Any person with positive symptoms reported will not be allowed to take part in workouts and should contact his or her primary care provider or other appropriate health-care professional
- Vulnerable individuals should not participate in any workouts during Phase 1
- No student shall be penalized for not participating due to concerns regarding COVID-19 during Phase 1

Limitations on Gatherings

- No gathering of more than 14 student athletes and 2 adults at a time (inside or outside)
- Locker rooms will not be utilized during Phase 1. Students should report to workouts in proper gear and immediately return home to shower at the end of the workout
- Workouts must be conducted in “pods” of students with the same students always working out together. Smaller pods (5-10 students) can be utilized for weight training. Spotters cannot be used
- There must be a minimum distance of 6 feet between each individual at all times. If this is not possible indoors, then the maximum number of individuals in the room must be decreased until proper social distancing can occur

Facilities Cleaning

- Adequate cleaning schedules must be created and implemented for all athletic facilities to mitigate any communicable diseases
- Prior to an individual or groups of individuals entering a facility, hard surfaces within that facility should be wiped down and sanitized (chairs, furniture in meeting rooms, locker rooms, weight equipment, bathrooms, athletic training room tables, etc.)
- Individuals should wash their hands for minimum of 20 seconds with warm water and soap before touching any surfaces or participating in workout
- Hand sanitizer should be available to individuals as they move from place to place
- Weight equipment should be wiped down thoroughly before and after an individual’s use of equipment
- Appropriate clothing/shoes should be worn at all times in the weight room to minimize sweat from transmitting onto equipment/surfaces
- Any equipment such as weight benches, athletic pads, etc. having holes with exposed foam should be covered
- Students should shower and wash their workout clothing immediately upon returning home



Humboldt-Del Norte High School Sports League

Physical Activity and Athletic Equipment

- There should be no shared athletic equipment (towels, clothing, shoes, balls, or sports specific equipment) between students
- Frequent hand washing, before, during and after activity is actively promoted
- Students should wear their own appropriate workout clothing (do not share clothing). Individual clothing/towels should be washed and cleaned after every workout at home
- All athletic equipment, including balls, should be cleaned after each use and prior to the next workout
- Individual drills requiring the use of athletic equipment are permissible, but the equipment should be cleaned prior to use by the next individual
- Resistance training should be emphasized (i.e. individual body weight exercises, submaximal lifts, and use of resistance bands)
- Free weight exercises that require a spotter cannot be conducted while honoring social distancing norms. Safety measures in all forms must be strictly enforced in the weight room.
- Cloth face coverings to be worn by students/athletes and coaches during phases 1 and 2 or as recommended by the county health department. (Exceptions are swimming, distance running, or other high intensity aerobic activity)
- Due to inability to ensure at-home training during shelter in place across districts, coaches must assume student-athletes are coming off of a period of inactivity as outlined by the National Strength and Conditioning Association
 - Recommended percentages (of maximum effort) of weekly volumes and/or workloads for conditioning in the first 2-4 weeks of return to training following periods of inactivity. Week 1: 50%, Week 2: 70%, Week 3: 80%, Week 4: 90%, Week 5: 100%⁶

Examples

- A basketball player can shoot with a ball(s), but a team should not practice/pass a single ball among the team where multiple players touch the same ball
- A football player should not participate in team drills with a single ball that will be handed off or passed to other teammates. Contact with other players is not allowed, and there should be no sharing of tackling dummies/donuts/sleds
- A volleyball player should not use a single ball that others touch/hit in any manner
- Softball and baseball players should not share gloves, bats, or throw a single ball that will be tossed among the team. A single player may hit in cages, throw batting practice (with netting as backstop, no catcher). Prior to another athlete using the same balls, they should be collected and cleaned individually
- Wrestlers may skill and drill without touching a teammate
- Cheerleaders may not practice/perform partner stunts or building (chants, jumps, dances without contact are permissible)
- Tennis players may do individual drills, wall volleys and serves
- Runners should maintain the recommended 6 feet of distancing between individuals

Progression from Phase 1 to Phase 2

- In order to move from Phase 1 into Phase 2, the following criteria must be met:
 - No evidence of rebound of COVID-19 numbers within the individual school districts since the beginning of Phase 1



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- Coaches and teams must receive approval from county health officials, site administration, and the district athletic director
 - ***upward spikes in infection spread may cause resocialization efforts to halt or even retreat until infection spikes lower again. Consult state, local, and district authorities for current directives*



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Phase 2 - Lower Risk Sports Practices and Competitions May Resume with Moderate Social Distancing (Healthy Group Only)

Pre-Workout Screening

- Any person who has had a fever or COVID-19 symptoms in the previous 72 hours should not be allowed to take part in workouts and should contact his or her primary care provider or other appropriate health-care professional
- All coaches and students will be screened for signs/symptoms of COVID-19 prior to a workout. Screening includes a temperature check. Responses to screening questions for each person should be recorded and stored so that there is a record of everyone present in case a student develops COVID-19
- Any person with positive symptoms reported will not be allowed to take part in workouts and should contact his or her primary care provider or other appropriate health-care professional
- Vulnerable individuals should not participate in any workouts during Phase 2
- No student shall be penalized for not participating due to concerns regarding COVID-19 during Phase 2

Limitations on Gatherings

- No inside gathering of more than 10 people at a time. Up to 50 individuals may gather outdoors for workouts, maintaining social distancing
- If locker rooms or meeting rooms are used, there must be a minimum distance of 6 feet between each individual at all times
- Indoor workouts should be conducted in “pods” of students with the same 5-10 students always working out together. Siblings should remain in the same pods. Smaller pods can be utilized for weight training.
- Outdoor workouts should also be conducted in “pods” of students with the same 10-50 students always working out together. Siblings should remain in the same pods.
- There must be a minimum distance of 6 feet between each individual at all times (indoors or outdoors). If this is not possible indoors, then the maximum number of individuals in the room must be decreased until proper social distancing can occur. Appropriate social distancing will need to be maintained on sidelines and benches during practices. Consider using tape or paint as a guide for students and coaches

Facilities Cleaning

- Adequate cleaning schedules should be created and implemented for all athletic facilities to mitigate any communicable diseases
- Prior to an individual or groups of individuals entering a facility, hard surfaces within that facility should be wiped down and sanitized (chairs, furniture in meeting rooms, locker rooms, weight room equipment, bathrooms, athletic training room tables, etc.)
- Individuals should wash their hands for a minimum of 20 seconds with warm water and soap before touching any surfaces or participating in workouts
- Hand sanitizer should be plentiful and available to individuals as they transfer from place to place
- Weight equipment should be wiped down thoroughly before and after an individual’s use of equipment
- Appropriate clothing/shoes should be worn at all times in the weight room to minimize sweat from transmitting onto equipment/surfaces



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- Any equipment such as weight benches, athletic pads, etc. having holes with exposed foam should be covered
- Students should shower and wash their workout clothing immediately upon returning to home

Physical Activity and Athletic Equipment

- Lower risk sports practices and competitions may resume (see *Potential Infection Risk by Sport* below for more information)
 - “Competitions” includes any contest or scrimmage against an opposing school, regardless of presence of officials
 - Low risk sports: individual running events, throwing events (javelin, shot put, discus), individual swimming, golf, tennis (with appropriate cleaning of equipment and use of masks by participants), weightlifting, alpine skiing, sideline cheer (no stunting), cross country running (with staggered starts), etc.
- Modified* practices may begin for moderate risk sports
 - *begin practices with Phase 1 protocols for moderate risk sports
 - Moderate risk sports: basketball, volleyball, baseball, softball, soccer, gymnastics, swimming relays, pole vault, high jump, long jump, 7 on 7 football, etc.
- There should be no shared athletic towels, clothing or shoes between students
- Students should wear their own appropriate clothing (do not share clothing), and individual clothing/towels should be washed and cleaned after every workout
- All athletic equipment, including balls, should be cleaned immediately during practices and contests
- Hand sanitizers should be plentiful at all trainings and practices
- Athletic equipment such as bats, batting helmets and catchers gear should be cleaned between each use
- Maximum lifts should be limited and power cages should be used for squats and bench presses. Spotters should stand at each end of the bar

Progression from Phase 2 to Phase 3

- In order to move from Phase 2 into Phase 3, the following criteria must be met:
 - No evidence of rebound of COVID-19 numbers within the individual school districts since the beginning of Phase 1
 - Coaches and teams must receive approval from county health officials, site administration, and the district athletic director
 - ***upward spikes in infection spread may cause resocialization efforts to halt or even retreat until infection spikes lower again. Consult state, local, and district authorities for current directives**



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Phase 3 – Resocialization of Vulnerable Group and Moderate Risk Sports Practices and Competitions May Begin

Pre-Workout Screening

- Any person who has had a fever or COVID-19 symptoms in the previous 72 hours should not be allowed to take part in workouts and should contact his or her primary care provider or other appropriate health-care professional
- A record should be kept of all individuals that are present
- Vulnerable individuals can resume public interactions, but should practice physical distancing, minimizing exposure to social settings where distancing may not be practical, unless precautionary measures are observed

Limitations on Gatherings

- Gathering sizes of up to 50 individuals, indoors or outdoors
- When not directly participating in practices or contests, care should be taken to maintain a minimum distance of 3-6 feet between each individual. Consider using tape or paint as a guide for students and coaches

Facilities Cleaning

- Adequate cleaning schedules should be created and implemented for all athletic facilities to mitigate and communicable diseases
- Prior to an individual or groups of individuals entering a facility, hard surfaces within that facility should be wiped down and sanitized (chairs, furniture in meeting rooms, locker rooms, weight room equipment, bathrooms, athletic training room tables, etc.)
- Individuals should wash their hands for a minimum of 20 seconds with warm water and soap before touching any surfaces or participating in workouts
- Hand sanitizer should be wiped down thoroughly before and after an individual's use of equipment
- Appropriate clothing/shoes should be worn at all times in the weight room to minimize sweat from transmitting onto equipment/surfaces
- Any equipment such as weight benches, athletic pads, etc. having holes with exposed foam should be covered
- Students should shower and wash their workout clothing immediately upon returning home.

Physical Activity and Athletic Equipment

- Moderate risk sports practices and competitions may begin
 - “Competitions” includes any contest or scrimmage against an opposing school, regardless of presence of officials
 - Moderate risk sports: basketball, volleyball, baseball, softball, soccer, gymnastics, swimming relays, pole vault, high jump, long jump, 7 on 7 football, etc.
- There should be no shared athletic towels, clothing or shoes between students
- Students should wear their own appropriate workout clothing (do not share clothing), and individual clothing/towels should be washed and cleaned after every workout
- Hand sanitizer should be plentiful at all contests and practices



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- Athletic equipment such as bats, batting helmets, and catchers gear should be cleaned between each use. Other equipment, such as hockey helmets/pads, wrestling ear guards, football helmets/other pads, lacrosse helmets/pads/gloves/eyewear should be worn by only one individual and not shared
- Maximum lifts should be limited and power cages should be used for squats and bench presses
- Vulnerable group added with social distancing
 - Due to inability to ensure at-home training during shelter in place across districts, coaches must assume student-athletes are coming off of a period of inactivity as outlined by the National Strength and Conditioning Association
 - Recommended percentages of weekly volumes and/or workloads for conditioning in the first 2-4 weeks of return to training following periods of inactivity. Week 1: 50%, Week 2: 70%, Week 3: 80%, Week 4: 90%, Week 5: 100%.^{5,6}
- Modified* practices may begin for *higher* risk sports:
 - *begin practices with Phase 1 protocols for moderate risk sports. Athletes should shower immediately after practices/contests
 - Higher risk sports: wrestling, contact football, competitive cheer (or sideline cheer with stunting), etc.

Hydration

- Hydration stations (coolers, water fountains, etc.) may be utilized but must be cleaned after every practice/contest

Progression from Phase 3 to Phase 4

- In order to move from Phase 3 into Phase 4, the following criteria must be met:
 - No evidence of rebound of COVID-19 numbers within the individual school districts since the beginning of Phase 3
 - Transition from the previous core principles to a relaxation of these principles can occur when COVID-19 can be managed in a manner like less virulent influenza strains. For COVID-19, future phases are dependent on the successful development of widely available treatment, including prophylactic immunotherapy, coupled with widespread, effective vaccination⁶
 - Coaches and teams must receive approval from county health officials, site administration, and the district athletic director
 - ***upward spikes in infection spread may cause resocialization efforts to halt or even retreat until infection spikes lower again. Consult state, local, and district authorities for current directives*



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Phase 4 - Return to Full Athletic Participation

Modifications from Previous Phases

- Return to normal practice for all risk level sports
- Return to normal competitions for all risk level sports
- Vulnerable group to continue through 5-week acclimatization process as outlined in Phase 3
- Spectator modifications (i.e., no spectators, physical distancing, etc.) to ensure safety of student-athletes, support staff and spectators*

Similarities to Previous Phases

- Continue to educate athletics staff and student-athletes on current best practices for infection control. Continue to implement policies and procedures put in place by individual institution
- It is the duty of athletics staff, teammates and individual student-athletes to report any possibility of self or others with symptoms of infection to administration and appropriate medical staff (if applicable). All student-athletes, coaches, and staff should stay home and report remotely if they feel sick.

Other Factors to Consider

- Transportation to events:
 - Social distancing (as required by state or local health departments) will need to be maintained on buses/vans. Thus, multiple buses/vans and/or parental/guardian transportation will likely be needed
- Sidelines/benches:
 - Appropriate social distancing will need to be maintained on sidelines/bench during contests and events. Consider using tape or paint as a guide for students and coaches
- Other groups:
 - Other groups of people will be organized into Tiers from essential to non-essential and COVID-19 guidelines will decide which tiers will be allowed at an event:
 - Tier 1 (Essential): athletes, coaches, officials, event staff, medical staff, security
 - Tier 2 (Preferred): media
 - Tier 3 (Non-essential): spectators, vendors
 - Only Tier 1 and 2 personnel will be allowed to attend events until state/local health departments lift restrictions on mass gatherings

**Upward spikes in infection spread may cause re-socialization efforts to halt or even retreat until infection spikes lower again. Consult state, local and district authorities for current directives*



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Risk Level of Contests

The following identifies "Potential Infection Risk by Sport" (modified from United States Olympic and Paralympic Committee - Sports Medicine recommendations)

- Higher Risk
 - Sports that involve close, sustained contact between participants, lack of significant protective barriers, and high probability that respiratory particles will be transmitted between participants
 - Examples: wrestling, football, boy's lacrosse, competitive cheer, dance
- Moderate Risk
 - Sports that involve close, sustained contact, but with protective equipment in place that may reduce the likelihood of respiratory particle transmission between participants OR intermittent close contact OR group sports OR sports that use equipment that can't be cleaned between participants
 - Examples: basketball, volleyball*, baseball*, softball*, soccer, tennis*, swimming relays, pole vault*, high jump*, long jump*, girls' lacrosse, 7 on 7 football
 - **could potentially be considered "Lower Risk" with appropriate cleaning of equipment and use of masks by participants*
- Lower Risk
 - Sports that can be done with social distancing or individually with no sharing of equipment or the ability to clean the equipment between use by competitors
 - Examples: individual running events, throwing events (javelin, shot put, discus), individual swimming, golf, weight lifting, sideline cheer (no stunting), cross country running (with staggered starts)



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Action Plan for Positive COVID-19 Test¹⁰

Positive Test Management Procedures:

If a student-athlete, coach, or staff member has been diagnosed with and/or has a positive test for COVID-19 he/she should follow the following guidelines. Much of these guidelines should align with the school district's previously created COVID-19 School Site Specific Protection Plans.

Student-Athlete Action Plans

- Review COVID-19 symptoms of virus, resources in the county, and what you need to do if you were exposed or have tested positive.
- Student-athletes that might have been exposed should:
 - Self-quarantine 14 days after your last exposure
 - Check your temperature twice a day and monitor symptoms
 - If possible, stay away from people who are at higher-risk for COVID-19
- Student-athlete with COVID-19 needs to self-isolate unless instructed to do otherwise
 - Stay home except to get medical care
 - Communicate with your school and athletic trainer (if available)
 - Take care of yourself; get rest (**no exercise/activities**), stay hydrated and take medication that improves symptoms if instructed to do so
 - Stay in touch with your medical provider and relay pertinent information to your athletic trainer (if available)
 - Isolate yourself from other people in your home
 - Keep track of your symptoms and follow care instructions from your medical provider
 - Seek emergency medical attention if you:
 - Have trouble breathing
 - Have persistent pain or pressure in your chest
 - Inability to wake or stay awake
 - Have bluish lips or face
 - Call ahead before visiting your doctor
 - Wear a cloth facemask covering your nose and mouth when you are around other people (even at home)
 - Avoid sharing personal household items
 - Clean your hands often and all "high touch" surfaces daily
 - Student-athlete should not return to campus until cleared by a physician and submit written documentation addressing COVID-19.

Discontinuation of Isolation

- Student-athletes who may have been in close contact with those infected AND/OR student-athletes with laboratory-confirmed COVID-19 who have not had any symptoms and were directed to care for themselves at home may discontinue isolation once cleared by their treating physician.
- Student-athletes that tested positive for COVID-19, have symptoms and were directed to care for themselves at home may discontinue isolation once cleared by their treating physician.



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Return to Play Considerations for Student-Athletes with COVID-19

- Require medical clearance and cardiac clearance before starting return to ANY activity level^{11,12}
- Once cleared by their treating physician and have received cardiac screening, student-athletes may begin *gradual* return to play as outlined by the National Strength and Conditioning Association
 - Recommended percentages (of maximum effort) of weekly volumes and/or workloads for conditioning in the first 2-4 weeks of return to training following periods of inactivity.
Week 1: 50%, Week 2: 70%, Week 3: 80% Week 4: 90%, Week 5: 100%^{3,4}



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Appendix 1⁶

COVID-19 ATHLETE SCREENING QUESTIONNAIRE

Student Name: _____ Sport: _____

We appreciate your cooperation and patience in helping to keep our students and staff safe and healthy.
 This completed form must be turned in to the Athletics Department with your Physical paperwork

1. IN THE LAST TWO WEEKS Have you experienced:	YES	NO	COMMENTS
Fever (>100.4°F)?			
Coughing?			
Sore throat?			
Headache?			
Muscle aches?			
Shortness of breath or difficulty breathing?			
Persistent muscle aches?			
Dizziness?			
New confusion or unable to wake?			
Chills or repeated shaking chills?			
Loss of taste or smell?			
Bluish lips or face?			
Purple skin lesions on feet?			
Chest pain, pressure, or tightness?			
Fatigue or difficulty with exercise?			
Nausea, vomiting, or diarrhea?			
2. Have you had a household contact or cared for a person infected with current or past COVID-19?			if yes, who?:



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3. Do you have moderate to severe asthma, a heart condition, diabetes, pre-existing kidney disease, or compromised immune system?			explain:
4. Have you been diagnosed or tested positive for COVID-19 infection?			date:
a. During the infection did you suffer from chest pain, pressure, tightness or heaviness, or experience difficulty breathing or unusual shortness of breath?			explain:
b. Since the infection, have you had new chest pain or pressure with exercise, new shortness of breath with exercise or decreased exercise tolerance?			explain:
5. Did you receive treatment for COVID-19 infection and if so, what was the treatment course?			treatment:
6. Did you receive follow-up care with your primary care physician after having COVID-19?			date and physician name:
7. Were you hospitalized after being diagnosed with COVID-19?			dates and institutions:
8. Did you see a cardiologist or have a cardiac clearance with ECG, 2D Echo and high sensitive Troponin I test?			date and physician name:

Student Signature: _____ Date: _____

Parent/Guardian Signature: _____ Date: _____



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Appendix 2

COVID-19 Athlete/Coach Monitoring Form

Name	Date	CIRCLE YES/NO BELOW											Temperature (if higher than 100.4°F)
		Time	Fever		Cough		Sore Throat		Shortness of Breath		Close Contact, or Cared for Someone with COVID-19		
			Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	
			Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	
			Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	
			Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	
			Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	
			Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	
			Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	



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Appendix 3*

Additional Informational Flyers

CHECKLIST FOR COACHES

Protect Players from COVID-19



- Send a welcome email or call parents and/or players. Inform them about actions that the sports program will take to protect players. Remind them to stay home if sick or if they have been around someone who is sick.
- Be a role model. Wear a cloth face cover and encourage parents, fans, officials, and sports staff to wear one during practices and games.
- Provide hand sanitizer with at least 60% alcohol to players before and after practice/game, or encourage them to wash their hands with soap and water.
- Educate players about covering coughs and sneezes with a tissue or their elbow. Discourage spitting.
- Remind players about social distancing and identify markers (signage or tape on floor, if applicable). Encourage your players to focus on building their individual skills and cardiovascular conditioning, so they can limit close contact with other players.
- Check with your sports administrator to make sure they are following cleaning and disinfection recommendations.
 - Cleaning and disinfecting frequently touched surfaces on field, court, or play surface (e.g. drinking fountains) at least daily or between use.
 - Cleaning and disinfecting shared equipment



Lower Risk

Higher Risk



Skill-building drills at home



Within-team competition



Full competition from different areas



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STAY SAFE ON AND OFF THE FIELD



Stay home if you are sick.



Bring your own equipment and gear (if possible)



Cover your coughs and sneezes with a tissue or your elbow.



Wash your hands or use sanitizer before and after events and sharing equipment.



Tell a coach or staff member if you don't feel well.



cdc.gov/coronavirus

YOUTH SPORTS GAME PLAN

Reduce the Spread of COVID-19



Skill-building drills at home



Team practice



Within-team competition



Competition with teams from your area



Full competition from different areas



cdc.gov/coronavirus

CS 317099-B 05/28/2020



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KEEP YOUTH ATHLETES SAFE

Reduce the Spread of COVID-19 in Youth Sports

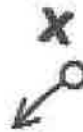
Reduce physical closeness between players when possible

- Allow players to focus on building individual skills, like passing, dribbling, kicking, and strength training
- Limit full contact between players to game days (avoid during practice)
- Increase space between players in the practice areas, including on the sideline, dugout, and bench
- Avoid high fives, handshakes, fist bumps or hugs



Minimize sharing of equipment or gear

- Encourage players to bring their own equipment, like gloves, balls, and helmets (if possible)
- Clean and disinfect shared items between use

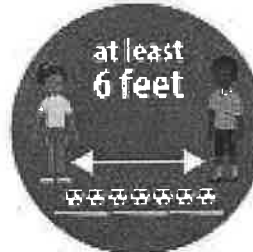


Limit travel outside of your area

- Consider competing against teams in your local area (neighborhood, town, or community)

Identify small groups and keep them together

- Avoid mixing between groups
- Stagger the arrival and drop off of each group to limit interaction
- Have scrimmages within team to limit exposure



Implement plans to space out spectators by 6 feet at games or competitions. Limit nonessential visitors, spectators, and volunteers.

Lower Risk

Higher Risk



Skill-building drills at home



Within team competition



Full competition from different areas



[cdc.gov/coronavirus](https://www.cdc.gov/coronavirus)

PHOTO: SHUTTER



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This report outlining the well-defined policies and procedures of the Humboldt-Del Norte High School Sports League's return to participation in athletics following the COVID-19 pandemic is a compilation of current best practices and guidelines of the Centers for Disease Control and Prevention (CDC), the California Interscholastic Federation (CIF), the National Federation of State High School Associations (NFHS), the National Athletic Trainers Association (NATA), and the California Community Colleges Athletic Trainers Association (CCCATA). These guidelines and recommending phasing in of additional activities was created by Jodi McDonald, MAT, ATC in collaboration with the Humboldt County Department of Health and Human Services, pending approval. Revised 9/21/2020

Ferndale Unified School District

SUPERINTENDENT'S RECOMMENDATION FOR BOARD ACTION

AGENDA ITEM: 10.1

DATE: November 12, 2020

SUBJECT:

Board Policy and Administrative Regulation 5141.22 - Infectious Diseases

DEPARTMENT/PROGRAM:

Administration

ACTION REQUESTED:

Receive/Discuss/Approve Board Policy and Administrative Regulation 5141.22 - Infectious Diseases

PREVIOUS STAFF/BOARD ACTION:

The board previously approved BP 5141.22 on February 11, 2015.

BACKGROUND INFORMATION AND/OR STATEMENT OF NEED:

Board Policy 5141.22 - Infectious Diseases

Policy reflects **NEW LAW (AB 262, 2019)** which requires local health officers to notify and update districts of an outbreak, or imminent outbreak, of a communicable disease and requires districts to comply with any orders issued by the health officers and all applicable privacy laws. Policy also clarifies that any allowable exclusions apply only to on-campus instruction and provides that the superintendent or designee will, when necessary, inform the local health official of any potential outbreak.

Administrative Regulation 5141.22 - Infectious Diseases

Regulation updated to add section on "Prevention and Mitigation Plan" reflecting general best practices based on COVID-19 guidance. Regulation also adds recommendations from CDE's Science Safety Handbook pertaining to experiments involving human blood sampling.

FISCAL IMPLICATIONS:

None.

CONTACT PERSON(S):

Beth Anderson, Superintendent/Principal

Ferndale Unified School District Board Policy

Students

BP 5141.22

INFECTIOUS DISEASES

Note: The following optional policy may be modified to reflect district practice. In order to help protect the safety of students and staff, the Centers for Disease Control and Prevention recommend that districts develop contingency plans for dealing with an infectious disease outbreaks, such as a pandemic influenza including influenza or coronavirus pandemics. These contingency plans should be incorporated into the district's emergency and disaster preparedness plan. See AR 3516 - Emergencies and Disaster Preparedness Plan. Also see the U.S. Department of Health and Human Services' School District (K-12) Pandemic Influenza Planning Checklist for components districts may want to consider when developing and updating emergency and disaster preparedness plans.

The Governing Board desires to protect students from risks posed by exposure to infectious diseases while providing an appropriate **a high-quality** education for all students. ~~The Board recognizes that prevention and education are the most effective means of limiting the spread of infectious diseases.~~ The Superintendent or designee shall collaborate with parents/guardians and local **and state** health agencies and organizations **officials** to develop **and regularly update** a comprehensive ~~approach to~~ **plan for** disease prevention that promotes preventative measures, **mitigation, and education, communication, and training** of students and staff. **All measures to limit the spread of infectious diseases shall be nondiscriminatory and ensure that equity is promoted.**

Infectious Disease Prevention

Note: In order to help protect the safety of students and staff, the Centers for Disease Control and Prevention recommend that districts develop contingency plans for dealing with an infectious disease outbreaks, such as a pandemic influenza. These contingency plans should be incorporated into the district's emergency and disaster preparedness plan. See AR 3516 - Emergencies and Disaster Preparedness Plan.

~~The Superintendent or designee shall collaborate with parents/guardians and local health agencies and organizations to develop a comprehensive approach to disease prevention that promotes preventative measures, and education of students and staff.~~

(cf. 0400 - Comprehensive Plans)

(cf. 0450 - Comprehensive Safety Plan)

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

(cf. 0415 - Equity)

(cf. 1312.3 - Uniform Complaint Procedures)

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

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5141.6 - School Health Services)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6020 - Parent Involvement)

The Superintendent or designee shall regularly review resources available from health experts to ensure that district programs **and operations** are based on the most up-to-date information.

~~The Superintendent or designee shall ensure that the district's comprehensive health education program shall provides age-appropriate information about the prevention of infectious diseases, including the nature of bloodborne pathogens and their transmission, as well as information to help prevent the spread of contagious diseases, such as a pandemic influenza. He/she shall also ensure that each school has sufficient infection prevention supplies that are easily accessible to staff.~~ **nature and symptoms of communicable diseases, their transmission, and how to help prevent the spread of contagious diseases.**

BP 5141.22 INFECTIOUS DISEASES (continued)

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

(cf. 6142.8 - Comprehensive Health Education)

Note: Pursuant to Health and Safety Code 120175.5, as added by AB 262 (Ch. 798, Statutes of 2019), local health officers are required to promptly notify and update districts during an outbreak of a communicable disease, or upon the imminent and proximate threat of a communicable disease outbreak or epidemic that threatens the public's health, if, in the opinion of the local health officer, action or inaction on the part of the district might affect the outbreak response efforts. Local health officers are also required to make any relevant information available to districts, including, but not limited to, the locations of concentrations of cases, the number of residents affected, and the measures that districts should take to assist with outbreak response efforts. The local health officers may issue orders to districts to take any action that the health officers deem necessary to control the spread of the communicable disease.

If the local health officer notifies the district of an outbreak of a communicable disease, or the imminent and proximate threat of a communicable disease outbreak or epidemic that threatens the public's health, the district shall take any action that the health officer deems necessary to control the spread of the disease. The district shall comply with all applicable state and federal privacy laws in regard to any such information received from the local health officer. (Health and Safety Code 120175.5)

Universal Precautions

Note: Pursuant to 8 CCR 5193, employers with one or more employees having occupational exposure to bloodborne pathogens must enforce universal precautions to prevent contact with blood or other potentially infectious materials; see BP/AR 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens for a detailed exposure control plan and BP/AR 4119.43/4219.43/4319.43 - Universal Precautions. The following **optional section paragraph** addresses the need for students to follow similar procedures.

Students and staff shall observe universal precautions in order to prevent exposure to bloodborne pathogens and to prevent the spread of infectious diseases.

(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 inform students of the precautions to be used in cases of exposure to blood or other body fluids through injury, accident, or classroom instruction.

(cf. 5141 - Health Care and Emergencies)

(cf. 6145.2 - Athletic Competition)

Students with Infectious Diseases

Note: In *Thomas v. Atascadero Unified School District*, a federal court held that **acquired immunodeficiency syndrome (AIDS)** is a disability under Section 504 of the Rehabilitation Act (29 USC 794) and that a student with AIDS cannot be excluded from school without evidence that the student poses a risk of transmission of the **human immunodeficiency virus (HIV) HIV-virus** to classmates or teachers. The following paragraph extends this protection to students with any bloodborne pathogen infection. 8 CCR 5193 defines bloodborne pathogens to include the hepatitis C virus in addition to hepatitis B virus and HIV.

See AR ~~5111.2~~ **5112.2** - Exclusion from Attendance for information regarding exclusions, including notification of parents/guardians.

The Superintendent or designee shall exclude students **from on-campus instruction** only in accordance with law, Board policy, and administrative regulation. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV) are not casually transmitted, the presence of infectious conditions of this type is not, by itself, sufficient reason to exclude students from attending school.

(cf. 5112.2 - Exclusions from Attendance)

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

Note: The following **optional** paragraph encourages parents/guardians to notify the school if their child has an infectious disease so that staff can assist in maintaining the child's health. However, **it's important to note that** the law does **not** require parents/guardians to inform school officials of a student's **HIV/AIDS status medical condition**; thus, a student cannot be penalized because the parent/guardian did not provide such notification. Both **state and federal and state law (20 USC 1232g and Education Code 49060-49069.7; 20 USC 1232g)** require that student health information remain confidential. In the event that a parent/guardian authorizes the district to disclose the fact that the student has an infectious disease, **such as the student's HIV status**, it is recommended that any decision to inform staff should be made by the Superintendent or designee, the student, and **his/her family the student's parent/guardian**, in consultation with district legal counsel.

BP 5141.22 INFECTIOUS DISEASES (continued)

Parents/guardians are encouraged to inform the Superintendent or designee if their child has an infectious disease so that school staff may work cooperatively with the student's parents/guardians to minimize the child's exposure to other diseases in the school setting. **If necessary, the Superintendent or designee shall inform the local health official of any potential outbreak.** The Superintendent or designee shall ensure that student confidentiality and privacy rights are strictly observed in accordance with law.

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

(cf. 5022 - Student and Family Privacy Rights)

(cf. 5125 - Student Records)

Legal Reference:

EDUCATION CODE

48210-48216 Persons excluded

49060-49069.7 Student records

49073-49079 Privacy of pupil records

49403 Cooperation in control of communicable disease and immunization of pupils

49405 Smallpox control

49406 Examination for tuberculosis (employees)

49408 **Student emergency information of use in emergencies**

49602 **Counseling and confidentiality of student information**

51202 Instruction in personal and public health and safety

CALIFORNIA CONSTITUTION

Article 1, Section 1 Right to Privacy

CIVIL CODE

56-56.37 Confidentiality of Medical Information Act

1798-1798.76 **1798.78 Information Practices Act**

HEALTH AND SAFETY CODE

120175.5 Local health officers and communicable diseases

120230 Exclusion for communicable disease

120325-120380 Immunization against communicable diseases

120875-120895 AIDS information

120975-~~121022~~ **121023 Mandated blood testing and confidentiality to protect public health**

121475-121520 Tuberculosis tests for ~~pupils~~ **students**

CALIFORNIA CONSTITUTION

Article 1, Section 1 Right to Privacy

CODE OF REGULATIONS, TITLE 8

5193 ~~California~~ **Bloodborne pathogens standard**

CODE OF REGULATIONS, TITLE 17

2500-2511 Communicable disease reporting requirements

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 45

164.500-164.534 ~~Health Insurance Portability and Accountability Act (HIPAA)~~ **Privacy of individually identifiable health information**

COURT DECISIONS

Thomas v. Atascadero Unified School District, (1987 **1986**) 662 F.Supp. 376

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Science Safety Handbook for California Public Schools, 2014

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

School District (K-12) Pandemic Influenza Planning Checklist

WEB SITES

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

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

California Department of Public Health: <http://www.cdph.ca.gov>

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

~~U.S. Government Pandemic Flu Information:~~ <http://www.pandemicflu.gov>

Ferndale Unified School District Administrative Regulation

Students

AR 5141.22

INFECTIOUS DISEASES

Note: The following optional administrative regulation may be modified to reflect district practice.

Prevention and Mitigation Plan

The Superintendent or designee shall work with state and local health officials to develop and regularly update a plan to prevent and mitigate the spread of infectious diseases. Components of the plan may include, but are not necessarily limited to:

1. A communication strategy for informing students, parents/guardians, staff, and the community about the disease(s), including symptoms, complications, transmission, and current recommendations from state and local departments of public health
2. Protocols for assessing when campus closures are necessary and when campus(es) may reopen
3. Alternative means of instruction, schedules, and attendance, including the provision of instruction to students with disabilities, English learners, and foster or homeless youth, in the event of campus closures or partial closures

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

(cf. 6157 - Distance Learning)

(cf. 6158 - Independent Study)

(cf. 6159 - Individualized Education Program)

(cf. 6164.5 - Student Success Teams)

(cf. 6173 - Education for Homeless Youth)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6183 - Home and Hospital Instruction)

4. Guidelines regarding preventative measures such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law
5. Protocols regarding the acquisition and provision of personal protective equipment and other supplies
6. Procedures for the cancellation or alteration of extracurricular activities and field trips
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6153 - School-Sponsored Trips)
7. Protocols for transportation of students using district vehicles
(cf. 3540 - Transportation)
(cf. 3543 - Transportation Safety and Emergencies)
8. Information on effective hygiene practices

AR 5141.22 INFECTIOUS DISEASES (continued)

9. Provisions for continuing free and reduced-price meal services

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3553 - Free and Reduced Price Meals)

10. Processes for protecting students who are at higher risk from the disease

11. Programs that enhance a positive school climate and foster the emotional well-being of all students

(cf. 5141.5 - Mental Health)

(cf. 5141.52 - Suicide Prevention)

(cf. 6164.2 - Guidance/Counseling Services)

12. Guidelines for cleaning and sanitization of district facilities and equipment

(cf. 3510 - Green School Operations)

(cf. 3514.1 - Hazardous Substances)

13. Protocols for visitors and outside groups that utilize district facilities

14. Staff training

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

Universal Precautions in the Classroom

Note: The following standards are based upon the universal precautions required for use by employees pursuant to 8 CCR 5193 and should be modified to reflect district practice. See also the California Department of Education's (CDE) [Science Safety Handbook](#) for more information about laboratory safety and universal precautions.

Before students work with blood, blood products, or other body fluids, the teacher shall explain the potentially hazardous nature of blood and body fluids in the transmission of various agents from one person to another and the specific procedures and safety precautions to be used in the lesson.

The following precautions shall be used when students are working with blood or other body fluids:

1. Before and after exposure to blood or other body fluids, students shall wash their hands with soap and water and cover any existing cut, wound, or open sore with a sterile dressing.
2. Students shall wear gloves or other personal protective equipment as appropriate.
(cf. 5142 - Safety)

Note: CDE's [Science Safety Handbook](#) recommends that alternatives to fresh human blood, such as blood that is acquired from a local blood bank that has been tested and found to be free of hepatitis B and human immunodeficiency virus, be utilized for experiments that require blood samples. If the district permits fresh human blood samples from students to be utilized for such purposes, CDE's [Science Safety Handbook](#) states that human blood sampling may only occur on a voluntary basis, that the blood draw should be self-administered and performed in a manner consistent with the district's exposure control plan, and that goggles and gloves should be utilized. As students with specified known medical conditions are not permitted to participate, districts should have a process in place which ensures that students with such medical conditions need not share that information with their teacher(s) or other students.

3. Blood typing or similar experiments may be conducted by teacher demonstrations. When being performed individually, students shall work with their own blood or use prepackaged ABO/Rh blood cell kits that have vials of blood previously tested for transmissible agents.

AR 5141.22 INFECTIOUS DISEASES (continued)

- a. For finger punctures, students shall use individual sterile lancets **that have engineered sharps injury protection** for finger punctures and shall not reuse them.
 - b. Before the finger is punctured, it shall be wiped with a piece of cotton that has been immersed in alcohol.
 - c. If bleeding persists after the finger is punctured, the student shall apply a sterile bandage using moderate pressure.
4. Lancets and any other materials contaminated with blood or body fluids shall be discarded into a solution consisting of one part bleach to 10 parts water (1:10), made fresh daily.
 5. At the end of the class, surfaces shall be wiped with alcohol or a solution of one part bleach to 10 parts water.

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

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

(cf. 5022 - Student and Family Privacy Rights)

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

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.93 - Science Instruction)

FUSD Administrative Regulation: Adopted: November 12, 2020. Ferndale, CA.

Ferndale Unified School District

SUPERINTENDENT'S RECOMMENDATION FOR BOARD ACTION

AGENDA ITEM: 10.2

DATE: November 12, 2020

SUBJECT:

Board Policy and Exhibit 5145.6 - Parental Notifications

DEPARTMENT/PROGRAM:

Administration

ACTION REQUESTED:

Receive/Discuss/Approve Board Policy and Exhibit 5145.6 - Parental Notifications

PREVIOUS STAFF/BOARD ACTION:

The board previously approved BP 5145.6 on October 10, 2018.

BACKGROUND INFORMATION AND/OR STATEMENT OF NEED:

Board Policy 5145.6 - Parental Notifications

Policy updated for gender neutrality and to update legal references based on new laws reflected in the accompanying exhibit.

Exhibit 5145.6 - Parental Notifications

Exhibit updated to reflect **NEW LAW (SB 74, 2020)** which extends the suspension of certain mandated activities through the 2020-21 school year; reflect **NEW FEDERAL REGULATION (85 Fed. Reg. 30026)** which requires notice of the contact information of the district's Title IX Coordinator; delete legal cites for the Open Enrollment Act, which is no longer operational; delete reference to BP 5141.33 which is no longer applicable to exclusions from school; reflect **NEW LAW (SB 1109, 2018)** which requires dissemination of an opioid fact sheet to parents/guardians of student athletes; reflect **NEW LAW (AB 2370, 2018)** which requires child care centers with buildings constructed before 2010 to test drinking water for lead and notify parents/guardians of the results of that test; add notice requirements for districts receiving Impact Aid for children residing on Indian lands; reflect **NEW FEDERAL REGULATION (85 Fed. Reg. 30026)** which requires notifications to the parents/guardians of a student who complains of sexual harassment regarding rights, the complaint process, and the availability of supportive measures; and move the classroom notice requirement pertaining to complaints about health and safety in California State Preschool Programs to AR/E 1312.3 - Uniform Complaint Procedures consistent with CDE's Federal Program Monitoring instrument.

FISCAL IMPLICATIONS:

None.

CONTACT PERSON(S):

Beth Anderson, Superintendent/Principal

Ferndale Unified School District Board Policy

Students

BP 5145.6

PARENTAL NOTIFICATIONS

The Governing Board desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send parents/guardians ~~and students~~ all notifications required by law and any other notifications ~~he/she~~ **the Superintendent or designee** believes will promote parental understanding and involvement.

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6020 - Parent Involvement)

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless ~~his/her~~ **the student's** parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

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

Whenever a student enrolls in a district school during the school year, ~~his/her~~ **the student's** parents/guardians shall be given all required parental notifications at that time.

Note: The following paragraph applies to notices required for certain federal programs, including, but not necessarily limited to, Title I notices pursuant to 20 USC 6311 and 6312, notices regarding the rights of parents/guardians of students with disabilities pursuant to 34 CFR 300.503 and 300.504, and notices of the educational rights of homeless students pursuant to 42 USC 11432. The following paragraph may be revised to reflect district practice.

Notifications shall be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

Note: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students must also be written in the primary language and may be answered by the parent/guardian in either language. Education Code 48985 requires the California Department of Education (CDE) to notify districts, by August 1 of each year, of the schools and the languages for which the translation of notices is required based on census data submitted to the CDE in the preceding fiscal year.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

BP 5145.6 PARENTAL NOTIFICATIONS (continued)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, ~~he/she~~ **the employee** shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

Legal Reference:

EDUCATION CODE

221.5 Prohibited sex discrimination
231.5 Sexual harassment policy
234.7 Student protections relating to immigration and citizenship status
262.3 Appeals for discrimination complaints; information regarding availability of civil remedies
310 Language acquisition programs
313 Reclassification of English learners, parental consultation
313.2 Long-term English learner, notification
440 English language proficiency assessment; instruction in English language development
8483 Before/after school program; enrollment priorities
17288 Building standards for university campuses
17611.5-17612 Notification of pesticide use
32221.5 Insurance for athletic team members
32255-32255.6 Right to refuse harmful or destructive use of animals
32390 Fingerprint program; contracts; funding; consent of parent/guardian
33479.3 The Eric Paredes Sudden Cardiac Arrest Prevention Act
35160.5 Extracurricular and cocurricular activities
35178.4 Notice of accreditation status
35182.5 Advertising in the classroom
35183 School dress codes; uniforms
35186 Complaints concerning deficiencies in instructional materials and facilities
35211 Driver training; district insurance, parent/guardian liability

EDUCATION CODE (continued)

35256 School Accountability Report Card
35258 School Accountability Report Card
35291 Rules for student discipline
37616 Consultation regarding year-round schedule
39831.5 School bus rider rules and information
44050 Employee codes of conduct, employee interactions with students
44808.5 Permission to leave school grounds
46010.1 Notice regarding excuse to obtain confidential medical services
46014 Regulations regarding absences for religious purposes
46600-46611 Interdistrict attendance agreements
48000 Minimum age of admission
48070.5 Promotion or retention of students
48204 Residency requirements
48205 Absence for personal reasons
48206.3 Students with temporary disabilities; individual instruction; definitions
48207-48208 Students with temporary disabilities in hospitals
48213 Prior notice of exclusion from attendance
48216 Immunization
48260.5 Notice regarding truancy
48262 Need for parent conference regarding truancy
48263 Referral to school attendance review board or probation department
48301 Interdistrict transfers
~~48350-48361 Open Enrollment Act~~
~~48354 Option to transfer from school identified under Open Enrollment Act~~
~~48357 Status of application for transfer from school identified under Open Enrollment Act~~
48412 Certificate of proficiency
48432.3 Voluntary enrollment in continuation education
48432.5 Involuntary transfers of students
48850-48859 Education of foster youth and homeless students
48900.1 Parental attendance required after suspension

BP 5145.6 PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

- 48904 *Liability of parent/guardian for willful student misconduct*
- 48904.3 *Withholding grades, diplomas, or transcripts*
- 48906 *Notification of release of student to peace officer*
- 48911 *Notification in case of suspension*
- 48911.1 *Assignment to supervised suspension classroom*
- 48912 *Closed sessions; consideration of suspension*
- 48915.1 *Expelled students; enrollment in another district*
- 48916 *Readmission procedures*
- 48918 *Rules governing expulsion procedures*
- 48929 *Transfer of student convicted of violent felony or misdemeanor*
- 48980 *Required notification at beginning of term*
- 48980.3 *Notification of pesticide use*
- 48981 *Time and means of notification*
- 48982 *Parent signature acknowledging receipt of notice*
- 48983 *Contents of notice*
- 48984 *Activities prohibited unless notice given*
- 48985 *Notices to parents in language other than English*
- EDUCATION CODE** (continued)
- 48987 *Child abuse information*
- 49013 *Use of uniform complaint procedures for complaints regarding student fees*
- 49063 *Notification of parental rights*
- 49067 *Student evaluation; student in danger of failing course*
- 49068 *Transfer of permanent enrollment and scholarship record*
- 49069 *Absolute right to access*
- 49070 *Challenging content of student record*
- 49073 *Release of directory information*
- 49073.6 *Student records, social media*
- 49076 *Access to student records*
- 49077 *Access to information concerning a student in compliance with court order*
- 49403 *Cooperation in control of communicable disease and immunization*
- 49423 *Administration of prescribed medication for student*
- 49451 *Physical examinations: parent's refusal to consent*
- 49452.5 *Screening for scoliosis*
- 49452.7 *Information on type 2 diabetes*
- 49452.8 *Oral health assessment*
- 49456 *Results of vision or hearing test*
- 49471-49472 *Insurance*
- 49475 *Student athletes; concussions and head injuries*
- 49476 *Student athletes; opioid fact sheet***
- 49480 *Continuing medication regimen for nonepisodic conditions*
- 49510-49520 *Duffy-Moscone Family Nutrition Education and Services Act of 1970*
- 49557.5 *Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account*
- 51225.1 *Exemption from district graduation requirements*
- ~~51225.2 *Course credits; foster youth, homeless youth, former juvenile court school students and military-connected students*~~
- 51225.3 *Graduation requirements; courses that satisfy college entrance criteria*
- 51229 *Course of study for grades 7-12*
- 51513 *Personal beliefs; privacy*
- 51938 *HIV/AIDS and sexual health instruction*
- 52164 *Language census*
- 52164.1 *Census-taking methods; determination of primary language; assessment of language skills*
- 52164.3 *Reassessment of English learners; notification of results*
- 54444.2 *Migrant education programs; parent involvement*
- 56301 *Child-find system; policies regarding written notification rights*
- 56321 *Special education: proposed assessment plan*
- 56321.5-56321.6 *Notice of parent rights pertaining to special education*
- 56329 *Written notice of right to findings; independent assessment*
- 56341.1 *Development of individualized education program; right to audio record meeting*
- 56341.5 *Individualized education program team meetings*
- 56343.5 *Individualized education program meetings*

BP 5145.6 PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

56521.1 Behavioral intervention

58501 Alternative schools; notice required prior to establishment

60615 Exemption from state assessment

60641 California Assessment of Student Performance and Progress

69432.9 Submission of grade point average to Cal Grant program

CIVIL CODE

1798.29 District records, breach of security

HEALTH AND SAFETY CODE

1596.857 Right to enter child care facility

1597.16 Licensed child care centers, lead testing

104420 Tobacco use prevention

104855 Availability of topical fluoride treatment

116277 Lead testing of school drinking water

120365-120375 Immunizations

120440 Sharing immunization information

124100-124105 Health screening and immunizations

PENAL CODE

626.81 Notice of permission granted to sex offender to volunteer on campus

627.5 Hearing request following denial or revocation of registration

CODE OF REGULATIONS, TITLE 5

852 Exemptions from state assessments

863 Reports of state assessment results

3052 Behavioral intervention

4622 Notification of uniform complaint procedures

4631 Uniform complaint procedures; notification of decision and right to appeal

~~4702 Student transfer from school identified under Open Enrollment Act~~

4917 Notification of sexual harassment policy

11303 Reclassification of English learners

11511.5 English language proficiency assessment; test results

11523 Notice of proficiency examinations

18066 Child care policies regarding excused and unexcused absences

18094-18095 Notice of Action; child care services

18114 Notice of delinquent fees; child care services

18118-18119 Notice of Action; child care services

CODE OF REGULATIONS, TITLE 17

2951 Hearing tests

6040 Time period to obtain needed immunizations

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1232h Privacy rights

1415 Procedural safeguards

6311 State plan

6312 Local educational agency plans

6318 Parent and family engagement

7704 Impact Aid; policies and procedures related to children residing on Indian lands

7908 Armed forces recruiter access to students

UNITED STATES CODE, TITLE 42

1758 Child nutrition programs

11431-11435 McKinney-Vento Homeless Assistance Act

CODE OF FEDERAL REGULATIONS, TITLE 7

245.5 Eligibility criteria for free and reduced-price meals

245.6a Verification of eligibility for free and reduced-price meals

CODE OF FEDERAL REGULATIONS, TITLE 34

99.7 Student records, annual notification

99.30 Disclosure of personally identifiable information

99.34 Student records, disclosure to other educational agencies

99.37 Disclosure of directory information

104.32 District responsibility to provide free appropriate public education

BP 5145.6 PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

104.36 *Procedural safeguards*

104.8 *Nondiscrimination*

106.8 *Notification of contact information for Title IX coordinator*

106.9 *Dissemination of policy, nondiscrimination on basis of sex*

200.48 *Teacher qualifications*

222.94 *Impact Aid; district responsibilities*

300.300 *Parent consent for special education evaluation*

300.322 *Parent participation in IEP team meetings*

300.502 *Independent educational evaluation of student with disability*

300.503 *Prior written notice regarding identification, evaluation, or placement of student with disability*

300.504 *Procedural safeguards notice for students with disabilities*

300.508 *Due process complaint*

300.530 *Discipline procedures*

CODE OF FEDERAL REGULATIONS, TITLE 40

763.84 *Asbestos inspections, response actions and post-response actions*

763.93 *Asbestos management plans*

Management Resources:

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

~~Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017~~

Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005

WEB SITES

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov>

FUSD Board Policy Adopted: October 10, 2018: Updated: November 12, 2020. Ferndale, CA.

Ferndale Unified School District

Exhibit

Students

E 5145.6

PARENTAL NOTIFICATIONS

Cautionary Notice: Government Code 17581.5 releases districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2018 (SB 840, Ch. 29, Statutes of 2018) 2019 2020 (SB 74, Ch. 6, Statutes of 2020) extends the suspension of these requirements through the 2018-19 2020-21 fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

Note: The following exhibit lists notices which the law explicitly requires be provided to parents/guardians. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements. For example, see AR 1312.3 - Uniform Complaint Procedures for the contents of the annual notice regarding uniform complaint procedures as mandated by 5 CCR 4622.

The exhibit does not include other notices that are recommended throughout CSBA's sample policy manual but are not required by law. The district may revise the exhibit to reflect additional notifications provided by the district.

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually			
Beginning of each school year	Education Code 222.5	BP 5146	Rights and options for pregnant and parenting students
Beginning of each school year	Education Code 234.7	BP 0410	Right to a free public education regardless of immigration status or religious beliefs
Beginning of each school year	Education Code 310	BP 6142.2 AR 6174	Information on the district's language acquisition programs
Beginning of each school year	Education Code 17611.5, 17612, 48980.3	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information, and, if district has no web site and uses certain pesticides, integrated pest management plan
By February 1	Education Code 35256, 35258	BP 0510	School Accountability Report Card provided
Beginning of each school year	Education Code 35291, 48980	AR 5144 AR 5144.1	District and site discipline rules
Beginning of each school year	Education Code 44050	BP 4119.21 4219.21 4319.21	Code of conduct addressing employee interactions with students
Beginning of each school year	Education Code 46010.1	AR 5113	Absence for confidential medical services

E 5145.6 PARENTAL NOTIFICATIONS (continued)

Education or When to Notify	Board Policy/ Other Legal Code	Administrative Regulation #	Subject
Beginning of each school year, if district has adopted policy on involuntary transfer of students convicted of certain crimes when victim is enrolled at same school	Education Code 48929, 48980	BP 5116.2	District policy authorizing transfer
Beginning of each school year	Education Code 48980	BP 6111	Schedule of minimum days and student-free staff development days
Beginning of each school year	Education Code 48980, 231.5; 5 CCR 4917; 34 CFR 106.8	AR 5145.7	Copy of sexual harassment policy as related to students; contact information for Title IX coordinator
Beginning of each school year	Education Code 48980, 32255-32255.6	AR 5145.8	Right to refrain from harmful or destructive use of animals
Beginning of each school year	Education Code 48980, 35160.5, 46600-46611, 48204, 48301; 48350-48361	BP 5111.1 AR 5116.1 AR 5117	All statutory attendance options, available local attendance options, options for meeting residency, form for changing attendance, appeals process
Beginning of each school year, if Board allows such absence	Education Code 48980, 46014	AR 5113	Absence for religious exercises or purposes
Beginning of each school year	Education Code 48980, 48205	AR 5113 BP 6154	Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205
Beginning of each school year	Education Code 48980, 48206.3, 48207, 48208	AR 6183	Availability of home/hospital instruction for students with temporary disabilities
Beginning of each school year	Education Code 48980, 49403	BP 5141.31	School immunization program
Beginning of each school year	Education Code 48980, 49423, 49480	AR 5141.21	Administration of prescribed medication
Beginning of each school year	Education Code 48980, 49451; 20 USC 1232h	AR 5141.3	Right to refuse consent to physical examination
Beginning of each school year	Education Code 48980, 49471, 49472	BP 5143	Availability of insurance

E 5145.6 PARENTAL NOTIFICATIONS (continued)

Education or When to Notify	Board Policy/ Other Legal Code	Administrative Regulation #	Subject
Beginning of each school year	Education Code 49013; 5 CCR 4622	AR 1312.3	Uniform complaint procedures, available appeals, civil law remedies
Beginning of each school year	Education Code 49063	AR 5125 AR 5125.3	Challenge, review, and expunging of records
Beginning of each school year	Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7	AR 5125	Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine legitimate educational interest, course prospectus availability
Beginning of each school year	Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37	AR 5125.1	Release of directory information
Beginning of each school year and at least one more time during school year using specified methods	Education Code 49428	None	How to access mental health services at school and/or in community
Beginning of each school year	Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5	AR 3553	Eligibility and application process for free and reduced-price meals
Beginning of each school year	Education Code 51513; 20 USC 1232h	AR 5022 BP 6162.8	Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities; inspection rights and procedures
Beginning of each school year	Education Code 56301	BP 6164.4	Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment
Beginning of each school year	Education Code 58501, 48980	AR 6181	Alternative schools
Beginning of each school year	Health and Safety Code 104855	AR 5141.6	Availability of dental fluoride treatment; opportunity to accept or deny treatment

E 5145.6 PARENTAL NOTIFICATIONS (continued)

Education or When to Notify	Board Policy/ Other Legal Code	Administrative Regulation #	Subject
Annually	5 CCR 852; Education Code 60615	AR 6162.51	Student's participation in state assessments; option to request exemption from testing
Beginning of each school year, if district receives Title I funds	20 USC 6312; 34 CFR 200.48	BP 4112.2 AR 4222	Right to request information re: professional qualifications of child's teacher and paraprofessional
Beginning of each school year	34 CFR 104.8, 106.9	BP 0410 BP 6178	Nondiscrimination
Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress
Beginning of each school year	USDA SP-23-2017	AR 3551	District policy on meal payments

II. At Specific Times During the Student's Academic Career

Beginning in grade 7, at least once prior to course selection and career counseling	Education Code 221.5, 48980	BP 6164.2	Course selection and career counseling
Upon a student's enrollment	Education Code 310	BP 6142.2 AR 6174	Information on the district's language acquisition programs
When child first enrolls in a public school, if school offers a fingerprinting program	Education Code 32390, 48980	AR 5142.1	Fingerprinting program
When participating in driver training courses under the jurisdiction of the district	Education Code 35211	None	Civil liability, insurance coverage
Upon registration in K-6, if students have not previously been transported	Education Code 39831.5	AR 3543	School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops
Beginning of each school year for high school students, if high school is open campus	Education Code 44808.5, 48980	BP 5112.5	Open campus
Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement	Education Code 48980, 51225.3	AR 6146.1	How each graduation requirement does or does not satisfy college entrance a-g course criteria; district CTE courses that satisfy a-g criteria

E 5145.6 PARENTAL NOTIFICATIONS (continued)

Education or When to Notify	Board Policy/ Other Legal Code	Administrative Regulation #	Subject
Upon a student's enrollment	Education Code 49063	AR 5125 AR 5125.3	Specified rights related to student records
When students enter grade 7	Education Code 49452.7	AR 5141.3	Specified information on type 2 diabetes
When in kindergarten, or first grade if not previously enrolled in public school	Education Code 49452.8	AR 5141.32	Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights
Beginning of each school year for students in grades 9-12	Education Code 51229, 48980	AR 6143	College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors
Beginning of each school year for students in grades 7-12, or at time of enrollment if after beginning of year	Education Code 51938, 48980	AR 6142.1	Sexual health and HIV prevention education, right to view A/V materials, whether taught by district staff or outside consultants, right to request specific Education Code sections, right to excuse
Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, within 20 working days of start of next school year	Education Code 60641; 5 CCR 863	AR 6162.51	Results of tests; test purpose, individual score and intended use
By October 15 for students in grade 12	Education Code 69432.9	AR 5121 AR 5125	Forwarding of student's grade point average to Cal Grant program; timeline to opt out
When child is enrolled or reenrolled in a licensed child care center or preschool	Health and Safety Code 1596.7996	AR 5148	Information on risks and effects of lead exposure, blood lead testing
When child is enrolled in kindergarten	Health and Safety Code 124100, 124105	AR 5141.32	Health screening examination
To students in grades 11-12, early enough to enable registration for fall test	5 CCR 11523	AR 6146.2	Notice of proficiency examination provided under Education Code 48412
To secondary students, if district receives Title I funds	20 USC 7908	AR 5125.1	Request that district not release student's name, address, and phone number of child to military recruiters without prior written consent

E 5145.6 PARENTAL NOTIFICATIONS (continued)

Education or When to Notify	Board Policy/ Other Legal Code	Administrative Regulation #	Subject
III. When Special Circumstances Occur			
In the event of a breach of security of district records, to affected persons	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, contact information for credit reporting agencies
Upon receipt of a complaint alleging discrimination	Education Code 262.3	AR 1312.3	Civil law remedies available to complainants
When determining whether an English learner should be reclassified as fluent English proficient	Education Code 313; 5 CCR 11303	AR 6174	Description of reclassification process, opportunity for parent/guardian to participate
When student is identified as English learner and district receives Title I or Title III funds for English learner programs, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year	Education Code 313.2, 440; 20 USC 6312	AR 6174	Reason for classification, level of English proficiency, identification as long-term English learner, description of program(s), option to decline program or choose alternate, option to remove student from program at any time, exit requirements of program
When homeless or foster youth applies for enrollment in before/after school program	Education Code 8483	AR 5148.2	Right to priority enrollment; how to request priority enrollment
Before high school student attends specialized secondary program on a university campus	Education Code 17288	None	University campus buildings may not meet Education Code requirements for structural safety
At least 72 hours before use of pesticide product not included in annual list	Education Code 17612	AR 3514.2	Intended use of pesticide product
To members of athletic teams	Education Code 32221.5	AR 5143	Offer of insurance; no-cost and low-cost program options
Annually to parents/guardians of student athletes before they participate in competition	Education Code 33479.3	AR 6145.2	Information on sudden cardiac arrest
If school has lost its WASC accreditation status	Education Code 35178.4	BP 6190	Loss of status, potential consequences
When district has contracted for electronic products or services that disseminate advertising	Education Code 35182.5	BP 3312	Advertising will be used in the classroom or learning center

E 5145.6 PARENTAL NOTIFICATIONS (continued)

Education or When to Notify	Board Policy/ Other Legal Code	Administrative Regulation #	Subject
At least six months before policy	Education Code 35183	AR 5132	Dress code policy requiring implementing uniform schoolwide uniform
Before implementing a year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round schedule
When interdistrict transfer is requested and not approved or denied within 30 days	Education Code 46601	AR 5117	Appeal process
Before early entry to kindergarten, if offered	Education Code 48000	AR 5111	Effects, advantages and disadvantages of early entry
When student identified as being at risk of retention	Education Code 48070.5	AR 5123	Student at risk of retention
When student excluded due to quarantine, contagious or infectious disease, danger to safety or health	Education Code 48213	AR 5112.2 BP 5141.33	Student has been excluded from school
Before already admitted student is excluded for lack of immunization	Education Code 48216; 17 CCR 6040	AR 5141.31	Need to submit evidence of immunization or exemption within 10 school days; referral to medical care
When a student is classified as truant	Education Code 48260.5, 48262	AR 5113.1	Truancy, parental obligation, availability of alternative programs, student consequences, need for conference
When a truant is referred to a SARB or probation department	Education Code 48263	AR 5113.1	Name and address of SARB or probation department and reason for referral
When student requests to voluntarily transfer to continuation school	Education Code 48432.3	AR 6184	Copy of district policy and regulation on continuation education
Prior to involuntary transfer to continuation school	Education Code 48432.5	AR 6184	Right to request meeting prior to involuntary transfer to continuation school
To person holding educational rights, prior to recommending placement of foster youth outside school of origin	Education Code 48853.5	AR 6173.1	Basis for the placement recommendation
When student is removed from class and teacher requires parental attendance at school	Education Code 48900.1	AR 5144.4	Parental attendance required; timeline for attendance
Prior to withholding grades, diplomas, or transcripts	Education Code 48904	AR 5125.2	Damaged school property

E 5145.6 PARENTAL NOTIFICATIONS (continued)

Education or When to Notify	Board Policy/ Other Legal Code	Administrative Regulation #	Subject
When withholding grades, diplomas or transcripts from transferring student	Education Code 48904.3	AR 5125.2	Next school will continue withholding grades, diplomas, or transcripts
When student is released to peace officer	Education Code 48906	BP 5145.11	Release of student to peace officer for the purpose of removing minor from school, unless taken into custody as victim of suspected child abuse
At time of suspension	Education Code 48911	BP 5144.1 AR 5144.1	Notice of suspension
When original period of suspension is extended	Education Code 48911	AR 5144.1	Extension of suspension
At the time a student is assigned to a supervised suspension classroom	Education Code 48911.1	AR 5144.1	The student's assignment to a supervised suspension classroom
Before holding a closed session re: suspension	Education Code 48912	AR 5144.1	Intent to hold a closed session re: suspension
When student expelled from another district for certain acts seeks admission	Education Code 48915.1, 48918	BP 5119	Hearing re: possible danger presented by expelled student
When readmission is denied	Education Code 48916	AR 5144.1	Reasons for denial; determination of assigned program
When expulsion occurs	Education Code 48916	AR 5144.1	Readmission procedures
At least 10 calendar days before expulsion hearing	Education Code 48918	AR 5144.1	Notice of expulsion hearing
When expulsion or suspension of expulsion occurs	Education Code 48918	AR 5144.1	Decision to expel; right to appeal to county board; obligation to inform new district of status
Before involuntary transfer of student convicted of certain crime when victim is enrolled at same school	Education Code 48929, 48980	BP 5116.2	Right to request a meeting with principal or designee
One month before the scheduled minimum day	Education Code 48980	BP 6111	When minimum days are scheduled after beginning of the school year
When parents/guardians request guidelines for filing complaint of child abuse at a school site	Education Code 48987	AR 5141.4	Guidelines for filing complaint of child abuse at a school site with local child protective agencies

E 5145.6 PARENTAL NOTIFICATIONS (continued)

Education or When to Notify	Board Policy/ Other Legal Code	Administrative Regulation #	Subject
When student in danger of failing a course	Education Code 49067	AR 5121	Student in danger of failing a course
When student transfers from another district or private school	Education Code 49068	AR 5125	Right to receive copy of student's record and to challenge its content
When parent/guardian's challenge of student record is denied and parent/guardian appeals	Education Code 49070	AR 5125.3	If board sustains allegations, the correction or destruction of record; if denied, right to submit written objection
When district is considering program to gather safety-related information from students' social media activity	Education Code 49073.6	BP 5125	Opportunity for input on proposed program
When district adopts program to gather information from students' social media activity, and annually thereafter	Education Code 49073.6	AR 5125	Information is being gathered, access to records, process for removal or corrections, destruction of records
Within 24 hours of release of information to a judge or probation officer	Education Code 49076	AR 5125	Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition
Before release of information pursuant to court order or subpoena	Education Code 49077	AR 5125	Release of information pursuant to court order or subpoena
When screening results in suspicion that student has scoliosis	Education Code 49452.5	AR 5141.3	Scoliosis screening
When test results in discovery of visual or hearing defects	Education Code 49456; 17 CCR 2951	AR 5141.3	Vision or hearing test results
Within 10 days of negative balance in meal account	Education Code 49557.5	AR 3551	Negative balance in meal account; encouragement to apply for free or reduced-price meals
Annually to parents/guardians of student athletes before their first practice or competition	Education Code 49475	AR 6145.2	Information on concussions and head injuries
Annually to parents/guardians of student athletes	Education Code 49476	AR 6145.2	Opioid fact sheet
Within 30 days of foster youth, homeless youth, former juvenile court school student, child of military family, or	Education Code 51225.1	BP 6146.1 AR 6173 AR 6173.1 AR 6173.3	Exemption from local graduation requirements, effect on college admission, option for fifth year of high school

E 5145.6 PARENTAL NOTIFICATIONS (continued)

Education or When to Notify	Board Policy/ Other Legal Code	Administrative Regulation #	Subject
(continued) migrant student being transferred after second year of high school, or immigrant student enrolled in newcomer program in grades 11-12		AR 6175	
Before any test/survey questioning personal beliefs	Education Code 51513	AR 5022	Permission for test, survey questioning personal beliefs
At least 14 days before HIV health instruction, if arrangement made for guest speaker after beginning of school year	Education Code 51938	AR 6142.1	Instruction in HIV prevention or sexual health by guest speaker or outside consultant
Prior to administering survey regarding health risks and behaviors to students in 7-12	Education Code 51938	AR 5022	Notice that the survey will be administered
Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency	Education Code 52164.1, 52164.3; 5 CCR 11511.5	AR 6174	Results of state test of English proficiency
When migrant education program is established	Education Code 54444.2	BP 6175 AR 6175	Parent advisory council membership composition
When child participates in licensed child care and development program	Health and Safety Code 1596.857	AR 5148	Parent/guardian right to enter facility
When a licensed child care center has a building constructed before January 1, 2010 and has drinking water tested for lead	Health and Safety Code 1597.16	AR 5148	The requirement to test the facility, and the results of the test
When district receives Tobacco-Use Prevention Education Funds	Health and Safety Code 104420	AR 3513.3	The district's tobacco-free schools policy and enforcement procedures
When testing by community water system finds presence of lead exceeding specified level	Health and Safety Code 116277	AR 3514	Elevated lead level at school
When sharing student immunization information with an immunization system	Health and Safety Code 120440	AR 5125	Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share
At least 14 days prior to sex offender coming on campus as volunteer	Penal Code 626.81	AR 1240 BP 1250	Dates and times permission granted; obtaining information from law enforcement

E 5145.6 PARENTAL NOTIFICATIONS (continued)

Education or When to Notify	Board Policy/ Other Legal Code	Administrative Regulation #	Subject
When hearing is requested by person asked to leave school premises	Penal Code 627.5	AR 3515.2	Notice of hearing
When responding to complaint re: discrimination, special education, or noncompliance with law	5 CCR 4631	AR 1312.3	Findings, disposition of complaint, any corrective actions, appeal rights and procedures
When child participates in licensed child care and development program	5 CCR 18066	AR 5148	Policies re: regarding excused and unexcused absences
Within 30 days of application for subsidized child care or preschool services	5 CCR 18094, 18118	AR 5148 AR 5148.3	Approval or denial of services
Upon recertification or update of application for child care or preschool services	5 CCR 18095, 18119	AR 5148 AR 5148.3	Any change in service, such as in fees, amount of service, termination of service
Upon child's enrollment in child care program	5 CCR 18114	AR 5148	Policy on fee collection
When payment of child care fees is seven days late	5 CCR 18114	AR 5148	Notice of delinquent fees
When district substantively changes policy on student privacy rights	20 USC 1232h	AR 5022	Notice of any substantive change in policy or regulation
For districts receiving Title I funds, when child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet state certification requirements for the grade level/subject taught	20 USC 6312	AR 4112.2	Timely notice to parent/guardian of child's assignment
For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners	20 USC 6312	AR 6174	Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose other program
For schools receiving Title I funds, upon development of parent involvement policy	20 USC 6318	AR 6020	Notice of policy
When district receives Impact Aid funds for students residing on Indian lands, to parents/guardians of Indian children	20 USC 7704; 34 CFR 222.94	AR 3231	Relevant applications, evaluations, program plans, information about district's general educational program; opportunity to submit comments

E 5145.6 PARENTAL NOTIFICATIONS (continued)

Education or When to Notify	Board Policy/ Other Legal Code	Administrative Regulation #	Subject
When household is selected for verification of eligibility for free or reduced-price meals	42 USC 1758; 7 CFR 245.6a	AR 3553	Need to submit verification information; any subsequent change in benefits; appeals
When student is homeless or unaccompanied minor	42 USC 11432; Education Code 48852.5	AR 6173	Educational and related opportunities; transportation services; placement decision and right to appeal
When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30	34 CFR 99.34	AR 5125	Right to review records
When student complains of sexual harassment	34 CFR 106.44, 106.45	AR 5145.7	Right to file formal complaint, availability of supportive measures, notice of process, reason for dismissal of complaint if applicable
When district receives federal funding assistance for nutrition program	USDA FNS Instruction 113-1	BP 3555	Rights and responsibilities, nondiscrimination policy, complaint procedures
IV. Special Education Notices			
Prior to conducting initial evaluation	Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415(d); 34 CFR 300.502, 300.503	BP 6159.1 AR 6159.1 AR 6164.4	Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards
Before functional behavioral assessment begins	Education Code 56321	AR 6159.4	Notification and consent
24 hours before IEP when district intending to record	Education Code 56341.1	AR 6159	Intention to audio-record IEP meeting
Early enough to ensure opportunity for parent/guardian to attend IEP meeting	Education Code 56341.5; 34 CFR 300.322	AR 6159	Time, purpose, location, who will attend, participation of others with special knowledge, transition statements if appropriate
When parent/guardian orally requests review of IEP	Education Code 56343.5	AR 6159	Need for written request
Within one school day of emergency intervention or serious property damage	Education Code 56521.1	AR 6159.4	Emergency intervention
Whenever there is a proposal or refusal to initiate or change	20 USC 1415(c); 34 CFR 300.300,	AR 6159 AR 6159.1	Prior written notice

E 5145.6 PARENTAL NOTIFICATIONS (continued)

Education or When to Notify	Board Policy/ Other Legal Code	Administrative Regulation #	Subject
(continued) the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services		300.503	
Upon filing of state complaint	20 USC 1415(d); 34 CFR 300.504	AR 6159.1	Procedural safeguards notice
When disciplinary measures are taken or change in placement	20 USC 1415(k); 34 CFR 300.530	AR 5144.2	Decision and procedural safeguards notice
Upon requesting a due process hearing	20 USC 1415(k); 34 CFR 300.508	AR 6159.1	Student's name, address, school, description of problem, proposed resolution
Eligibility for services under Section 504	34 CFR 104.32, 104.36	AR 6164.6	District responsibilities, district actions, procedural safeguards

V. Classroom Notices

In each classroom used for license-exempt California State Preschool Program	Education Code 8235.5	AR 1312.3 E 1312.3	Health and safety requirements for preschool programs; where to get complaint form
In each classroom in each School	Education Code 8235.5 , 35186	AR 1312.4 E 1312.4	Complaints subject to Williams uniform complaint procedures

FUSD Exhibit Approved: November 12, 2020. Ferndale, CA.

Ferndale Unified School District

SUPERINTENDENT'S RECOMMENDATION FOR BOARD ACTION

AGENDA ITEM: 10.3

DATE: November 12, 2020

SUBJECT:

Board Policy and Administrative Regulation 6142.7 - Physical Education and Activity

DEPARTMENT/PROGRAM:

Administration

ACTION REQUESTED:

Receive/Discuss/Approve Board Policy and Administrative Regulation 6142.7 - Physical Education and Activity

PREVIOUS STAFF/BOARD ACTION:

The board previously approved BP/AR 6142.7 on August 10, 2016.

BACKGROUND INFORMATION AND/OR STATEMENT OF NEED:

Board Policy 6142.7 - Physical Education and Activity

Policy updated to add statement on equal access and equal opportunities for participation in physical education regardless of gender, gender expression, sexual orientation, and mental or physical disability, as included in CDE's Federal Program Monitoring instrument. Policy also reflects U.S. Department of Health and Human Services recommendations for moderate to vigorous physical activity in children, clarifies credential requirements for teachers of physical education, and reflects the requirement that students who have been granted a permanent exemption from physical education must still be offered physical education courses of at least 400 minutes each 10 school days.

Administrative Regulation 6142.7 - Physical Education and Activity

Regulation updated to reflect **NEW LAW (SB 75, 2019)** which extends the use of uniform complaint procedures (UCP) to include complaints alleging noncompliance with physical education instructional minutes in grades 7-12. Regulation also reflects U.S. Department of Health and Human Services recommendations for moderate to vigorous physical activity in children and expands the list of duties of the physical fitness test coordinator as described in state regulations.

FISCAL IMPLICATIONS:

None.

CONTACT PERSON(S):

Beth Anderson, Superintendent/Principal

Ferndale Unified School District Board Policy

Instruction

BP 6142.7

PHYSICAL EDUCATION AND ACTIVITY

Note: The following **optional** policy may be revised to reflect district practice and the grade levels offered by the district. See the accompanying administrative regulation for definitions of "physical education" and "physical activity" based on the California Department of Education's (CDE) 2009 Physical Education Framework for California Public Schools.

~~The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1758b) mandates each district participating in federal meals programs to adopt a districtwide student wellness policy, including goals for physical activity. See BP 5030 - Student Wellness for language fulfilling this mandate. The following policy also ~~may~~ incorporates goals for physical activity.~~

Education Code 33352 requires ~~the~~ CDE, as part of the Federal Program Monitoring (**FPM**) process, to monitor districts' compliance with specified state physical education requirements which are reflected in the following policy and the accompanying administrative regulation. **During the FPM process, CDE will request a link to this policy as evidence of specified components of compliance.**

The Governing Board recognizes the positive benefits of physical activity on student health, **well-being**, and academic achievement. The district shall provide all students the opportunity to be physically active on a regular basis through high-quality physical education instruction and may provide additional opportunities for physical activity throughout the school day. The district's physical education and activity programs shall support the district's coordinated student wellness program and encourage students' lifelong fitness.

(cf. 5030 - Student Wellness)

(cf. 6142.8 - Comprehensive Health Education)

Note: During the FPM monitoring process, CDE will check the district's compliance with laws requiring that physical education classes be conducted in a coeducational, inclusive manner.

Physical education classes shall be conducted in the coeducational, inclusive manner prescribed by law. The district shall provide instruction in physical education that provides equal access and equal opportunities for participation for all students in grades 1-12 regardless of gender, sexual orientation, and mental or physical disability. (Education Code 220, 221.5, 33352; 5 CCR 4900, 4930, 4931, 4940, 4960; 34 CFR 106.33, 106.34, 300.108)

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

Note: Education Code 51210 and 51220 require the district's course of study for grades 1-12 to include physical education, with an emphasis on physical activities conducive to health and vigor of body and mind; see AR 6143 - Courses of Study. ~~The CDE's 2009 Physical Education Framework for California Public Schools~~ **The state curriculum framework** describes components of a comprehensive physical education program based on the voluntary Physical Education Model Content Standards adopted by the State Board of Education (SBE).

The district's physical education program shall provide a developmentally appropriate sequence of instruction aligned with the state's model content standards and curriculum framework.

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

Note: The following **optional** paragraph ~~is for use by all districts and~~ may be revised to reflect district practice. The U.S. Department of Health and Human Services' (HHS) Healthy People 2020 - Physical Activity Guidelines for Americans recommends that children and adolescents participate in at least 60 minutes of **age-appropriate** moderate to vigorous physical activity per day, which can be accrued in smaller increments throughout the day. ~~To help reach this goal, HHS recommends that students be engaged in moderate to vigorous physical activity for at least 50 percent of physical education class time. It is recommended that the majority of the 60 minutes or more of daily physical activity be aerobic exercise, which includes vigorous physical activity at least three days a week, and that muscle and bone strengthening exercise be included at least three days a week. To help students reach these goals, the state curriculum framework recommends that students be engaged in moderate to vigorous physical activity for at least 50 percent of physical education class time.~~ See the accompanying administrative regulation for definitions of "moderate physical activity" and "vigorous physical activity." Also see CSBA's Fact Sheet on Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes.

BP 6142.7 PHYSICAL EDUCATION AND ACTIVITY (continued)

The district's physical education program shall engage students in **age-appropriate** moderate to vigorous physical activity, as defined in the accompanying administrative regulation, **for at least 50 percent of class or session time including aerobic, muscle-strengthening, and bone-strengthening activities.** The Superintendent or designee shall develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.

Note: The following two **optional** paragraphs are for use by districts that maintain high schools.

According to the ~~CDE's Physical Education Framework for California Public Schools~~ **state curriculum framework**, it is the obligation of the Governing Board to determine whether to grant physical education credit for a particular course, including, but not limited to, junior ROTC, marching band, cheerleading, or drill team. In making this determination, the Board must determine how the particular course supports an overall course of study for grades 9-12 that includes the eight content areas specified in Education Code 33352 and 5 CCR 10060 for physical education programs. While it is not necessary that each individual course include all eight content areas, the course offerings must be structured so that all students receive opportunities for instruction in each of the eight areas across grades 9-12. ~~The CDE's Physical Education FAQs~~ add that any course for which physical education credit is granted must also meet requirements in Education Code 33352 pertaining to minimum instructional minutes, various reporting requirements, and the assignment of an appropriately credentialed teacher.

For grades 9-12, the overall course of study shall include the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives. (Education Code 33352; 5 CCR 10060)

The Board shall approve the courses in grades 9-12 for which physical education credit may be granted.

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

Note: The following paragraph is **optional**. See the accompanying administrative regulation for sample strategies for physical activity opportunities outside the physical education program. Also see CSBA's Fact Sheet on Maximizing Opportunities for Physical Activity During the School Day.

The Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.

(cf. 1330.1 - Joint Use Agreements)

(cf. 5142.2 - Safe Routes to School Program)

(cf. 5148 - Child Care and Development Program)

(cf. 5148.2 - Before/After School Programs)

(cf. 6145 - Extracurricular and Cocurricular Activities)

Note: The following **optional** paragraph is for use by all districts and may be revised to reflect district practice. The U.S. Department of Health and Human Services' (HHS) Healthy People 2020 recommends that children and adolescents participate in at least 60 minutes of moderate to vigorous physical activity per day, which can be accrued in smaller increments throughout the day. To help reach this goal, HHS recommends that students be engaged in moderate to vigorous physical activity for at least 50 percent of physical education class time. See the accompanying administrative regulation for definitions of 'moderate physical activity' and 'vigorous physical activity.' Also see CSBA's Fact Sheet on Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes.

~~The district's physical education program shall engage students in moderate to vigorous physical activity, as defined in the accompanying administrative regulation, for at least 50 percent of class or session time. The Superintendent or designee shall develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.~~

~~The Superintendent or designee shall ensure that the district's program provides students with equal opportunities for instruction and participation regardless of gender in accordance with law.~~

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

BP 6142.7 PHYSICAL EDUCATION AND ACTIVITY (continued)

Students with disabilities shall be provided instruction in physical education in accordance with their individualized education program or Section 504 accommodation plan.

(cf. 6159 - Individualized Education Program)

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

During air pollution episodes, extreme weather, or other inclement conditions, physical education staff shall make appropriate adjustments to the program or shall seek alternative indoor space to enable students to participate in active physical education.

(cf. 3514 - Environmental Safety)

(cf. 5141.7 - Sun Safety)

(cf. 5141.23 - Asthma Management)

(cf. 6145.2 - Athletic Competition)

~~The Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.~~

~~*(cf. 1330.1 - Joint Use Agreements)*~~

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

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

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

~~*(cf. 6145 - Extracurricular and Coextracurricular Activities)*~~

Staffing

Note: A departmentalized class in physical education may be taught by a teacher with a single subject credential that authorizes instruction in physical education. **Pursuant to Education Code 44256,** ~~the holder of a multiple subject credential may teach a departmentalized class in grades K-9 if the credential holder has completed 20 semester hours of coursework or 10 semester hours of upper division or graduate coursework in the subject of his/her major or minor pursuant to 5 CCR 80020 to be taught.~~ In addition, Education Code 44256 ~~authorizes~~ **allows** the Board **by resolution to assign** ~~authorize~~ a multiple subject credentialed teacher to teach a departmentalized class below grade 9 if ~~he/she the credential holder has 20 hours completed at least 12 semester units or six upper division or graduate units of coursework or 10 hours of upper division coursework~~ in the subject to be taught. Education Code 44258.3 authorizes the Board to assign any credentialed teacher to a departmentalized class in grades K-12 if ~~he/she the teacher~~ has adequate knowledge of the subject to be taught based on **criteria specified in Education Code 44258.3 and specific district-adopted criteria and standards policies and procedures.** Pursuant to 5 CCR 80046.1, a credentialed teacher may seek an added authorization to teach adapted physical education to students who are precluded from participating in a general education physical education program or a specially designed physical education program.

CDE's Physical Education FAQs clarify that a teacher credentialed in a subject other than physical education may teach physical education if approved by the committee on assignments.

~~The CDE's Physical Education FAQs also clarify that an instructional aide or noncredentialed volunteer may assist the credentialed teacher, but may not provide the physical education instruction.~~

For further information about staffing of physical education classes, see the CTC's web site and its Administrator's Assignment Manual.

Physical education instruction shall be delivered by appropriately credentialed teachers who may be assisted by instructional aides, paraprofessionals, and/or volunteers.

(cf. 1240 - Volunteer Assistance)

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

(cf. 4113 - Assignment)

(cf. 4222 - Teacher Aides/Paraprofessionals)

The district shall provide physical education teachers with continuing professional development, including classroom management and instructional strategies designed to keep students engaged and active and to enhance the quality of physical education instruction and assessment.

BP 6142.7 PHYSICAL EDUCATION AND ACTIVITY (continued)

(cf. 4131 - Staff Development)

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

Physical Fitness Testing

Note: The following section may be revised to reflect grade levels offered by the district. Education Code 60800 requires districts to administer a physical fitness test to students in grades 5, 7, and 9. The SBE has designated the FITNESSGRAM as the required physical fitness test. See the accompanying administrative regulation for testing requirements.

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education (FITNESSGRAM) to students in grades 5, 7, and 9. (Education Code 60800; 5 CCR 1041)

Temporary Exemptions

Note: ~~The following section is optional and should be revised to reflect district practice.~~

Education Code 51241 authorizes, but does not require, the district to grant temporary exemptions from physical education under the conditions described in items #1-2 below. **During the FPM process, the district may provide a link to the district's policy as evidence of any physical education exemptions offered by the district. The following section is optional and should be revised to reflect district practice.**

The Superintendent or designee may grant a student a temporary exemption from physical education under either of the following conditions: (Education Code 51241)

1. The student is ill or injured and a modified program to meet ~~his/her~~ **the student's** needs cannot be provided.
2. The student is enrolled for one-half time or less.

Two-Year Exemptions

Note: The following **optional** section is for use by districts that maintain grades 10-12. Education Code 51241 authorizes, but does not require, the district to grant a two-year exemption from physical education to eligible students in grades 10-12.

Pursuant to Education Code 51241, in order to be eligible for the two-year exemption, students are required to satisfactorily meet at least five of the six standards of the FITNESSGRAM administered in grade 9. Students are considered to have satisfactorily met a standard on the FITNESSGRAM if they score in the "healthy fitness zone" on that standard. The six fitness areas measured by FITNESSGRAM are aerobic capacity, body composition, abdominal strength and endurance, trunk extensor strength and flexibility, upper body strength and endurance, and flexibility.

With the student's consent, the Superintendent or designee may exempt a student from physical education courses for any two years during grades 10-12 provided that the student has satisfactorily met at least five of the six standards of the FITNESSGRAM in grade 9. (Education Code 51241)

Note: In addition to administering the physical fitness test to students in grade 9, Education Code 51241 authorizes districts to administer the test to students in grades 10-12 so that such students may qualify for the two-year exemption. The following paragraph is **optional**.

Upon request by students and/or their parents/guardians, the Superintendent or designee may administer the FITNESSGRAM to students in grades 10-12 who need to pass the test in order to qualify for a two-year exemption from physical education courses.

Students in grades 10-12 who have been granted a two-year exemption shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 51222)

BP 6142.7 PHYSICAL EDUCATION AND ACTIVITY (continued)

Such students shall not be permitted to attend fewer total hours of courses and classes than they would have attended if enrolled in a physical education course. (Education Code 51241)

(cf. 6112 - School Day)

Permanent Exemptions

Note: The following section is **optional** and should be revised to reflect district practice. Education Code 51241 authorizes, but does not require, the district to grant permanent exemptions from physical education to an individual student under the conditions described in items #1-3 below.

The Superintendent or designee may grant a student a permanent exemption from physical education under any of the following conditions: (Education Code 51241)

1. The student is age 16 years or older and has been enrolled in grade 10 for one or more academic years. However, such a student shall not be permitted to attend fewer total hours of courses and classes than **he/she the student** would have attended if enrolled in a physical education course.
2. The student is enrolled as a postgraduate student.
3. The student is enrolled in a juvenile home, ranch, camp, or forestry camp school with scheduled recreation and exercise.

Other Exemptions

Note: The following **optional** section is for use by districts that maintain high schools and should be revised to reflect district practice. Education Code 51222, 51242, and 52316 authorize, but do not require, the following exemptions from physical education courses.

The Superintendent or designee may grant a student an exemption from physical education under the following special circumstances:

1. When the student is in any of grades 10-12 and is excused for up to 24 clock hours in order to participate in automobile driver training. However, any such student shall attend a minimum of 7,000 minutes of physical education instruction during the school year. (Education Code 51222)
2. When the student is in any of grades 10-12, attends a regional occupational center or program, and, because of the travel time involved, would experience hardship to attend physical education courses. Any such student shall have a minimum school day of 180 minutes. (Education Code 52316)

(cf. 6178.2 - Regional Occupational Center/Program)

3. When the student is in high school and is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code 51242)

(cf. 6145.2 - Athletic Competition)

Program Evaluation

Note: The following **optional** section should be revised to reflect district practice. Districts that do not maintain high schools or do not offer any of the exemptions described in the sections above on "Two-Year Exemptions" or "Permanent Exemptions" should modify the following paragraph to delete reports of two-year and permanent exemptions.

BP 6142.7 PHYSICAL EDUCATION AND ACTIVITY (continued)

The Superintendent or designee shall annually report to the Board each school's FITNESSGRAM results for each applicable grade level. **He/she The Superintendent or designee** shall also report to the Board regarding the number of instructional minutes offered in physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education Code 51241, and any other data agreed upon by the Board and the Superintendent or designee to evaluate program quality and the effectiveness of the district's program in meeting goals for physical activity **and student well-being**.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

220 Prohibition of discrimination

221.5 Sex equity in education

33126 School accountability report card

33350-33354 CDE responsibilities re: physical education

35256 School accountability report card

44250-44277 Credential types

49066 Grades; physical education class

51210 Course of study, grades 1-6

51220 Course of study, grades 7-12

51222 Physical education

51223 Physical education, elementary schools

51241 Temporary, two-year or permanent exemption from physical education

51242 Exemption from physical education for athletic program participants

52316 Excuse from attending physical education classes; **regional occupational center/program**

60800 Physical performance test

CODE OF REGULATIONS, TITLE 5

~~1040-1048~~ **1044** Physical performance test

1047-1048 Testing variations and accommodations

3051.5 Adapted physical education for individuals with exceptional needs

~~4600-4687~~ **4670** Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

10060 Criteria for high school physical education programs

80020 Additional assignment authorizations for specific credentials

80037 Designated subjects teaching credential; special teaching authorization in physical education

80046.1 Added authorization to teach adapted physical education

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

1758b Local wellness policy

CODE OF FEDERAL REGULATIONS, TITLE 34

106.33 Nondiscrimination on the basis of sex; comparable facilities

106.34 Nondiscrimination on the basis of sex; access to classes and schools

300.108 Assistance to states for the education of children with disabilities; physical education

ATTORNEY GENERAL OPINIONS

53 *Ops. Cal. Atty. Gen.* 230 (1970)

COURT DECISIONS

Doe v. Albany Unified School District (2010) 190 Cal. App. 4th 668

Cal200 et al. v. San Francisco Unified School District et al. (2013), San Francisco Superior Court, Case No. CGC-13-534975

Cal200 et al. v. Oakland Unified School District et al. (San Francisco Superior Court, Case No. CPF-14-513959)

BP 6142.7 PHYSICAL EDUCATION AND ACTIVITY (continued)

Management Resources:

CSBA PUBLICATIONS

Districts at Risk from Lawsuits Regarding PE Instructional Minute Requirement, Legal Alert, May 2015
Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012
Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012
Active Bodies, Active Minds: Physical Activity and Academic Achievement, Fact Sheet, February 2010
Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, rev. February 2010
Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009
Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes, Fact Sheet, November 2009
Physical Education and California Schools, Policy Brief, rev. October 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Physical Education Framework for California Public Schools: Kindergarten Through Grade 12, 2009
Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12, January 2005
Adapted Physical Education Guidelines for California Schools, 2003

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index (SHI): A Self-Assessment and Planning Guide, Elementary School, 2014-2017
School Health Index (SHI): A Self-Assessment and Planning Guide, Middle/High School, 2017

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

The Administrator's Assignment Manual, 2007-2019

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

2008-Physical Activity Guidelines for Americans, 2nd Edition, October 2008-2018

WEB SITES

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

California Department of Education ~~Physical Fitness Testing: <http://www.ede.ca.gov/ta/tg/pf>~~ <http://www.ede.ca.gov>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>

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

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

~~Educational Data System, California physical fitness: <http://www.eddata.com/projects/current/epf>~~

Healthy People 2010: <http://www.healthypeople.gov>

National Association for Sport and Physical Education: ~~<http://www.aahperd.org/naspe>~~ <https://www.pgpedia.com/n/national-association-sport-and-physical-education>

President's Council on ~~Physical Fitness and Sports~~ **Sports, Fitness and Nutrition**: <http://www.fitness.gov>

U.S. Department of Health and Human Services: <http://www.health.gov>

FUSD Board Policy Adopted: August 10, 2016. Updated: November 12, 2020. Ferndale, CA.

Ferndale Unified School District Administrative Regulation

Instruction

AR 6142.7

PHYSICAL EDUCATION AND ACTIVITY

Definitions

Note: The following **optional** section reflects definitions provided in the California Department of Education's (CDE) 2009 Physical Education Framework for California Public Schools.

Physical education is a sequential educational program that teaches students to understand and participate in regular physical activity **for that assists in** developing and maintaining physical fitness throughout their lifetime, understand and improve their motor skills, enjoy using their skills and knowledge to establish a healthy lifestyle, and understand how their bodies work.

Physical activity is bodily movement that is produced by the contraction of skeletal muscle and that substantially increases energy expenditure, including exercise, sport, dance, and other movement forms.

Moderate physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, walking briskly, dancing, swimming, or bicycling on level terrain. A person should feel some exertion but should be able to carry on a conversation comfortably during the activity.

Vigorous physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, jogging, participating in high-impact aerobic dancing, swimming continuous laps, or bicycling uphill. Vigorous physical activity may be intense enough to result in a significant increase in heart and respiration rate.

Instructional Time

Note: The district should revise the following section to reflect the grade levels and grade configurations offered by the district. Education Code 51210 requires the adopted course of study for grades 1-6 to include instruction in physical education for at least 200 minutes each 10 school days, exclusive of recess and the lunch period. For grades 7-12, Education Code 51222 requires that all students, except students excused or exempted pursuant to Education Code 51241, attend courses of physical education for at least 400 minutes each 10 school days. However, pursuant to Education Code 51223, an elementary school maintaining grades 1-8 **must is required to** provide instruction in physical education for students in grades 7-8 that matches the requirement for grades 1-6 of not less than 200 minutes each 10 school days, exclusive of recess and the lunch period.

When determining the number of instructional minutes, it is recommended that districts exclude time spent walking to and from class or engaging in other physical activity conducted outside the physical education instructional program, such as in regular classroom activities or before/after school programs.

CDE's Federal Program Monitoring (FPM) process reviews district compliance with legal requirements pertaining to minimum instructional minutes of physical education. ~~In addition, a number of recent legal actions (e.g., Cal200 v. San Francisco Unified School District, Cal200 v. Oakland Unified School District) have examined districts' compliance with the instructional time requirements.~~

Instruction in physical education shall be provided for at least the following minimum period of time: (Education Code 51210, 51222, 51223)

1. For students in grades 1-6, 200 minutes each 10 school days, exclusive of recesses and the lunch period
2. For students in grades 7-8 attending an elementary school, 200 minutes each 10 school days, exclusive of recesses and the lunch period
3. For students in grades 7-8 attending a middle school or junior high school, 400 minutes each 10 school days
4. For students in grades 9-12, 400 minutes each 10 school days

AR 6142.7 PHYSICAL EDUCATION AND ACTIVITY (continued)

Note: Districts are cautioned to schedule physical education classes in a manner that takes into consideration circumstances that may occasionally interfere with the provision of physical education. Under a settlement reached in Cal200 et al. v. San Francisco Unified School District, schools that skip minutes of physical education instruction for any reason are required to make up those minutes on another day so that the instructional minutes requirement is satisfied.

If the instructional minute requirement cannot be met during any 10-day period due to inclement weather, a school assembly, field trip, student assessment, or other circumstance, the school shall make up those minutes on another day in order to satisfy the instructional minute requirement.

Note: The following **optional** paragraph may be revised to reflect district practice. In order to demonstrate compliance with instructional minute requirements, it is recommended that the district determine the method(s) of documentation it will use and ensure consistent implementation. For examples of such methods, see the CDE's FPM instrument, and CSBA's Legal Alert Districts at Risk from Lawsuits Regarding PE Instructional Minute Requirement-Physical Education Guidelines Elementary Schools, and Physical Education Guidelines Middle and High School.

The Superintendent or designee shall determine a method to document compliance with the required number of instructional minutes. Such documentation may include, but not be limited to, a master schedule, **bell schedule, weekly schedule for each teacher providing physical education instruction, district calendar**, teacher roster, or log for staff or students to record the number of physical education minutes completed.

Note: ~~The following paragraph is for use by districts maintaining elementary schools. As amended by AB 1391 (Ch. 706, Statutes of 2015), Education Code 51210 and 51223 authorize the use of uniform complaint procedures (5 CCR 4600-4687 4670) for any complaint that an elementary school has not complied with the physical education instructional minute requirement. Education Code 51222, as amended by SB 75 (Ch. 51, Statutes of 2019), extends such use of uniform complaint procedures to grades 7-12. See BP/AR 1312.3 - Uniform Complaint Procedures.~~

Any complaint alleging noncompliance with the instructional minute requirement ~~for elementary schools~~ may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. A complainant not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or ~~the~~ CDE finds merit in a complaint, the district shall provide a remedy to all affected students and parents/guardians. (Education Code 51210, **51222**, 51223; 5 CCR 4600-~~4687~~ **4670**)
(*cf. 1312.3 - Uniform Complaint Procedures*)

Monitoring Moderate to Vigorous Physical Activity

Note: The following **optional** section may be revised to reflect district practice. See the accompanying Board policy for language establishing ~~an expectation for students to be engaged in moderate to vigorous physical activity for 50 percent of physical education class/session time~~ **goals for moderate to vigorous physical activity in physical education classes.**

To monitor ~~whether~~ **the amount of time** students are engaged in moderate to vigorous physical activity ~~for at least 50 percent of physical education class or session time~~, the Superintendent or designee may:

1. Develop methods to estimate the amount of time students spend in moderate to vigorous physical activity ~~or the number of students who~~ **and the amount of time students** are inactive during physical education classes
2. Provide physical education teachers with staff development, self-monitoring tools, stopwatches, and/or heart rate monitors to assist them in planning and assessing the level of activity in their classes

(*cf. 4115 - Evaluation/Supervision*)

Physical Fitness Testing

Note: Education Code 60800 requires districts to administer a physical fitness test to students in grades 5, 7, and 9. The State Board of Education has designated FITNESSGRAM as the required physical fitness test. Pursuant to 5 CCR 1041, this requirement also applies to students who attend schools that are on a block schedule and students who may not be enrolled in physical education classes during the annual assessment window. The following paragraph should be modified to reflect grade levels offered by the district. In addition, if the district has chosen to administer the test in any of grades 10-12 (see accompanying Board policy), the following paragraph should be modified accordingly.

AR 6142.7 PHYSICAL EDUCATION AND ACTIVITY (continued)

During the annual assessment window between the months of February through May, students in grades 5, 7, and 9 shall be administered the physical fitness test designated by the State Board of Education (FITNESSGRAM). (Education Code 60800; 5 CCR 1041)
(*cf. 6162.5 - Student Assessment*)

The Superintendent or designee may provide a make-up date for students who are unable to take the test based on absence or temporary physical restriction or limitations, such as students recovering from illness or injury. (5 CCR 1043)

Note: The following paragraph is **optional**. 5 CCR 1043.4 authorizes, but does not require, the district to designate a physical fitness test coordinator. If the district chooses to designate a test coordinator, ~~his/her~~ **the** duties must include those described in 5 CCR 1043.4.

On or before November 1 of each school year, the Superintendent may designate an employee to serve as the district's physical fitness test coordinator and so notify the test contractor. The test coordinator shall serve as the liaison between the district and **California Department of Education CDE** for all matters related to the physical fitness test. ~~His/her~~ **The** duties shall be those specified in 5 CCR 1043.4, including, but not limited to, ~~overseeing the administration of the test and the collection and return of all test data to the test contractor.:~~ (5 CCR 1043.4)

- 1. Responding to correspondence and inquiries from the contractor in a timely manner and as provided in the contractor's instructions**
- 2. Determining district and school site test and test material needs**
- 3. Overseeing the administration of the physical fitness test to students**
- 4. Overseeing the collection and return of all test data to the contractor**
- 5. Ensuring that all test data are received from school test sites in sufficient time to satisfy the reporting requirements**
- 6. Ensuring that all test data are sent to the test contractor by June 30 of each year**

Students shall be provided with their individual results after completing the FITNESSGRAM. The test results may be provided in writing or orally as the student completes the testing and shall be included in ~~his/her~~ **the student's** cumulative record. (Education Code 60800; 5 CCR 1043.10, 1044)
(*cf. 5125 - Student Records*)

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

Each student's test results shall also be provided to ~~his/her~~ **the student's** parents/guardians.

The Superintendent or designee shall report the aggregate results of the FITNESSGRAM in the annual school accountability report card required by Education Code 33126 and 35256. (Education Code 60800)
(*cf. 0510 - School Accountability Report Card*)

Testing Variations

All students may be administered the FITNESSGRAM with the following test variations: (5 CCR 1047)

1. Extra time within a testing day
2. Test directions that are simplified or clarified

AR 6142.7 PHYSICAL EDUCATION AND ACTIVITY (continued)

All students may have the following test variations if they are regularly used in the classroom: (5 CCR 1047)

1. Audio amplification equipment
2. Separate testing for individual students provided that **they the student(s)** are directly supervised by the test examiner
3. Manually Coded English or American Sign Language to present directions for test administration

Students with a physical disability and students who are physically unable to take all of the test shall undergo as much of the test as their physical condition will permit. (Education Code 60800; 5 CCR 1047)

Students with disabilities may be provided the following accommodations if specified in their individualized education program (IEP) or Section 504 plan: (5 CCR 1047)

1. Administration of the test at the most beneficial time of day to the student after consultation with the test contractor
2. Administration of the test by a test examiner to the student at home or in the hospital
3. Any other accommodation specified in the student's IEP or Section 504 plan for the physical fitness test
(*cf. 6159 - Individualized Education Program*)
(*cf. 6164.6 - Identification and Education Under Section 504*)

Identified English learners may be allowed the following additional test variations if regularly used in the classroom: (5 CCR 1048)

1. Separate testing with other English learners, provided that **they the student(s)** are directly supervised by the test examiner
2. Test directions translated into their primary language, and the opportunity to ask clarifying questions about the test directions in their primary language

Additional Opportunities for Physical Activity

Note: The following **optional** section may be revised to reflect district practice. Item #1 below should be modified or deleted by districts that do not maintain elementary schools.

The Superintendent or designee shall implement strategies for increasing opportunities for physical activity outside the physical education program, which may include, but not be limited to:

1. Training recess, **and lunch, and before- and after-school** supervisors on methods to engage students in moderate to vigorous physical activity
(*cf. 1240 - Volunteer Assistance*)
(*cf. 4231 - Staff Development*)
(*cf. 5030 - Student Wellness*)
2. Encouraging teachers to incorporate physical activity into the classroom

AR 6142.7 PHYSICAL EDUCATION AND ACTIVITY (continued)

3. Establishing extracurricular activities that promote physical activity, such as school clubs, intramural athletic programs, dance performances, **community service**, special events, and competitions
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.5 - Student Organizations and Equal Access)
4. Incorporating opportunities for physical activity into before- or after-school programs and/or child care and development programs
(cf. 5148 - Child Care and Development Program)
(cf. 5148.2 - Before/After School Programs)
5. Exploring opportunities for joint use of facilities or grounds in order to provide adequate space for students and community members to engage in recreational activities
(cf. 1330.1 - Joint Use Agreements)
6. Developing business partnerships to maximize resources for physical activity equipment and programs
(cf. 1700 - Relations Between Private Industry and the Schools)
7. Developing programs to encourage and facilitate walking, bicycling, or other active transport to and from school
(cf. 5142.2 - Safe Routes to School Program)

FUSD Administrative Regulation Adopted: August 10, 2016. Updated: November 12, 2020. Ferndale, CA.

Ferndale Unified School District

SUPERINTENDENT'S RECOMMENDATION FOR BOARD ACTION

AGENDA ITEM: 10.4

DATE: November 12, 2020

SUBJECT:

Board Policy and Administrative Regulation 6159 - Individualized Education Program

DEPARTMENT/PROGRAM:

Administration

ACTION REQUESTED:

Receive/Discuss/Approve Board Policy and Administrative Regulation 6159 – Individualized Education Program

PREVIOUS STAFF/BOARD ACTION:

This is a new board policy. (Formerly BP/AR 0430 which was previously adopted on February 11, 2015.)

BACKGROUND INFORMATION AND/OR STATEMENT OF NEED:

Board Policy 6159 - Individualized Education Program

Policy updated to include the requirement, formerly in BP/AR 0430 - Comprehensive Local Plan for Special Education, to provide a free appropriate public education (FAPE) to students who have been suspended or expelled from school or who are placed by the district in a nonpublic, nonsectarian school. Policy adds the requirement to provide FAPE to individuals age 18-21 who are incarcerated in an adult correctional facility if they had been identified as students with disabilities or had an individualized education program (IEP) in their prior educational placement. Paragraph on the rights of foster parents moved to AR.

Administrative Regulation 6159 - Individualized Education Program

Regulation updates the section on "Contents of the IEP" to consolidate lists of IEP requirements for clarity. Regulation reflects **NEW LAW (SB 98, 2020)** which requires the IEP to describe the means by which the IEP will be provided under emergency conditions in which instruction and/or services cannot be provided to the student at school or in person for more than 10 school days. Regulation also reflects **NEW LAW (AB 947, 2019)** which (1) authorizes districts to consider elements of the "expanded core curriculum," as defined, when developing an IEP for a student who is blind, has low vision, or is visually impaired, and (2) establishes requirements for orientation and mobility evaluations conducted for such students. Regulation also reflects **NEW LAW (AB 605, 2019)** which requires districts to provide assistive technology devices for use in a student's home or other setting when required by the student's IEP, and requires that such students be given continued access to assistive technology devices for up to two months after transferring out of the district. Section on "Parent/Guardian Consent for Provision of Special Education and Services" revised to more directly reflect law.

FISCAL IMPLICATIONS:

None.

CONTACT PERSON(S):

Beth Anderson, Superintendent/Principal

Ferndale Unified School District Board Policy

Instruction

BP 6159

INDIVIDUALIZED EDUCATION PROGRAM

Note: ~~This~~ **The following Board** policy and the accompanying administrative regulation should be revised for consistency with the policies and regulations of the Special Education Local Plan Area (SELPA) in which the district participates.

The Governing Board desires to provide ~~educational alternatives that afford students with disabilities~~ full educational opportunities **to all students with disabilities**. Students with disabilities shall receive a free appropriate public education (FAPE) and, **to the maximum extent possible, shall be placed educated** in the least restrictive environment **with nondisabled students** ~~which meets their needs to the extent provided by law.~~

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 4112.23 - Special Education Staff)

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

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

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

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

For each student with disabilities, an individualized education program (IEP) shall be developed which identifies the special education instruction and related services to be provided to the student. The Superintendent or designee shall develop administrative regulations regarding the ~~appointment of the individualized education program~~ **membership of the (IEP) team, the team's responsibility to develop and regularly review the IEP, the contents of the IEP, and the development, review, and revision of the IEP processes.**

The district shall make FAPE available to individuals with disabilities ages 3-21 who reside in the district, including: (Education Code 56040; 20 USC 1412; 34 CFR 300.17, 300.101, 300.104)

- 1. Students who have been suspended or expelled from school**
- 2. Students who are placed by the district in a nonpublic, nonsectarian school**
- 3. Individuals age 18-21 years who are incarcerated in an adult correctional facility and were identified as being an individual with disabilities or had an IEP in their prior educational placement**

Note: Education Code 56055 provides that a foster parent, to the extent permitted by federal law, shall have the same rights relative to his/her foster child's education as a parent/guardian. Education Code 56055 clarifies that this right applies only when the juvenile court has limited the right of a parent/guardian to make educational decisions on behalf of his/her child and the child has been placed in a planned permanent living arrangement. Education Code 56055 defines "foster parent" as a licensed person, relative caretaker, or nonrelative extended family member. Because the rights granted to parents/guardians under the Individuals with Disabilities Education Act (IDEA) are often complex, legal counsel should be consulted as appropriate. To the extent permitted by federal law, a foster parent shall have the same rights relative to his/her foster child's IEP as a parent/guardian. (Education Code 56055)

Legal Reference:

EDUCATION CODE

46392 Emergencies

51225.3 Requirements for high school graduation and diploma

56040.3 Assistive technology

56055 Rights of foster parents pertaining to foster child's education

56136 Guidelines for low incidence disabilities areas

56195.8 Adoption of policies

56321 Development or revision of IEP

56321.5 Notice to include right to electronically record

56340.1-56347 Instructional planning and individualized education program

BP 6159 INDIVIDUALIZED EDUCATION PROGRAM (continued)

56350-~~56352~~ **56354** IEP for visually impaired students
56380 IEP reviews; notice of right to request
56390-56392 Certificate of completion, special education
56500-56509 Procedural safeguards
60640-60649 California Assessment of Student Performance and Progress

FAMILY CODE

6500-6502 Age of majority

GOVERNMENT CODE

7572.5 Seriously emotionally disturbed child, expanded IEP team

WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction

601 Minors habitually disobedient

602 Minors violating law defined as crime

CODE OF REGULATIONS, TITLE 5

853-853.5 State assessments, accommodations

~~1215.5-1218 High School Exit Examination, accommodations for students with disabilities~~

3021-3029 Identification, referral and assessment

3040-3043 Instructional planning and the individualized education program

3051-3053 Implementation of the individualized education program

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Individuals with Disabilities Education Act

COURT DECISIONS

Marshall v. Monrovia Unified School District, (9th Circuit, 2010) 627 F.3d 773

Schaffer v. Weast (2005) 125 S. Ct. 528

Shapiro v. Paradise Valley Unified School District, No. 69 (9th Circuit, 2003) 317 F.3d 1072

Sacramento City School District v. Rachel H. (9th Cir. 1994) 14 F.3d 1398

Andrew F. v. Douglas County School District Re-1, 137 S. Ct. 988

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 157 (2002)

Management Resources:

FEDERAL REGISTER

~~Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845~~

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Frequently Asked Questions: Promotion, Retention, and Grading (Students with Disabilities)

California Practitioners' Guide for Educating English Learners with Disabilities, July 2019

WEB SITES

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

U.S. Department of Education, Office of Special Education and Rehabilitative Services:

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

FUSD Board Policy Adopted November 12, 2020. Ferndale, CA.

Ferndale Unified School District Administrative Regulation

Instruction

AR 6159

INDIVIDUALIZED EDUCATION PROGRAM

Note: The following **mandated** administrative regulation reflects the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818), and conforming state legislation. Note that in cases where state law provides greater protections, state law supersedes federal law.

Pursuant to Education Code 56302.5, the term "assessment" as used in state law has the same meaning as "evaluation" provided in 20 USC 1414. The following administrative regulation uses the terms interchangeably.

At the beginning of each school year, the district shall have an individualized education program (IEP) in effect for each student with a disability within district jurisdiction. The IEP shall be a written statement **designed that is developed, reviewed, and revised** by the IEP team to meet the unique educational needs of a student with a disability. (Education Code 56344, **56345**; 34 CFR 300.**320, 300.323**)

Members of the IEP Team

Unless excused by written agreement in accordance with Education Code 56341, the IEP team for any student with a disability shall include the following members: (Education Code 56341, 56341.5; 20 USC 1414~~(d)(1)~~); 34 CFR 300.321)

1. One or both of the student's parents/guardians and/or a representative selected by them

Note: Education Code 56055 provides that a foster parent, to the extent permitted by federal law, shall have the same rights relative to ~~his/her~~ the foster child's education as a parent/guardian. Education Code 56055 clarifies that this right applies only when the juvenile court has limited the right of a parent/guardian to make educational decisions on **the student's behalf of his/her child and the child and the student** has been placed in a planned permanent living arrangement. Education Code 56055 defines "foster parent" as a licensed person, relative caretaker, or nonrelative extended family member.

Because the rights granted to parents/guardians under the ~~Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482)~~ are often complex, legal counsel should be consulted as appropriate.

To the extent permitted by federal law, a foster parent shall have the same rights relative to ~~his/her~~ a foster child's IEP as a parent/guardian. (Education Code 56055)

2. If the student is or may be participating in the **regular general** education program, at least one of the student's **regular general** education teachers designated by the Superintendent or designee to represent the student's **general education** teachers. The **regular general** education teacher shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of appropriate positive behavioral interventions, supports, and other strategies for the student, and supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student, consistent with 34 CFR 300.320. (Education Code 56341; 20 USC 1414~~(d)(3)(C)~~); 34 CFR 300.324)

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

3. At least one of the student's special education teachers or, where appropriate, special education providers
4. A representative of the district who is:
 - a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities

BP 6159 INDIVIDUALIZED EDUCATION PROGRAM (continued)

- b. Knowledgeable about the general education curriculum
- c. Knowledgeable about the availability of district ~~and/or special education local plan area (SELPA)~~ resources

(cf. 0430 - Comprehensive Local Plan for Special Education)

- 5. An individual who can interpret the instructional implications of assessment results

This individual may already be a member of the team as described in items #2-4 above or in item #6 below.

Note: Pursuant to Education Code 56341 and 34 CFR 300.321, the determination as to whether an individual identified in item #6 below has "knowledge or special expertise" must be made by the party (either the district or parent/guardian) who invites the individual to the IEP team meeting.

~~The Analysis of Comments to the federal regulations, 71 Fed. Reg. 156, pg. 46670, explains that a person who does not have knowledge and special expertise regarding the student, and who is not requested to be present at the IEP team meeting by the parent/guardian or district, would not be permitted to be a member of the team or attend the meeting as an observer. This comment is consistent with an An Attorney General opinion (85 Ops.Cal.Atty.Gen. 157 (2002)) which stated concluded that members of the media may not attend an IEP team meeting as observers even though the parents/guardians have consented to such attendance. The Attorney General based this decision on the fact that the media would be "observers," not a "person with knowledge or expertise," as detailed below.~~

- 6. At the discretion of the parent/guardian or the Superintendent or designee, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate

The determination of whether the individual has knowledge or special expertise regarding the student shall be made by the party who invites the individual to be a member of the IEP team.

- 7. Whenever appropriate, the student with a disability

In the development, review, or revision of ~~his/her~~ **the** IEP, the student shall be allowed to provide confidential input to any representative of ~~his/her~~ **the** IEP team. (Education Code 56341.5)

- 8. When the student is suspected of having a specific learning disability, at least one individual who is qualified to conduct individual diagnostic examinations of the student such as a school psychologist, speech language pathologist, or remedial reading teacher

In accordance with 34 CFR 300.310, at least one team member other than the student's ~~regular~~ **general** education teacher shall observe the student's academic performance and behavior in the areas of difficulty in ~~his/her~~ **the student's** learning environment, including in the regular classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age.

Note: ~~The requirement for a district to request the participation of a county mental health agency in the IEP team before it refers a student to the county mental health agency has been eliminated due to the repeal of Education Code 56331 by AB 114 (Ch. 43, Statutes of 2011), effective January 1, 2012.~~

In the following circumstances, the Superintendent or designee shall invite other specified individuals to an IEP team meeting:

- 1. When the student has been placed in a group home by the juvenile court, a representative of the group home shall be invited to attend IEP team meetings. (Education Code 56341.2)

BP 6159 INDIVIDUALIZED EDUCATION PROGRAM (continued)

2. Whenever the IEP team is meeting to consider the student's postsecondary goals and the transition services needed to assist ~~him/her~~ **the student** in reaching the goals ~~as stated in Education Code 56345(a)(8)~~, the following individuals shall be invited to attend: (34 CFR 300.321)
 - a. The student, regardless of ~~his/her~~ **the student's** age
If the student does not attend the IEP team meeting, the Superintendent or designee shall take other steps to ensure that the student's preferences and interests are considered.
 - b. To the extent appropriate, and with the consent of the parent/guardian **or adult student**, a representative of any other agency that is likely to be responsible for providing or paying for the transition services
3. If the student was previously served under the Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004), and upon request of the student's parent/guardian, the Superintendent or designee shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services. (Education Code 56341; 20 USC 1414~~(d)(1)(D)~~); 34 CFR 300.321)

A member of the IEP team shall not be required to attend an IEP team meeting, in whole or in part, if the parent/guardian and the district agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. Even if the meeting involves a discussion of the IEP team member's area of the curriculum or related service, the member may be excused from the meeting if the parent/guardian, in writing, and the district consent to the excusal after conferring with the member and the member submits to the parent/guardian and team written input into the development of the IEP prior to the meeting. (Education Code 56341; 20 USC 1414~~(d)(1)(C)~~); 34 CFR 300.321)

Contents of the IEP

The IEP shall include, but not be limited to, all of the following: (Education Code 56345, 56345.1; 20 USC 1414~~(d)(1)(A)~~); 34 CFR 300.320)

1. A statement of the present levels of the student's academic achievement and functional performance, including:
 - a. The manner in which the ~~student's~~ disability affects ~~his/her~~ **the student's** involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students)
 - b. For a preschool **child student**, as appropriate, the manner in which the disability affects ~~his/her~~ **the student's** participation in appropriate activities
 - c. For a student with a disability who takes alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives

Note: Education Code 56345 requires a statement of a student's academic and functional goals, as specified below, and expresses legislative recognition that, although some students with disabilities may not meet the growth projected in the annual goals and objectives, districts must make a good faith effort to assist them in achieving the goals in their IEP.

BP 6159 INDIVIDUALIZED EDUCATION PROGRAM (continued)

2. A statement of measurable annual goals, including academic and functional goals, designed to:
 - a. Meet the student's needs that result from **his/her the** disability in order to enable the student to be involved in and **make** progress in the general education curriculum
 - b. Meet each of the student's other educational needs that result from **his/her the** disability
3. A description of the manner in which the student's progress toward meeting the annual goals described in item #2 above will be measured and when the district will provide periodic reports on the progress the student is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards
4. A statement of the special education instruction and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to:
 - a. Advance appropriately toward attaining the annual goals
 - b. Be involved and make progress in the general education curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities
 - c. Be educated and participate with other students with disabilities and nondisabled students in the activities described in the IEP

(cf. 3541.2 - Transportation for Students with Disabilities)

5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities described in the IEP

Note: Pursuant to 20 USC 1412(a), students with disabilities must be included in state and district assessments, with appropriate accommodations. However, with respect to such assessments, exceptions exist. For example, pursuant to Education Code 60640, a student with disabilities who is unable to participate in state achievement tests even with accommodations shall be given an alternate assessment in accordance with **his/her the student's** IEP. For specific program requirements, exceptions, waivers, and permitted accommodations concerning such state or districtwide assessments, see AR 6162.51 - State Academic Achievement Tests.

Education Code 56345 and 34 CFR 300.320 and Education Code 56345 require a description of the individual accommodations that will be used by the student and, if the student will not participate in the regular assessment, a statement as to the reason for that determination and what alternate assessment will be provided.

6. A statement of any appropriate individual accommodations necessary to measure the academic achievement and functional performance of the student on state and districtwide assessments

If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or districtwide assessment, the student's IEP also shall include a statement of the reason that **he/she the student** cannot participate in the regular assessment and the reason that the particular alternate assessment selected is appropriate **for him/her**.

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)
(cf. 6162.51 - State Academic Achievement Tests)

7. The projected date for the beginning of the services and modifications described in item #4 above and the anticipated frequency, location, and duration of those services and modifications

BP 6159 INDIVIDUALIZED EDUCATION PROGRAM (continued)

8. Beginning not later than the first IEP to be in effect when the student is 16 years of age, or younger if determined appropriate by the IEP team, and updated annually thereafter, the following:
- Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills
 - The transition services, including courses of study, needed to assist the student in reaching those goals

Note: Education Code 56345, as amended by SB 98 (Ch. 24, Statutes of 2020), requires that the following component be addressed in the development of a new IEP or at the next regularly scheduled review of an existing IEP.

9. **A description of the means by which the IEP will be provided under emergency conditions, as described in Education Code 46392, in which instruction and/or services cannot be provided to the student either at the school or in person for more than 10 school days. The description shall take into account public health orders and shall include special education and related services, supplementary aids and services, transition services, and extended school year services.**

- 9-10. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of **his/her** the rights, if any, that will transfer to **him/her the student** upon reaching age 18, pursuant to Education Code 56041.5

~~Where appropriate, the IEP shall also include: (Education Code 56345)~~

- ~~1-11.~~ For a student in grades 7-12, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards required for graduation
(*cf. 6146.1 - High School Graduation Requirements*)
(*cf. 6146.11 - Alternative Credits Toward Graduation*)

- ~~2-12.~~ For a student whose native language is not English, ~~linguistically~~ appropriate goals, objectives, programs, and services ~~for a student whose native language is not English~~
(*cf. 6174 - Education for English Learners*)

- ~~3-13.~~ Extended school year services when the IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education (FAPE)
(*cf. 5148.2 - Before/After School Programs*)
(*cf. 6177 - Summer Learning Programs*)

- ~~4-14.~~ ~~Provision for transition into the regular education program~~ ~~if the student is to be transferred from a special class or center or nonpublic, nonsectarian school into a regular general education program in a public school for any part of the school day, provision for transition into the regular general education program including descriptions of activities intended to:~~

- Integrate the student into the **regular general** education program, including ~~indications of~~ the nature of each activity and the time spent on the activity each day or week
- Support the transition of the student from the special education program into the **regular general** education program

(*cf. 6176 - Weekend/Saturday Classes*)

(*cf. 6178 - Career Technical Education*)

(*cf. 6181 - Alternative Schools/Programs of Choice*)

BP 6159 INDIVIDUALIZED EDUCATION PROGRAM (continued)

5-15. For a student with low incidence disabilities, specialized services, materials, and equipment for a student with low incidence disabilities, consistent with the guidelines pursuant to Education Code 56136

Note: Education Code 56353, as added by AB 947 (Ch. 778, Statutes of 2019), authorizes, but does not require, districts to consider elements of the expanded core curriculum, as defined, when developing an IEP for a student who is blind, has low vision, or is visually impaired.

To assist a student who is blind, has low vision, or is visually impaired to achieve the student's maximum potential, the IEP team may consider instruction in the expanded core curriculum, including compensatory skills such as Braille, concept development, or other skills needed to access the core curriculum; orientation and mobility; social interaction skills; career technical education; assistive technology, including optical devices; independent living skills; recreation and leisure; self-determination; and sensory efficiency. When appropriate, such services may be offered before or after school. (Education Code 56353)

Development of the IEP

Within 30 days of a determination that a student needs special education and related services, the Superintendent or designee shall ensure that a meeting to develop an initial IEP is conducted. (Education Code 56043; 34 CFR 300.323)

Any IEP required as a result of an assessment of a student shall be developed within 60 days from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension. Days between the student's regular school sessions, terms, or vacation of more than five school days shall not be counted. In the case of school vacations, the 60-day time limit shall recommence on the date that the student's school days reconvene. (Education Code 56043, 56344)

However, when the IEP is required as a result of an assessment of a student for whom a referral has been made 30 days or less prior to the end of the preceding regular school year, the IEP shall be developed within 30 days after the commencement of the subsequent regular school year. (Education Code 56344)

In developing the IEP, the IEP team shall consider all of the following: (Education Code 56341.1, 56345; 20 USC 1414(d)(3)(A); 34 CFR 300.324)

1. The strengths of the student
2. The concerns of the parents/guardians for enhancing the education of their child
3. The results of the initial or most recent assessment of the student
4. The academic, developmental, and functional needs of the student
5. In the case of a student whose behavior impedes his/her the student's learning or that of others, the use of positive behavioral interventions and supports and other strategies to address that behavior
6. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP
7. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and instruction in the use of Braille

BP 6159 INDIVIDUALIZED EDUCATION PROGRAM (continued)

However, such instruction need not be included in the IEP if the IEP team determines that instruction in Braille or the use of Braille is not appropriate for the student. This determination shall be based upon an assessment of the student's reading and writing skills, **needs, and appropriate reading and writing media, including an assessment of his/her** future needs for instruction in Braille or the use of Braille, ~~and other appropriate reading and writing media.~~

8. The communication needs of the student and, in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode

The team shall also consider the related services and program options that provide the student with an equal opportunity for communication access, as described in Education Code 56345.

9. Whether the student requires assistive technology devices and services

If, in considering the special factors in items #1-9 above, the IEP team determines that the student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive FAPE, the team shall include a statement to that effect in the student's IEP. (Education Code 56341.1)

Provision of Special Education and Related Services

~~Note: Effective January 1, 2012, AB 114 (Ch. 43, Statutes of 2011) repealed Education Code 56331 which required county mental health agencies to be responsible for providing mental health services (AB 3632 services) if required in a student's IEP. Thus, districts are solely responsible for ensuring that students with disabilities receive special education and related services to meet their needs. The CDE web site clarifies that districts may contract with county mental health agencies for the provision of some services and/or may employ their own professionals or contract with organizations or professionals in the community.~~

The district shall ensure that, as soon as possible following development of the IEP, special education services and related services are made available to the student in accordance with **his/her** the IEP. (Education Code 56344; 34 CFR 300.323)

The Superintendent or designee shall ensure that the student's IEP is accessible to each ~~regular~~ **general** education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. The Superintendent or designee also shall ensure that such teachers and providers are informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP. (34 CFR 300.323)

Note: Education Code 56354, as added by AB 947, establishes requirements for orientation and mobility evaluations conducted for students who are blind, have low vision, or are visually impaired. Such services are used to teach individuals how to navigate around their home, school, and community. If the district chooses to prohibit orientation and mobility specialists from using their vehicles to transport students to and from orientation and mobility instruction, the district must provide transportation for that purpose.

If an orientation and mobility evaluation is determined to be needed for a student who is blind, has low vision, or is visually impaired, the evaluation shall be conducted by a person who is appropriately certified as an orientation and mobility specialist and shall occur in familiar and unfamiliar environments, in varying lighting conditions, and in the home, school, and community, as appropriate. The Superintendent or designee may require annual written parent/guardian consent to provide orientation and mobility services when such services are provided before or after school and when they are provided away from the school site. (Education Code 56354; 5 CCR 3051.3)

BP 6159 INDIVIDUALIZED EDUCATION PROGRAM (continued)

Note: Pursuant to Education Code 56041.1, an IEP team must consider whether a student with disabilities needs assistive technology devices or services, defined in 20 USC 1401 as any item, piece of equipment, or product system that is used to increase, maintain, or improve functional capabilities of a student with a disability. See the section on "Development of the IEP" above.

As added by AB 605 (Ch. 228, Statutes of 2019), Education Code 56040.3 requires a district to provide the use of school-purchased assistive technology devices in a student's home or other settings if the student's IEP team determines that the student needs access to the devices in order to receive FAPE, consistent with 34 CFR 300.105. It also requires the district to provide continued access to assistive technology devices, for two months or until alternative arrangements can be made, whichever comes first, to a student who transfers out of the district.

If a student's IEP requires the provision of assistive technology devices or services, the district shall provide such devices or services and shall, on a case-by-case basis, provide for the use of school-purchased devices in the student's home or other settings if the IEP team determines that the student needs access to those devices in order to receive FAPE. If a student who requires the use of an assistive technology device transfers to another local educational agency, the district shall provide the student with continued access to that device or a comparable device for two months from the date the student ceased to be enrolled in the district or until alternative arrangements can be made to provide access to the device, whichever occurs first. (Education Code 56040.3; 34 CFR 300.105)

Review and Revision of the IEP

Note: Education Code 56043 and 56380 mandate the district to maintain procedures to ensure that the IEP team reviews the IEP periodically, but at least annually, to determine whether the annual goals for the student are being achieved and, as appropriate, revises the IEP to address the conditions specified below.

The Superintendent or designee shall ensure that the IEP team reviews the IEP periodically, but at least annually, in order to: (Education Code 56043, 56341.1, 56380; 20 USC 1414~~(d)(4)~~(4); 34 CFR 300.324)

1. Determine whether the annual goals for the student are being achieved
2. Revise the IEP, as appropriate, to address:
 - a. Any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate
 - b. The results of any reassessment conducted pursuant to Education Code 56381
 - c. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 34 CFR 300.305~~(a)(2)~~(2) and Education Code 56381~~(b)~~
 - d. The student's anticipated needs
 - e. Any other relevant matter
3. Consider the special factors listed in items #5-9 above under "Development of the IEP;" when reviewing the IEP of any student with a disability to whom one of those factors may apply

The IEP team shall also meet at any other time upon request by the student's parent/guardian or teacher to review or revise the IEP. (Education Code 56343)

BP 6159 INDIVIDUALIZED EDUCATION PROGRAM (continued)

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, the district shall notify the parent/guardian of the need for a written request and the procedure for filing such a request. (Education Code 56043, 56343.5)

Note: Education Code 56195.8 **mandates** that the district's policy set forth procedures and timelines for the review of a classroom assignment of a student with a disability when so requested by a **regular general education** or special education teacher. Education Code 56195.8 does not state a specific deadline for the review. The following paragraph provides a timeline of 20 days for reviewing the request and 30 days for convening an IEP team meeting. **The district should revise this timeline to be consistent with district practice and the policies and regulations of the Special Education Local Plan Area (SELPA) in which the district participates and should specify the title of the individual responsible for the review, rather than "Superintendent or designee."**

A regular education or special education teacher may request a review of the classroom assignment of a student with a disability by submitting a written request to the Superintendent or designee. The Superintendent or designee shall consider the request within 20 days of receiving it, not counting days when school is not in session or, for year-round schools, days when the school is off track. If the review indicates a need for change in the student's placement, instruction, and/or related services, the Superintendent or designee shall convene an IEP team meeting, which shall be held within 30 days of the Superintendent or designee's review, not counting days when school is not in session or days when school is off track, unless the student's parent/guardian consents in writing to an extension of time.

If a participating agency other than the district fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service objectives set out for the student in the IEP. (Education Code 56345.1; 20 USC 1414(d); 34 CFR 300.324)

Note: Education Code 56157 specifies that when the district has placed a foster student in a nonpublic, nonsectarian school, the district must conduct an annual evaluation, as specified below. In addition, Education Code 56157 requires the nonpublic, nonsectarian school to report to the district regarding the educational progress made by the student.

If a student with a disability residing in a licensed children's institution or foster family home has been placed by the district in a nonpublic, nonsectarian school, the Superintendent or designee shall conduct an annual evaluation as part of the IEP process of whether the placement is the least restrictive environment that is appropriate to meet the student's needs. (Education Code 56157)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)
(cf. 6173.1 - Education for Foster Youth)

To the extent possible, the Superintendent or designee shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student. (20 USC 1414(d)(3)(A); 34 CFR 300.324)

When a change is necessary to a student's IEP after the annual IEP team meeting for the school year has been held, the parent/guardian and the Superintendent or designee may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student's current IEP. The IEP team shall be informed of any such changes. Upon request, the Superintendent or designee shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (**Education Code 56380.1**; 20 USC 1414(d)(3)(D); 34 CFR 300.324)

Audio Recording of IEP Team Meetings

Note: Pursuant to Education Code 56341.1, parents/guardians and the district may audio record an IEP team meeting subject to certain requirements as specified in the following section. Audio recordings made by a district, SELPA, or county office of education are subject to the federal Family Educational Rights and Privacy Act (20 USC 1232g) and the confidentiality requirements of 34 CFR 300.610-300.626.

BP 6159 INDIVIDUALIZED EDUCATION PROGRAM (continued)

Parents/guardians and the Superintendent or designee shall have the right to audio record the proceedings of IEP team meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the Superintendent or designee gives notice of intent to audio record a meeting and the parent/guardian objects or refuses to attend because the meeting would be audio recorded, the meeting shall not be audio recorded. Parents/guardians also have the right to: (Education Code 56341.1)

1. Inspect and review the audio recordings
2. Request that an audio recording be amended if they believe it contains information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights
3. Challenge, in a hearing, information that the parents/guardians believe is inaccurate, misleading, or in violation of the student's privacy rights or other rights

Parent/Guardian Participation and Other Rights

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall send parents/guardians notices of IEP team meetings that: (Education Code 56341.5; 34 CFR 300.322)

1. Indicate the purpose, time, and location of the meeting
2. Indicate who will be in attendance at the meeting
3. Inform them of:
 - a. Their right to bring to the meeting other individuals who have knowledge or special expertise about the student, pursuant to Education Code 56341~~(b)(6)~~
 - b. The provision of Education Code 56341~~(f)~~ relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting, if the student was previously served under Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004)

In addition, when the IEP team meeting is to consider the development, review, or revision of the IEP of a student with a disability who is 16 years of age or older, or younger than 16 if deemed appropriate by the IEP team, the Superintendent or designee's notice to the student's parents/guardians shall include the following: (Education Code 56341.5)

1. An indication that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student pursuant to Education Code 56345.1, 20 USC 1414~~(d)(1)(A)(i)(VIII)~~, and 34 CFR 300.320~~(b)~~
2. An indication that the student is invited to the IEP team meeting

BP 6159 INDIVIDUALIZED EDUCATION PROGRAM (continued)

~~3. Identification of any other agency that will be invited to send a representative~~
(cf. 5145.6 - Parental Notifications)

At each IEP team meeting convened by the district, the district administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code 56321. (Education Code 56500.1)
(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

The parent/guardian shall have the right and opportunity to examine all of ~~his/her child's~~ **the student's** school records upon request, before any IEP meeting, and in connection with any hearing or resolution session on matters affecting ~~his/her child~~ **the student**, including, but not limited to, initial formal assessment, procedural safeguards, and due process. Upon receipt of an oral or written request, the Superintendent or designee shall provide complete copies of the records within five business days. (Education Code 56043, 56504)
(cf. 5125 - Student Records)

The parent/guardian shall have the right to present information to the IEP team in person or through a representative and the right to participate in meetings that relate to eligibility for special education and related services, recommendations, and program planning. (Education Code 56341.1)

If neither parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including video conferences or individual or conference telephone calls. (Education Code 56341.5; 20 USC 1414(~~f~~); 34 CFR 300.322)

An IEP team meeting may be conducted without a parent/guardian in attendance if the Superintendent or designee is unable to convince the parent/guardian ~~that he/she should~~ **to** attend. In such a case, the Superintendent or designee shall maintain a record of the attempts to arrange a mutually agreed upon time and place for the meeting, including: (Education Code 56341.5; 34 CFR 300.322)

1. Detailed records of telephone calls made or attempted and the results of those calls
2. Copies of correspondence sent to the parent/guardian and any responses received
3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits

The Superintendent or designee shall take any action necessary to ensure that the parents/guardians understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall give the parents/guardians of a student with a disability a copy of ~~his/her child's~~ **the** IEP at no cost. (Education Code 56341.5; 34 CFR 300.322)

Parent/Guardian Consent for Provision of Special Education and Services

Before providing special education and related services to any student pursuant to 20 USC 1414(a)(1), the Superintendent or designee shall seek to obtain informed consent of the student's parent/guardian pursuant to 20 USC 1414(a)(1). **(Education Code 56346)**

BP 6159 INDIVIDUALIZED EDUCATION PROGRAM (continued)

~~The district shall not provide services by utilizing the due process hearing procedures pursuant to 20 USC 1415(f)~~ **If the parent/guardian fails to respond or refuses to consent to the initiation of services, the district shall not use the due process hearing procedures pursuant to 20 USC 1415 to obtain agreement or a ruling that the services may be provided to the student. In such circumstances, the district shall not be required to convene an IEP team or develop an IEP for the student. (Education Code 56346)**

If the parent/guardian **consents in writing to the receipt of special education and related services for the student but** does not consent to all of the components of the IEP, then those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. ~~(Education Code 56346)~~ If the Superintendent or designee determines that a part of a proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student with FAPE, a due process hearing shall be initiated in accordance with 20 USC 1415(f). While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the Superintendent or designee agree otherwise. (Education Code 56346)

Note: 34 CFR 300.300 authorizes a parent/guardian to revoke, at any time and in writing, ~~his/her~~ consent for the continued provision of special education and related services to ~~his/her child~~ **the student**. Once this revocation has been received, the district need not convene an IEP team meeting or develop an IEP, but rather must promptly provide "prior written notice" and, within a reasonable period of time, discontinue all services to the ~~child~~ **student**. For details regarding the contents of the prior written notice, see AR 6159.1 - Procedural Safeguards and Complaints for Special Education.

In addition, 34 CFR 300.300 and Education Code 56346 specify that a district may not override the parent/guardian's revocation by filing for a due process hearing or requesting mediation in order to require that services be provided. In such a situation, the district shall be deemed to be in compliance with the requirement to make free appropriate public education (FAPE) available to the student and is under no obligation to convene an IEP team meeting or to develop an IEP for further provision of special education and related services to the student.

If at any time subsequent to the initial provision of services, the student's parent/guardian, in writing, revokes consent for the continued provision of special education services, the Superintendent or designee shall provide prior written notice within a reasonable time before ceasing to provide services to the student. The Superintendent or designee shall not request a due process hearing or pursue mediation in order to require an agreement or ruling that services be provided to the student. (Education Code 56346; 34 CFR 300.300, 300.503)

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

Prior to the discontinuation of services, the Superintendent or designee may offer to meet with the parents/guardians to discuss concerns for the student's education. However, this meeting shall be voluntary on the part of the parent/guardian and shall not delay the implementation of the parent/guardian's request for discontinuation of services. ~~In addition, the Superintendent or designee shall send a letter to the parent/guardian confirming the parent/guardian's decision to discontinue all services.~~

Note: Pursuant to 34 CFR 300.9, when a parent/guardian revokes ~~his/her~~ consent for provision of special education services, the district is not required to amend the student's records to remove any reference to the student's prior receipt of special education services. In some circumstances, a student who is no longer receiving special education services may be eligible for accommodation under Section 504 of the Rehabilitation Act of 1973; see BP/AR 6164.6 - Identification and Education under Section 504. However, because the law is unclear, districts with questions should consult legal counsel, as appropriate.

When the district ceases to provide special education services in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.

Transfer Students

Note: Education Code 56325 details the requirements for students transferring from districts within and outside of California, as specified below. Districts should be careful to comply with the time requirements, though in Marshall v. Monrovia Unified School District, the Ninth Circuit Court of Appeals ruled in favor of defendant school district on the question of whether the district denied FAPE to a student with a disability by not developing a valid IEP within 30 days of the student's transfer into the district. The court reasoned that the delay in developing the IEP was minimal and that the student did not suffer any deprivation of educational benefit.

BP 6159 INDIVIDUALIZED EDUCATION PROGRAM (continued)

To facilitate the transition of a student with a disability who is transferring into the district, the Superintendent or designee shall take reasonable steps to promptly obtain the student's records, including ~~his/her~~ **the** IEP and the supporting documents related to the provision of special education services. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from another school district within the same **Special Education Local Plan Area (SELPA)** during the school year, the district shall continue to provide services comparable to those described in the student's existing IEP, unless ~~his/her~~ **the student's** parent/guardian and the district agree to develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from a school district outside of the district's SELPA during the school year, the district shall provide the student with FAPE, including services comparable to those described in the previous district's IEP in consultation with the student's parent/guardian, **for a period not to exceed 30 days.** ~~Within 30 days, By the end of that period, the district the Superintendent or designee shall either ; in consultation with the student's parents/guardians,~~ adopt the previous district's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from an out-of-state district during the school year, the district shall provide the student with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parent/guardian, until such time as the Superintendent or designee conducts an assessment, if it determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate. (Education Code 56325; 34 CFR 300.323)

FUSD Administrative Regulation: Adopted: November 12, 2020. Ferndale, CA.

Ferndale Unified School District

SUPERINTENDENT'S RECOMMENDATION FOR BOARD ACTION

AGENDA ITEM: 10.5

DATE: November 12, 2020

SUBJECT:

Board Policy and Administrative Regulation 6159.1 - Procedural Safeguards for Special Education

DEPARTMENT/PROGRAM:

Administration

ACTION REQUESTED:

Receive/Discuss/Approve Board Policy and Administrative Regulation 6159.1 - Procedural Safeguards for Special Education

PREVIOUS STAFF/BOARD ACTION:

None.

BACKGROUND INFORMATION AND/OR STATEMENT OF NEED:

Board Policy 6159.1 - Procedural Safeguards for Special Education

Policy updated to encourage early, informal resolution of any dispute regarding special education services. Policy also reflects **NEW STATE REGULATIONS (Register 2020, No. 21)** which establish a complaint process, separate from UCP, for complaints alleging noncompliance with federal or state laws related to the provision of FAPE to students with disabilities, such as the district's violation of the federal Individuals with Disabilities in Education Act or state law on special education, violation of a settlement agreement, failure to implement a due process hearing order, or physical safety concerns that interfere with the provision of FAPE.

Administrative Regulation 6159.1 - Procedural Safeguards for Special Education

Regulation updated to clarify that due process complaints should be filed with the state Office of Administrative Hearings and that such complaints must generally be filed within two years of the date the parent/guardian or district knew or should have known about the alleged violation. Regulation also adds new section on "State Compliance Complaints" reflecting **NEW STATE REGULATIONS (Register 2020, No. 21)** which establish a complaint process, separate from UCP, for complaints alleging noncompliance with federal or state laws related to the provision of FAPE to students with disabilities, such as the district's violation of the federal Individuals with Disabilities Education Act or state law on special education, violation of a settlement agreement, failure to implement a due process hearing order, or physical safety concerns that interfere with the provision of FAPE.

FISCAL IMPLICATIONS:

None.

CONTACT PERSON(S):

Beth Anderson, Superintendent/Principal

Ferndale Unified School District Board Policy

Instruction

BP 6159.1

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

Note: The following **mandated policy and mandated administrative regulation** reflects the federal Individuals with Disabilities Education Act (~~IDEA~~) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818, ~~as amended by 73 Fed. Reg. 231~~), and conforming state legislation. Note that in cases where state law provides greater protections to students, state law supersedes federal law.

Education Code 56195.8 **and 20 USC 1415 mandates** all entities providing special education to adopt policy on procedural safeguards, and Education Code 56500.1 requires entities providing special education to establish and maintain all procedural safeguards granted by federal law. For California law related to due process rights and due process hearing rights and procedures, see Education Code 56501-56509 and 5 CCR 3082. For federal due process procedure requirements, see 34 CFR 300.500-300.520.

This policy and accompanying administrative regulation should be revised for consistency with the policy and regulations of the ~~sSpecial eEducation lLocal pPlan aArea~~ (SELPA) in which the district participates.

The Governing Board ~~desires to protect the rights of students with disabilities in accordance with the procedural safeguards set forth in state and federal law.~~ **recognizes its obligation to provide a free appropriate public education (FAPE) to students with disabilities and to uphold the rights of parents/guardians to be involved in educational decisions regarding their child.** Parents/guardians of students with disabilities shall receive written notice of their rights **under the federal Individuals with Disabilities Education Act.** ~~in accordance with law, Board policy, and administrative regulation.~~

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

(cf. 5145.6 - Parental Notifications)

(cf. 6159 - Individualized Education Program)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education ~~Students~~)

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

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

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

Whenever there is a dispute between the district and the parent/guardian of a student with disabilities regarding the identification, assessment, or educational placement of the student or the provision of FAPE to the student, the Superintendent or designee shall encourage the early, informal resolution of the dispute at the school level to the extent possible. The district or parent/guardian may also request mediation and/or a due process hearing in accordance with law, Board policy, and administrative regulation.

Note: Education Code 56195.8 authorizes the ~~policy to include provisions~~ **Governing Board to adopt policy** for involving district ~~the involvement of~~ Board members in any due process hearing procedure activities. **However, a best practice is to designate the Superintendent or designee to serve as the district representative at the hearing.** The following ~~optional paragraph designates the Superintendent or designee as the district representative at the hearing.~~ **may be revised to reflect district practice.**

The Superintendent or designee shall represent the district in any due process hearing conducted with regard to district students and shall inform the Board about the result of the hearing.

Note: ~~A compliance complaint, which can be made by anyone, is an allegation of a violation of state or federal law. A complainant may also file such complaints directly with the California Department of Education. These compliance complaints are different from the due process complaint detailed in the accompanying administrative regulation, which is a legal document that must be filed in order to initiate a due process hearing.~~ **5 CCR 3200-3205, as added by Register 2020, No. 21, require complaints alleging a violation of federal or state law or regulation related to the provision of FAPE to students with disabilities to be submitted to the California Department of Education rather than being addressed through the district's uniform complaint procedures as described in BP/AR 1312.3 - Uniform Complaint Procedures. For further information regarding state compliance complaints, see the accompanying administrative regulation.**

~~The Superintendent or designee shall address a complaint concerning compliance with state or federal law regarding special education in accordance with the district's uniform complaint procedures.~~ **Any complaint**

BP 6159.1 PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

alleging the district's noncompliance with federal or state laws or regulations related to the provision of a free appropriate public education to students with disabilities shall be filed in accordance with 5 CCR 3200-3205.

(ref. 1312.3 – Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

56000 Education for individuals with disabilities

56001 Provision of the special education programs

56020-56035 Definitions

56195.7 Written agreements

56195.8 Adoption of policies for programs and services

56300-56385 Identification and referral, assessment

56440-56447.1 Programs for individuals between the ages of three and five years

56500-56509 Procedural safeguards, including due process rights

56600-56606 Evaluation, audits and information

CODE OF REGULATIONS, TITLE 5

3000-3100 Regulations governing special education, **especially:**

3080-3089 Procedural safeguards

3200-3205 Special education compliance complaints

~~4600-4670 Uniform complaint procedures~~

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

UNITED STATES CODE, TITLE 42

11434 Homeless assistance

CODE OF FEDERAL REGULATIONS, TITLE 34

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

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.150-300.153 State compliance complaints

300.500-300.520 Procedural safeguards and due process for parents and students

COURT DECISIONS

Winkelman v. Parma City School District, (2007) 550 U.S. 516

Management Resources:

FEDERAL REGISTER

~~Final Regulations, December 1, 2008, Vol. 73, No. 231, pages 73006-73029~~

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

Office of Administrative Hearings, Special Education Division:

<https://www.dgs.ca.gov/OAH/Case-Types/Special-Education>

U.S. Department of Education, Office of Special Education Programs: <http://www.ed.gov/about/offices/list/osep>

FUSD Board Policy Adopted: November 12, 2020. Ferndale, CA.

Ferndale Unified School District

Administrative Regulation

Instruction

AR 6159.1

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

Note: The following **mandated** administrative regulation reflects the federal Individuals with Disabilities Education Act (**IDEA**) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818, ~~as amended by 73 Fed. Reg. 231~~), and conforming state legislation. Note that in cases where state law provides greater protections to students, state law supersedes federal law.

Both federal and state law give parents/guardians **of students with disabilities** the right to due process and require the district to provide procedural safeguards, as specified below. Education Code 56501 extends these rights to the student only if ~~he/she~~ **the student** is an emancipated minor or a ward or dependent of the court with no available parent/guardian or surrogate parent. See AR 6159.3 - Appointment of Surrogate Parent for Special Education Students. As part of these rights, districts must provide two different notices, the prior written notice and the procedural safeguards notice, to parents/guardians at specified times detailed below.

Prior Written Notice

Note: Pursuant to 20 USC 1415(b)(1), districts are **mandated** to adopt procedures ~~relative to the prior written notice as specified in 20 USC 1415(e)(1) and listed below.~~ **that include prior written notice to parents/guardians of students with disabilities under the circumstances described below.**

The Superintendent or designee shall send to the parents/guardians of any student with disabilities a prior written notice ~~within a reasonable time:~~ (Education Code 56346, 56500.4, 56500.5; 20 USC 1415(e); 34 CFR 300.102, 300.300, 300.503; ~~Education Code 56500.4, 56500.5~~)

1. Before the district initially refers the student for assessment
2. **Within a reasonable time b**Before the district proposes to initiate or change the student's identification, assessment, educational placement, or the provision of a free appropriate public education (FAPE) to the student
3. **Within a reasonable time b**Before the district refuses to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student
4. **Within a reasonable time b**Before the student graduates from high school with a regular diploma thus resulting in a change in placement

Note: ~~As amended by 73 Fed. Reg. 231,~~ 34 CFR 300.300 states that a parent/guardian may revoke consent for the continued provision of special education and related services ~~to his/her child~~ at any time. Upon receipt of this written revocation, 34 CFR 300.300 requires the district to provide prior written notice and, within a reasonable period of time, discontinue all services to the student. See AR 6159 - Individualized Education Program.

5. Upon receipt of the parent/guardian's written revocation of consent for the continued provision of special education and related services to ~~his/her child~~ **the student**

This **prior written** notice shall include: (Education Code 56500.4; 20 USC 1415(e); 34 CFR 300.503; ~~Education Code 56500.4~~)

1. A description of the action proposed or refused by the district
2. An explanation as to why the district proposes or refuses to take the action

AR 6159.1 PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION (continued)

3. A description of each assessment procedure, ~~test~~, **assessment**, record, or report the district used as a basis for the proposed or refused action
4. A statement that the parents/guardians of the student have protection under procedural safeguards and, if this notice is not an initial referral for assessment, the means by which a copy of the description of procedural safeguards can be obtained
5. Sources for parents/guardians to obtain assistance in understanding these provisions
6. A description of any other options that the individualized education program (IEP) team considered and why those options were rejected
(*cf. 6159 - Individualized Education Program*)
7. A description of any other factors relevant to the district's proposal or refusal
(*cf. 5145.6 - Parental Notifications*)

Procedural Safeguards Notice

Note: Education Code 56301, 20 USC 1415(d)(1), 34 CFR 300.504, and Education Code 56501 specify that the procedural safeguards notice must be given to parents/guardians once per school year and upon the occurrence of any of the events specified below. A sample procedural safeguards notice is available on the California Department of Education's (CDE) web site.

A procedural safeguards notice shall be made available to parents/guardians of students with disabilities once each school year and: (Education Code 56301; 20 USC 1415(d)(1); 34 CFR 300.504; ~~Education Code 56301~~)

1. Upon initial referral or parent/guardian request for assessment

Note: Pursuant to 34 CFR 300.504, the procedural safeguards notice must be provided upon receipt of the first state complaint filed against the district in a school year pursuant to 34 CFR 300.151-300.153. For complaint procedures addressing alleged violation of federal or state law or regulation related to the provision of a free appropriate public education (FAPE), see the section "State Compliance Complaints" below.

2. Upon receipt of the first state compliance complaint in a school year, **filed in accordance with the section "State Compliance Complaints" below**

(*cf. 1312.3 - Uniform Complaint Procedures*)

3. Upon receipt of the first due process hearing request in a school year

4. In accordance with the discipline procedures pursuant to 34 CFR 300.530(h), when a **decision is made to remove removal** of a student because of a violation of a code of conduct **constituting constitutes** a change of placement

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

5. Upon request by a parent/guardian

Note: 34 CFR 300.504 requires the procedural safeguards notice to include a full explanation of the safeguards available to parents/guardians under the laws listed below, including 34 CFR 300.300 regarding parent/guardian consent. 73 Fed. Reg. 231 amended 34 CFR 300.300 to authorize a parent/guardian to revoke consent to his/her child's continued receipt of special education and related services; thus, the procedural safeguards notice must include a full explanation of that right to revocation.

Note: 34 CFR 300.504 lists the required content of the procedural safeguards notice. A sample procedural safeguards notice is available on the California Department of Education's (CDE) web site.

AR 6159.1 PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

The procedural safeguards notice shall include a full explanation of all of the procedural safeguards available under 34 CFR 300.148, 300.151-300.153, 300.300, 300.502-300.503, 300.505-300.518, 300.520, 300.530-300.536, and 300.610-300.625 relating to: (Education Code 56301; 20 USC 1415(d)(2); 34 CFR 300.504; ~~Education Code 56301~~)

1. Independent educational evaluation
(*cf. 6164.4 - Identification and Evaluation of Individuals for Special Education*)
2. Prior written notice
3. Parental consent, including a parent/guardian's right to revoke consent, in writing, to ~~his/her child's~~ **the student's** continued receipt of special education and related services
4. Access to educational records
(*cf. 5125 - Student Records*)
5. Opportunity to present complaints and resolve complaints through the due process complaint and state compliance complaint procedures, including the time period in which to file a complaint, the opportunity for the district to resolve the complaint, and the difference between a due process complaint and the state compliance complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures
6. The availability of mediation
7. The student's placement during the pendency of any due process complaint
8. Procedures for students who are subject to placement in an interim alternative educational setting
9. Requirements for unilateral placement by parents/guardians of students in private schools at public expense
10. Hearings on due process complaints, including requirements for disclosure of assessment results and recommendations
11. State-level appeals
12. Civil actions, including the time period in which to file those actions
13. **Attorney's fees Availability of attorneys' fees pursuant to 34 CFR 300.517**

Note: In addition to the requirements of federal law listed in items #1-13 above, Education Code 56321 requires that the procedural safeguards notice contain the additional information specified below. Education Code 56321 also requires that the notice be attached to any assessment plan which is developed whenever an assessment is to be conducted for the development or revision of the IEP.

As added by AB 2555 (Ch. 245, Statutes of 2008), Education Code 56321.6 requires that the procedural safeguards notice also include information regarding the state special schools for students who are deaf or blind, as specified below.

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION (continued)

This notice shall also include the rights and procedures contained in Education Code 56500-56509, including: (Education Code 56321, 56321.5, 56321.6)

1. Information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing;
2. The timelines for completing each process;
3. Whether the process is optional;
4. The type of representative who may be invited to participate;
5. The right of the parent/guardian and/or the district to electronically record the proceedings of IEP meetings in accordance with Education Code 56341.1; and
6. Information regarding the state special schools for students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind. (Education Code 56321, 56321.5, 56321.6)

A copy of this notice shall be attached to the student's assessment plan and referred to at each IEP meeting. At each IEP meeting, the Superintendent or designee shall inform the parent/guardian of the federal and state procedural safeguards that were provided in the notice. (Education Code 56321, 56321.5-56500.1)

Format of Parent/Guardian Notices

Note: 20 USC 1415(b) mandates that districts adopt procedures to ensure that the parent/guardian notice is in the native language of the parent/guardian, unless it is clearly not feasible to do so. 34 CFR 300.29 defines "native language" as the language normally used by the individual and, for a child, the language regularly used in the home environment. Pursuant to 34 CFR 300.503 and 300.504, the notice must be in an "understandable language" as specified below. **Districts that subscribe to CSBA's GAMUT Policy Plus may use the program's web-based translator to translate policy documents uploaded into the district's GAMUT web site.**

The parents/guardians of a student with a disability shall be provided written notice of their rights in a language easily understood by the general public and in their native language or other mode of communication used by them, unless to do so is clearly not feasible. (Education Code 56341, 56506; 34 CFR 300.503, **300.504**; Education Code 56341, 56506)

If the native language or other mode of communication of the parent/guardian is not a written language, the district shall take steps to ensure that: (34 CFR 300.503)

1. The notice is translated orally or by other means to the parent/guardian in his/her the parent/guardian's native language or other mode of communication; and that
2. The parent/guardian understands the contents of the notice. (34 CFR 300.503)
3. There is written evidence that items #1 and #2 have been satisfied.

The district may place a copy of the procedural safeguards notice on the district's web site. (20 USC 1415(d))

Note: The following optional paragraph is for use by districts that wish to grant parents/guardians the option to receive notices electronically pursuant to 34 CFR 300.505.

AR 6159.1 PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION (continued)

A parent/guardian of a student with disabilities may elect to receive the prior written notice or procedural safeguards notice by an electronic mail communication. (34 CFR 300.505)

Filing Due Process Complaints

Note: In California, due process hearings required by federal law are held only at the state level. Related rights and procedures are set forth in Education Code 56501-56506 and 5 CCR 3080-3089. Note that in cases where state law provides greater protection, state law supersedes federal law. ~~Education Code 56505 and 20 USC 1415(f)(3)(C) and Education Code 56505, effective October 9, 2006, specify that a due process complaint must be filed within two years of the date that the parent/guardian or district knew or should have known about the situation that forms the basis of the complaint. Both federal law (34 CFR 300.507 and 300.511) and state law (Education Code 56505) provide exceptions to that filing timeline and allow parents/guardians to file a complaint past the two-year deadline if the district has made specific misrepresentations or withheld information.~~

When a parent/guardian has revoked consent for the continued provision of special education services to ~~his/her child~~ **the student**, 34 CFR 300.300, ~~as amended by 73 Fed. Reg. 231,~~ specifies that a district may not use the due process hearing procedures to obtain an agreement or a ruling to require that services be provided. ~~In the Analysis of Comments and Changes, 73 Fed. Reg. 231, page 73016, the U.S. Department of Education clarifies that this revocation of consent to discontinue services is different from a discontinuation of services based on the determination that the student is no longer a child with a disability. If a district believes that a student is no longer a child with a disability, then 34 CFR 300.305 requires the district to evaluate the child before making such a determination. If the parent/guardian disagrees with the eligibility determination, then he/she may challenge the decision using the due process procedures.~~

20 USC 1415(b) **mandates** that the district adopt procedures regarding a party's right to initiate a due process hearing concerning the issues specified in items #1-4 below.

A parent/guardian and/or the district may initiate due process hearing procedures whenever: (Education Code 56501; 20 USC 1415(b); ~~Education Code 56501~~)

1. There is a proposal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.
2. There is a refusal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.
3. The parent/guardian refuses to consent to an assessment of ~~his/her child~~ **the student**.
4. There is a disagreement between a parent/guardian and the district regarding the availability of a program appropriate for the student, including the question of financial responsibility, as specified in 34 CFR 300.148.

Note: Pursuant to 20 USC 1415(b) and 34 CFR 300.508, the district is **mandated** to adopt procedures (1) requiring either party (the district or the parent/guardian) or their attorney to provide a due process complaint notice to the other party and (2) requiring that the party may not have a due process hearing until that complaint notice has been filed. ~~The~~ CDE has developed model forms to assist parties in filing a complaint and due process complaint notice.

Prior to having a due process hearing, the party requesting the hearing, or the party's attorney, shall provide the opposing party a due process complaint, which shall remain confidential, specifying: (Education Code 56502; 20 USC 1415(b); 34 CFR 300.508; ~~Education Code 56502~~)

1. The student's name
2. The student's address or, in the case of a student identified as homeless pursuant to 42 USC 11434, available contact information for that student (*cf. 6173 - Education for Homeless Children*)

AR 6159.1 PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

3. The name of the school the student attends
4. A description of the nature of the student's problem relating to the proposed or refused initiation or change, including facts relating to the problem
5. A proposed resolution to the problem to the extent known and available to the complaining party at the time

Note: Although Education Code 56502 states that all requests for a due process hearing must be filed with the Superintendent of Public Instruction, according to CDE's web site, due process hearing requests should be filed with the Special Education Division of the Office of Administrative Hearings.

Parties filing a due process complaint shall file their request with the **state Office of Administrative Hearings, Special Education Division**. ~~Superintendent of Public Instruction or designated contracted agency.~~ (Education Code 56502)

Note: 20 USC 1415 mandates that the district's procedures include an opportunity to file a complaint about an alleged violation that occurred not more than two years before the parent/guardian or district knew or should have known about the alleged violation, unless an exception specified in law applies.

The request shall be filed within two years from the date the party initiating the request knew or had reason to know of the facts underlying the basis for the request. This timeline shall not apply if the district misrepresented that it had solved the problem or withheld required information from the parent/guardian. (Education Code 56505; 20 USC 1415; 34 CFR 300.507, 300.511)

District's Response to Due Process Complaints

Note: 20 USC 1415(e)(1), 34 CFR 300.508, and Education Code 56502 require the district to provide the following notice upon receipt of the due process complaint.

If the district has sent prior written notice to the parent/guardian regarding the subject matter of the parent/guardian's due process complaint, the district shall, within 10 days of receipt of the complaint, send a response specifically addressing the issues in the complaint. (20 USC 1415(e)(1); 34 CFR 300.508)

If the district has not sent a prior written notice to the parent/guardian regarding the subject matter contained in the parent/guardian's due process complaint, the district shall send a response to the parent/guardian within 10 days of receipt of the complaint containing: (20 USC 1415(e)(1); 34 CFR 300.508):

1. An explanation of why the district proposed or refused to take the action raised in the complaint
2. A description of other options that the IEP team considered and the reasons that those options were rejected
3. A description of each **evaluation assessment** procedure, assessment, record, or report the district used as the basis for the proposed or refused action
4. A description of the factors that are relevant to the district's proposal or refusal

Upon the filing of a due process complaint by either party or upon request of the parent/guardian, the district shall inform the parent/guardian of any free or low-cost legal and other relevant services available in the area. (34 CFR 300.507)

AR 6159.1 PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION (continued)

Informal Process/Pre-Hearing Mediation Conference

Note: **20 USC 1415 mandates that the district's due process procedures include an opportunity for mediation. As an alternative to a due process hearing, Education Code 56500.3 provides that the parties may voluntarily participate in a mediation process conducted by a person under contract with the CDE establishes a state-level mediation process. In addition, Education Code 56502 authorizes an informal meeting process conducted at the local level, as described in the following paragraph.**

Prior to or upon initiating a due process hearing, the Superintendent or designee and a parent/guardian may, if the party initiating the hearing so chooses, agree to meet informally to resolve any issue(s) relating to the identification, assessment, education and placement, or provision of FAPE for a student with disabilities. The Superintendent or designee shall have the authority to resolve the issue(s). ~~In addition, either party may file a request with the Superintendent of Public Instruction for a mediation conference to be conducted by a person under contract with the California Department of Education.~~ (Education Code 56502)

In addition, either party may file a request with the ~~Superintendent of Public Instruction~~ **state Office of Administrative Hearings** for a mediation conference ~~to be conducted by a person under contract with the California Department of Education.~~ **(Education Code 56500.3)**

If resolution is reached that resolves the due process issue(s), the parties shall enter into a legally binding agreement that satisfies the requirements of Education Code 56500.3. (Education Code 56500.3)

Attorneys may attend or otherwise participate only in those mediation conferences that are scheduled after the filing of a request for due process hearing. (Education Code 56500.3, 56501)

State Compliance Complaints

Note: **5 CCR 3200-3205, as added by Register 2020, No. 21, require complaints alleging violation of federal or state law or regulation related to the provision of FAPE to students with disabilities to be submitted to CDE rather than being addressed through the district's uniform complaint procedures as described in BP/AR 1312.3 - Uniform Complaint Procedures. State compliance complaints differ from the due process complaints described above and are investigated and resolved by CDE.**

Pursuant to 34 CFR 300.152, if a written complaint is the subject of both a state compliance complaint and a due process complaint, or contains multiple issues which include one or more issues that are a part of a due process hearing, CDE must set aside any part of the state compliance complaint that is being addressed in the due process hearing until the conclusion of the hearing.

Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization may file with the California Department of Education (CDE) a written and signed statement alleging that, within the previous year, any of the following occurred: (5 CCR 3200, 3201)

- 1. The district violated Part B of the Individuals with Disabilities Education Act (20 USC 1411-1419) and its implementing regulations (34 CFR 300.1-300.818).**
- 2. The district violated Part 30 of the Education Code (Education Code 56000-56865) and 5 CCR 3200-3205.**
- 3. The district violated the terms of a settlement agreement related to the provision of FAPE, excluding any allegation related to an attorney fees provision in a settlement agreement.**
- 4. The district failed or refused to implement a due process hearing order to which the district is subject.**

AR 6159.1 PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

5. Physical safety concerns interfered with the provision of FAPE.

The complaint shall include: (5 CCR 3202; 34 CFR 300.153)

- 1. A statement that the district has violated or failed to comply with any provision set forth in 5 CCR 3201**
- 2. The facts on which the statement is based**
- 3. The signature and contact information for the complainant**
- 4. If alleging violations with respect to a specific student, the student's name and address (or other available contact information for a homeless student), the name of the school that the student is attending, a description of the nature of the student's problem and facts related to the problem, and a proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed**

The complainant shall forward a copy of the complaint to the Superintendent or designee at the same time the complaint is filed with CDE. (5 CCR 3202)

Note: Pursuant to 5 CCR 3203 and 34 CFR 300.152, CDE must complete its investigation of the state compliance complaint within 60 calendar days. This time limit may be extended only if (1) exceptional circumstances exist with respect to the particular complaint or (2) the complainant and the district agree to extend the time to engage in mediation. Within 30 days of the issuance of the investigation report, either the district or the complainant may request reconsideration of the decision. Within 60 days of receiving the request for reconsideration, CDE must respond in writing to the parties by either denying the request for reconsideration or modifying the investigative report.

Within 30 days of the date of CDE's investigation report, the district or complainant may request reconsideration of the decision in accordance with 5 CCR 3204. Pending CDE's response, any corrective actions set forth in the report shall remain in effect and enforceable, unless stayed by a court. (5 CCR 3204)

FUSD Administrative Regulation: Adopted: November 12, 2020. Ferndale, CA.

Ferndale Unified School District

SUPERINTENDENT'S RECOMMENDATION FOR BOARD ACTION

AGENDA ITEM: 10.6

DATE: November 12, 2020

SUBJECT:

Board Policy and Administrative Regulation 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education

DEPARTMENT/PROGRAM:

Administration

ACTION REQUESTED:

Receive/Discuss/Approve Board Policy and Administrative Regulation 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education

PREVIOUS STAFF/BOARD ACTION:

None.

BACKGROUND INFORMATION AND/OR STATEMENT OF NEED:

Board Policy 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education

Policy updated to include the provision of nonpublic, nonsectarian school and agency (NPS/A) services in the comprehensive local plan of the Special Education Local Plan Area. Policy reflects **NEW LAW (AB 1172, 2019)** which requires districts to verify that the NPS/A provides staff training in the use of practices and interventions specific to the unique behavioral needs of the student population at the NPS/A. Policy also reflects the requirement for the district to pay the full amount of the school's tuition or, as amended by AB 1172, the fees for the agency. Legal cite for Education Code 56366.3 deleted as it has been repealed.

Administrative Regulation 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education

Regulation updated to include the maximum term of the master contract between the district and NPS/A, expand the components of the contract in accordance with state law and regulations, and include the ability to terminate the contract for cause with 20 days' notice. Regulation also provides more detail regarding the annual IEP review focused on NPS/A students. New section on "On-Site Visits" reflects **NEW LAW (AB 1172, 2019)** which (1) requires the district to conduct an on-site visit of an NPS/A the first time the district places a student at that NPS/A, and (2) requires the district to annually conduct an on-site monitoring visit to review the services provided to the student, the facilities, and the student's progress.

FISCAL IMPLICATIONS:

None.

CONTACT PERSON(S):

Beth Anderson, Superintendent/Principal

Ferndale Unified School District Board Policy

Instruction

BP 6159.2

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

Note: Education Code 56195.8 mandates any entity providing special education districts to adopt policies for the special education programs and services they operate, including nonpublic, nonsectarian services provided a policy related to its authority to enter into a contract with a nonpublic, nonsectarian school or agency for the provision of education and/or special services to students with disabilities when no appropriate public education program is available to meet the students' their special education needs. **The nonpublic, nonsectarian school or agency (NPS/A) must be certified as meeting state standards pursuant to Education Code 56366 and 56366.1.**

The following policy and accompanying regulation should be revised to comply with the policies and regulations of the Special Education Local Plan Area in which the district operates.

The Governing Board recognizes its responsibility to provide ~~all district students, including students with disabilities,~~ a free appropriate public education **to students with disabilities** in accordance with law. When the district is unable to provide direct special education and/or related services to students with disabilities, the Board may enter into a contract with a nonpublic, nonsectarian school or agency (NPS/A) to meet ~~the students'~~ **student** needs **consistent with the comprehensive local plan of the Special Education Local Plan Area.**

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 4112.23 - Special Education Staff)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

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

~~In selecting nonpublic, nonsectarian schools or agencies with which the district may contract for the placement of any district student with disabilities, the Superintendent or designee shall follow the procedures specified in law and accompanying administrative regulation.~~

Note: Pursuant to Education Code 56366 and 56366.1, a district contracting with an NPS/A must verify that the NPS/A meets certification requirements. 5 CCR 3067 allows the district to request, in writing, that the California Department of Education review the certification status of an NPS/A.

Beginning in the 2020-21 school year, Education Code 56366.1, as amended by AB 1172 (Ch. 454, Statutes of 2019), also requires districts to verify that the NPS/A provides staff training in the use of evidence-based practices and interventions specific to the unique behavioral needs of the NPS/A's student population.

Prior to entering into a contract to place any student in a ~~nonpublic, nonsectarian school or agency~~ **an NPS/A**, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities **and complies with staff training requirements** in accordance with Education Code 56366 **and 56366.1**. In addition, the Superintendent or designee shall monitor, on an ongoing basis, the certification of any ~~nonpublic, nonsectarian school~~ **NPS/A** with which the district has a contract to ensure that the ~~school or agency's~~ certification has not expired.

Note: Education Code 56195.8 mandates that the policy adopted by the entity providing special education include the following paragraph. Education Code 56342.1, as amended by SB 121 (Ch. 571, Statutes of 2012), prohibits a student's referral to, or placement in, a nonpublic, nonsectarian school unless the student's individualized education program team specifies that the placement is appropriate.

No district student shall be placed in a ~~nonpublic, nonsectarian school or agency~~ **an NPS/A** unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that the ~~nonpublic, nonsectarian school or agency~~ placement is appropriate for the student. In accordance with law, any student with disabilities placed in a nonpublic, nonsectarian school or agency shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, the procedural safeguards, due process rights, and periodic review of his/her IEP. (Education Code 56195.8, 56342.1)

BP 6159.2 NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

(cf. 6159 - Individualized Education Program)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

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

Note: Pursuant to Education Code 56365, students enrolled in an NPS/A are deemed to be enrolled in public schools for state apportionment purposes. Districts then pay to the NPS/A the full amount of the school tuition or, as amended by AB 1172, the agency fees for participating students.

The district shall pay to the NPS/A the full amount of the tuition or fees, as applicable, for students with disabilities who are enrolled in programs or receiving services provided by the NPS/A. (Education Code 56365)

In accordance with law, any student with disabilities placed in a nonpublic, nonsectarian school or agency an NPS/A shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, the procedural safeguards, due process rights, and periodic review of his/her the student's IEP.

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

During the period when any student with disabilities is placed in a nonpublic, nonsectarian school or agency an NPS/A, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in his/her the IEP.

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

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

~~In accordance with Education Code 56366.2,~~ The Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, ~~56366.3,~~ and 56366.6. **(Education Code 56366.2)**

(cf. 1431 - Waivers)

Legal Reference:

EDUCATION CODE

56034-56035 Definitions of nonpublic, nonsectarian school and agency

56042 Placement not to be recommended by attorney with conflict of interest

56101 Waivers

56163 Certification

56168 Responsibility for education of student in hospital or health facility school

56195.8 Adoption of policies

56342.1 Individualized education program; placement

56360-56369 Implementation of special education

56711 Computation of state aid

56740-56743 Apportionments and reports

56760 Annual budget plan; service proportions

56775.5 Reimbursement of assessment and identification costs

56836.20-56836.21 Special education funding; SELPA contracts with nonpublic nonsectarian schools

FAMILY CODE

7911-7912 Interstate compact on placement of children

GOVERNMENT CODE

7570-7587 Interagency responsibilities for providing services to disabled children; especially:

7572.55 Seriously emotionally disturbed child; out-of-state placement

WELFARE AND INSTITUTIONS CODE

BP 6159.2 NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

362.2 *Out-of-home placement for IEP*

727.1 *Out-of-state placement of wards of court*

CODE OF REGULATIONS, TITLE 5

3001 *Definitions*

3051-3051.24 *Special education; standards for related services and staff qualifications*

3060-3070 *Nonpublic, nonsectarian school and agency services*

UNITED STATES CODE, TITLE 20

1400-1487 *Individuals with Disabilities Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

300.129-300.148 *Children with disabilities in private schools*

COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

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

U.S. Department of Education, Office of Special Education and Rehabilitative Services:

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

FUSD Board Policy: Adopted: November 12, 2020. Ferndale, CA.

Administrative Regulation

Instruction

AR 6159.2

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

Note: The following administrative regulation is ~~optional and~~ may be revised to reflect district practice **and the procedures of the Special Education Local Plan Area in which the district participates**. It contains ~~procedures for implementing policy mandated for entities that contract with nonpublic, nonsectarian schools or agencies for the provision of special education services to students with disabilities when no appropriate public education program is available to meet those students' special education needs.~~

Master Contract

Note: Education Code 56366 and ~~56366.3~~ details the provisions that must be included in a master contract with nonpublic, nonsectarian schools or agencies (NPS/As) for the purpose of special education services.

Every master contract ~~with~~ **between the district and** a nonpublic, nonsectarian school or agency (NPS/A) ~~shall be made on forms provided by the California Department of Education and shall include an individual services agreement negotiated for each student. Each master contract shall specify the general administrative and financial agreements for providing the special education and designated instruction and services, including~~ **The master contract shall be for a term not to exceed one year and shall be renegotiated prior to June 30. Provisions of the contract shall include, but not be limited to: (Education Code 56366; 5 CCR 3062)**

1. ~~S~~ **student-teacher ratios, as well as**
2. ~~T~~ **ransportation if specified in a student's individualized education program (IEP). The administrative provisions of the contract shall include**

(cf. 3541.2 - Transportation for Students with Disabilities)

The contract shall not include special education transportation provided through the use of services or equipment owned, leased, or contracted by the district for students enrolled in the NPS/A unless provided directly or subcontracted by that NPS/A.

3. ~~P~~ **rocedures for recordkeeping and documentation, and**
4. ~~T~~ **he maintenance of school records by the district to ensure that appropriate high school graduation credit is received by any participating student.**
(cf. 3580 - District Records)
(cf. 5125 - Student Records)
(cf. 6146.1 - High School Graduation Requirements)
5. **An individual services agreement for each student, which will be negotiated for the length of time for which NPS/A special education and designated instruction and services are specified in the student's IEP**
6. **A description of the process to be utilized by the district to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include the NPS/A, including a method for evaluating whether each student is making appropriate educational progress.**
7. **Procedures and responsibilities for attendance and unexcused absences**

AR 6159.2 NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

- 8. General provisions related to modifications and amendments to the contract, waivers, disputes, contractor's status, conflicts of interest, termination, inspection and audits, compliance with applicable state and federal laws and regulations, and indemnification and insurance requirements**
- 9. Payment schedules, including, but not limited to, payment amounts, payment demand, right to withhold, and audit exceptions**

The contract may allow for partial or full-time attendance at the ~~nonpublic, nonsectarian school~~ NPS/A. (Education Code 56366)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

(cf. 6146.1 - High School Graduation Requirements)

Note: The nonpublic school or agency must be certified as meeting state standards pursuant to Education Code 56366. Contracts may be terminated for cause with 20 days' notice; however, the availability of a public education program initiated during the period of the contract cannot give cause for termination unless the parent/guardian agrees to transfer the student to the program.

~~The master contract shall include a description of the process to be utilized by the district to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include a method for evaluating whether each student is making appropriate educational progress. (Education Code 56366)~~

With mutual agreement of the district and a ~~nonpublic, nonsectarian school or agency~~ NPS/A, changes may be made to the administrative and financial agreements in the master contract at any time, provided the change does not alter a student's educational instruction, services, or placement as outlined in ~~his/her~~ the student's individual services agreement. (Education Code 56366)

The master contract or individual services agreement may be terminated for cause if either party gives 20 days' notice. However, the availability of a public education program initiated during the period of the contract shall not give cause for termination unless the parent/guardian agrees to transfer the student to the program. (Education Code 56366)

Placement and Services

Note: In addition to the master contract with a nonpublic, nonsectarian school or agency, Education Code 56366 requires that an individual services agreement as specified in the following section be in place for any student with a disability to be served by any such nonpublic school or agency. Education Code 56342.1, as amended by SB 121 (Ch. 571, Statutes of 2012), prohibits a student's referral to, or placement in, a nonpublic, nonsectarian school unless the student's individualized education program team specifies that the placement is appropriate.

For ~~each~~ any student to be placed in an NPS/A, ~~t~~The Superintendent or designee shall develop an individual services agreement ~~for each student to be placed in a nonpublic, nonsectarian school or agency~~ based on the student's IEP. Each individual services agreement shall specify the length of time authorized in the student's IEP for the ~~nonpublic, nonsectarian school~~ NPS/A services, not to exceed one year. Changes in a student's educational instruction, services, or placement shall be made only on the basis of revisions to the student's IEP. (Education Code 56366)

(cf. 6159 - Individualized Education Program)

~~The IEP team of a student placed in a nonpublic, nonsectarian school or agency shall annually review the student's IEP. The student's IEP and individual services agreement shall specify the review schedules. (5 CCR 3069)~~

At least once each year, the district shall: (Education Code 56366)

BP 6159.2 NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

Note: Pursuant to Education Code 56366, each student placed in an NPS/A will be administered the California Assessment of Student Performance and Progress by NPS/A staff who have attended the regular testing training sessions provided by the district or another local educational agency. Student assessment results are reported in accordance with the state's alternative accountability system (Dashboard Alternative School Status). See BP 0500 - Accountability.

1. Evaluate the educational progress of each student placed in an NPS/A, including a review of state assessment results
2. During the annual meeting held to review the student's IEP pursuant to Education Code 56343, consider whether the student's needs continue to be best met at the NPS/A and whether changes to the student's IEP are necessary, including whether the student may be transitioned to a public school setting

Note: The following paragraph is for use by elementary school districts.

Prior to the annual review of a student's IEP, the Superintendent or designee shall notify any high school district to which the student may transfer of the student's enrollment in ~~a nonpublic, nonsectarian school or agency~~ **an NPS/A**. (5 CCR 3069)

When a special education student meets the district requirements for completion of ~~the~~ prescribed course of study as designated in the student's IEP, the district shall award the student a diploma of graduation. (5 CCR 3070)
(cf. 6146.4 - Differential Graduation and Competency Standards for Individuals with Exceptional Needs)

Out-of-State Placements

Note: Government Code 7572.55 and Welfare and Institutions Code 362.2 and 727.1 address the out-of-state placement of children who are seriously emotionally disturbed and/or wards of the court. Such placements may be made only after in-state alternatives have been considered and found not to meet the child's needs.

Before contracting with ~~a nonpublic, nonsectarian school or agency~~ **an NPS/A** outside California, the Superintendent or designee shall document the district's efforts to **use public schools and/or to find an appropriate program offered by a nonpublic, nonsectarian school or agency an NPS/A** within California. (Education Code 56365)

Within 15 days of any decision for an out-of-state placement, the student's IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the ~~related~~ **costs of the special education and related services provided**, and the district's efforts to locate an appropriate public school or ~~nonpublic, nonsectarian school or agency~~ **NPS/A** within California. (Education Code 56365)

If the district decides to place a student with ~~a nonpublic, nonsectarian school or agency~~ **an NPS/A** outside the state, the district shall indicate the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California. (Education Code 56365)

On-Site Visits

Note: Beginning with the 2020-21 school year, Education Code 56366.1, as amended by AB 1172 (Ch. 454, Statutes of 2019), requires a district that enters into a master contract with an NPS/A to conduct on-site visits to the NPS/A as described in the following section. Findings from the monitoring visit must be reported to CDE using criteria published by CDE.

AR 6159.2 NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

The Superintendent or designee shall conduct an on-site visit to an NPS/A before the placement of a student at the school or agency, if the district does not have any other students currently enrolled at the NPS/A. (Education Code 56366.1)

At least once per year, the Superintendent or designee shall conduct an on-site monitoring visit to each NPS/A at which the district has a student attending and with which it maintains a master contract. The monitoring visit shall include, but is not limited to: (Education Code 56366.1)

- 1. A review of services provided to the student through the individual services agreement**
- 2. A review of progress the student is making toward the goals set forth in the student's IEP**
- 3. A review of progress the student is making toward the goals set forth in the student's behavioral intervention plan, if applicable**
- 4. An observation of the student during instruction**
- 5. A walkthrough of the facility**

The district shall report the findings resulting from the monitoring visit to CDE within 60 calendar days of the on-site visit. (Education Code 56366.1)

FUSD Administrative Regulation: Adopted: November 12, 2020. Ferndale, CA.

Ferndale Unified School District

SUPERINTENDENT'S RECOMMENDATION FOR BOARD ACTION

AGENDA ITEM # 10.7

DATE: November 12, 2020

SUBJECT:

Williams Uniform Complaint Third (3rd) Quarterly Report

DEPARTMENT/PROGRAM:

Administration

ACTION REQUESTED:

Approve

PREVIOUS STAFF/BOARD ACTION:

The Board, on a quarterly basis, reviews and approves this report.

BACKGROUND INFORMATION AND/OR STATEMENT OF NEED:

The Williams Uniform Complaint process allows individuals to officially report concerns/complaints relative to equal access to the learning process; Textbooks and Instructional Materials, Teacher Vacancy or Misassignment, and Facility Conditions.

FISCAL IMPLICATIONS:

Fiscal implications are contingent on claims/complaints. There are no complaints or costs at this time.

CONTACT PERSON(S):

Beth Anderson, Superintendent

DISTRICT OFFICE
FERNDALÉ HIGH SCHOOL
(707) 786-5900
FAX (707) 786-4865

Ferndale Unified School District

1231 MAIN STREET
FERNDALÉ, CALIFORNIA 95536-9416

FERNDALÉ ELEMENTARY
164 SHAW AVENUE
(707) 786-5300
FAX (707) 786-4284

Quarterly Report on Williams Uniform Complaints (Education Code §35186)

Quarterly Reporting Period (please check one)

- First Quarter 2020 January 1 through March 31, 2020
 Second Quarter 2020 April 1 through June 30, 2020
 Third Quarter 2020 July 1 through September 30, 2020
 Fourth Quarter 2020 October 1 through December 31, 2020

PLEASE CHECK THE BOX THAT APPLIES:

- No complaints were filed with any school in the district during the quarter indicated above.
 Yes, complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials	0		
Teacher Vacancy or Misassignment	0		
Facilities Conditions	0		
TOTALS	0		

Beth Anderson
(Print Name of District Superintendent)

Beth Anderson
(Signature of District Superintendent)

Please return hard copy to:
Rosemarie Butler, School Support
Humboldt County Office of Education
or Fax: 707-445-7149

by: Quarter 1 due: 04/15/2020
Quarter 2 due: 07/15/2020
Quarter 3 due: 10/15/2020
Quarter 4 due: 01/15/2021

Ferndale Unified School District

SUPERINTENDENT'S RECOMMENDATION FOR BOARD ACTION

AGENDA ITEM # 10.8

DATE: November 12, 2020

SUBJECT:

2020-2021 Budget Overview for Parents

DEPARTMENT/PROGRAM:

Administration/Business

ACTION REQUESTED:

Approve 2020-2021 Budget Overview for Parents.

PREVIOUS STAFF/BOARD ACTION:

A public hearing on the LCP was held at the September 9, 2020 meeting. The LCP was approved at the September 30, 2020 meeting. The Budget Overview must be presented/discussed at the meeting prior to its adoption.

BACKGROUND INFORMATION AND/OR STATEMENT OF NEED:

Assembly Bill 1808 added California Education Code (EC) Section 52064.1, which requires that county offices of education (COEs), school districts, and charter schools (LEAs) develop the Local Control Funding Formula Budget Overview for Parents in conjunction with the Local Control Accountability Plan (LCAP). The year the Budget Overview for Parents must be adopted at the December Board meeting due to changed procedures and deadlines due to COVID-19 implications.

FISCAL IMPLICATIONS:

Funding depends on meeting requirements for the LCAP/LCP, Annual Update and Budget Overview.

CONTACT PERSON(S):

Denise Grinsell, Business Manager
Beth Anderson, Superintendent/Principal

LCFF Budget Overview for Parents

Local Educational Agency (LEA) Name: Ferndale Unified School District

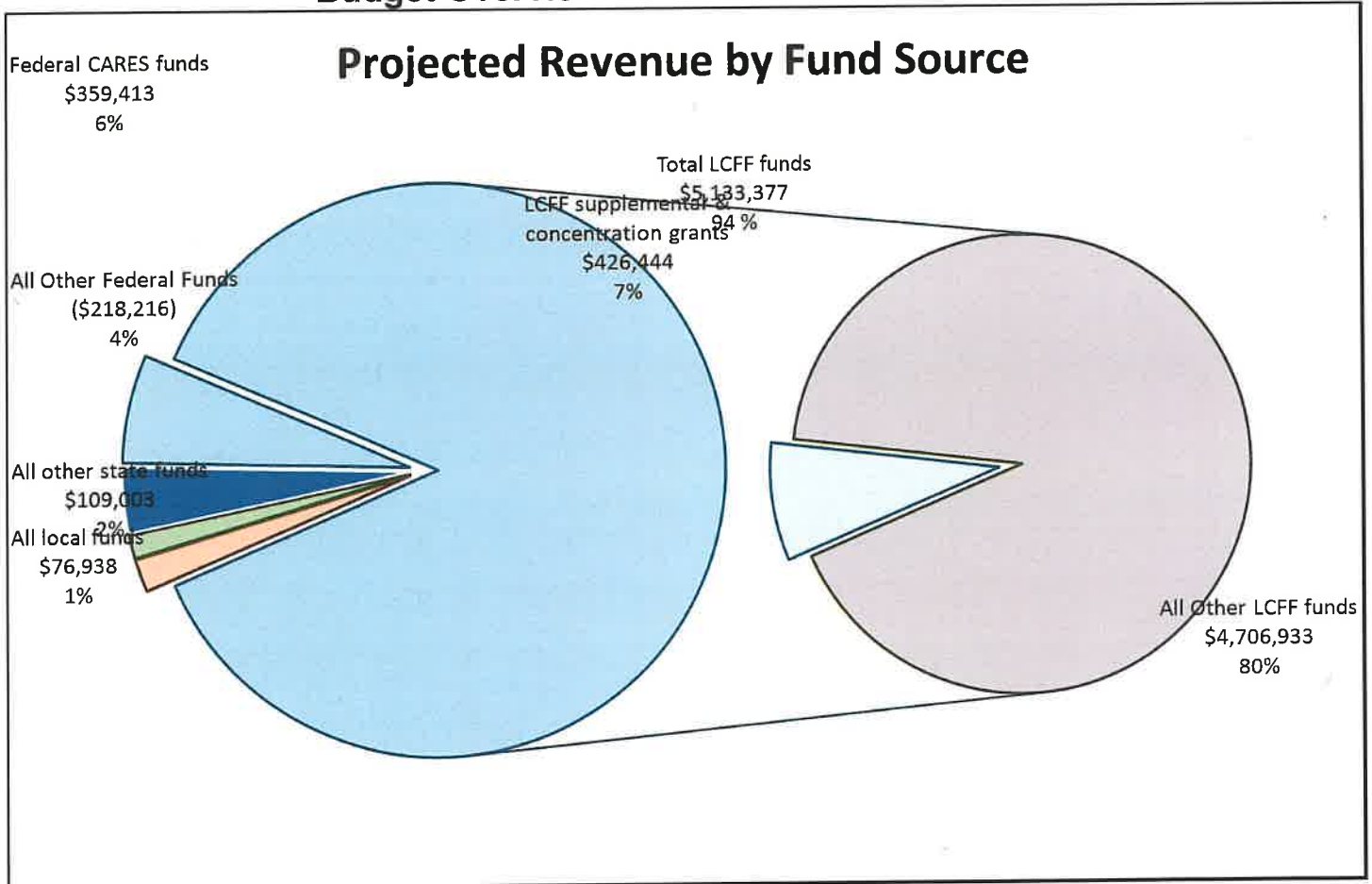
CDS Code: 12753740000000

School Year: 2020-2021

LEA contact information: Beth Anderson, Superintendent

School districts receive funding from different sources: state funds under the Local Control Funding Formula (LCFF), other state funds, local funds, and federal funds. LCFF funds include a base level of funding for all LEAs and extra funding - called "supplemental and concentration" grants - to LEAs based on the enrollment of high needs students (foster youth, English learners, and low-income students).

Budget Overview for the 2020-21 LCAP Year

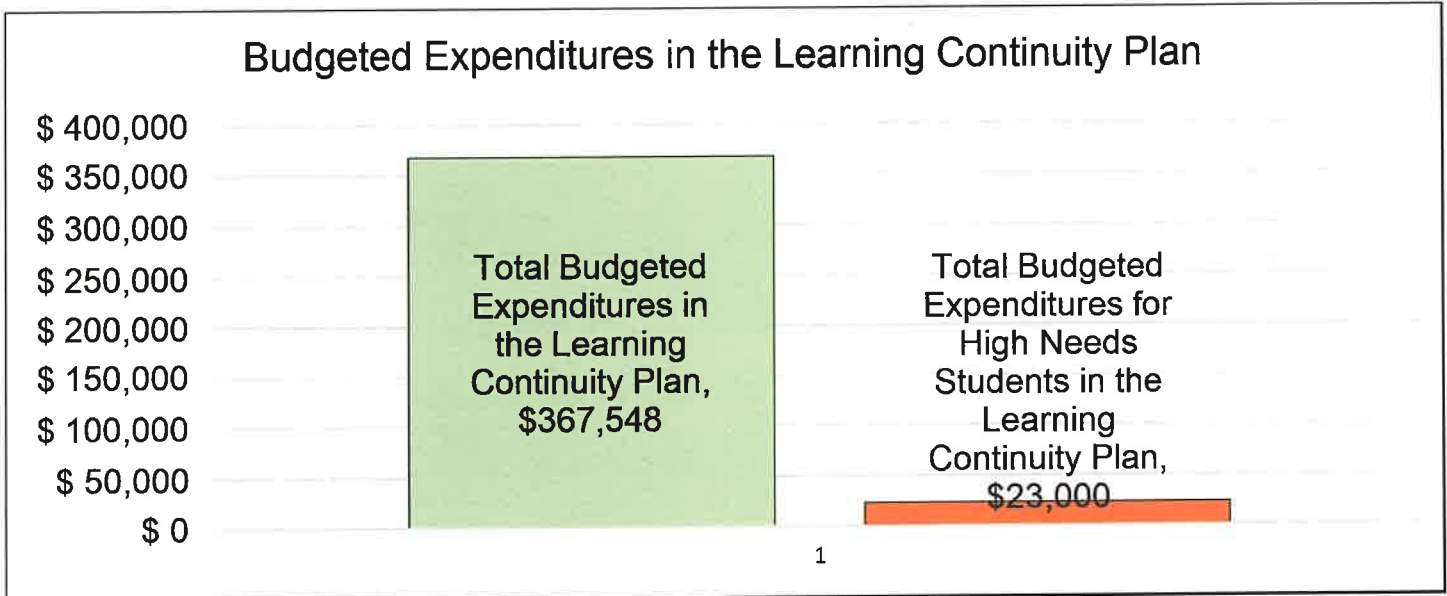


This chart shows the total general purpose revenue Ferndale Unified School District expects to receive in the coming year from all sources.

The total revenue projected for Ferndale Unified School District is \$5,460,515, of which \$5,133,377 is Local Control Funding Formula (LCFF), \$109,003 is other state funds, \$76,938 is local funds, and \$141,197 is federal funds. Of the \$141,197 in federal funds, \$359,413 are federal CARES Act funds. Of the \$5,133,377 in LCFF Funds, \$426,444 is generated based on the enrollment of high needs students (foster youth, English learner, and low-income students).

LCFF Budget Overview for Parents

For the 2020-21 school year school districts must work with parents, educators, students, and the community to develop a Learning Continuity and Attendance Plan (Learning Continuity Plan). The Learning Continuity Plan replaces the Local Control and Accountability Plan (LCAP) for the 2020–21 school year and provides school districts with the opportunity to describe how they are planning to provide a high-quality education, social-emotional supports, and nutrition to their students during the COVID-19 pandemic.



This chart provides a quick summary of how much Ferndale Unified School District plans to spend for planned actions and services in the Learning Continuity Plan for 2020-2021 and how much of the total is tied to increasing or improving services for high needs students.

Ferndale Unified School District plans to spend \$65,291,580 for the 2020-21 school year. Of that amount, \$367,548 is tied to actions/services in the Learning Continuity Plan and \$6,161,610 is not included in the Learning Continuity Plan. The budgeted expenditures that are not included in the Learning Continuity Plan will be used for the following:

The Learning Continuity Plan includes the COVID expenditures using the CARES Act funding (\$359,413) and the ESSER (Elementary and Secondary School Emergency Relief Fund, \$38,405). This plan focuses on the use of those funds to support distance and in-person learning as it has been impacted by the COVID pandemic.

All regular operations outside of COVID relief are part of the LCAP (extended 2019-2020 plan to 2020-2021) and expenditures can be found in the LCAP and Annual Update.

Increased or Improved Services for High Needs Students in the Learning Continuity Plan for the 2020-2021 School Year

In 2020-21, Ferndale Unified School District is projecting it will receive \$426,444 based on the enrollment of foster youth, English learner, and low-income students. Ferndale Unified School District must describe how it intends to increase or improve services for high needs students in the Learning Continuity Plan. Ferndale Unified School District plans to spend \$23,000 towards meeting this requirement, as described in the Learning Continuity Plan.

According to the LCAP, Supplemental and Concentration funds will be used at Ferndale HS to provide .17 FTE (1 period) of College and Career Readiness (formerly AVID) and College and Career Readiness training, .34 FTE (2 periods) of Financial Management, .17 FTE (1 period) Math Intervention and 1.2 FTE of Counseling at the middle school and high school levels for social/emotional support for students. These services help the student and families to understand both high school graduation and college entrance requirements. The counselor meets with all unduplicated students and parents at least once each school year to update requirements, review the student's academic and career path, and to provide information regarding financial support for postsecondary education. These services are all geared towards assisting students to meet the high school graduation requirements and career/college readiness after 12th grade. The counseling support also helps encourage student attendance, increase students' positive perception of their school/education and encouraged a positive school climate. Additionally, the AP Testing Fees are be paid by the District to remove any economic barriers that may prevent a student from participating in the testing.

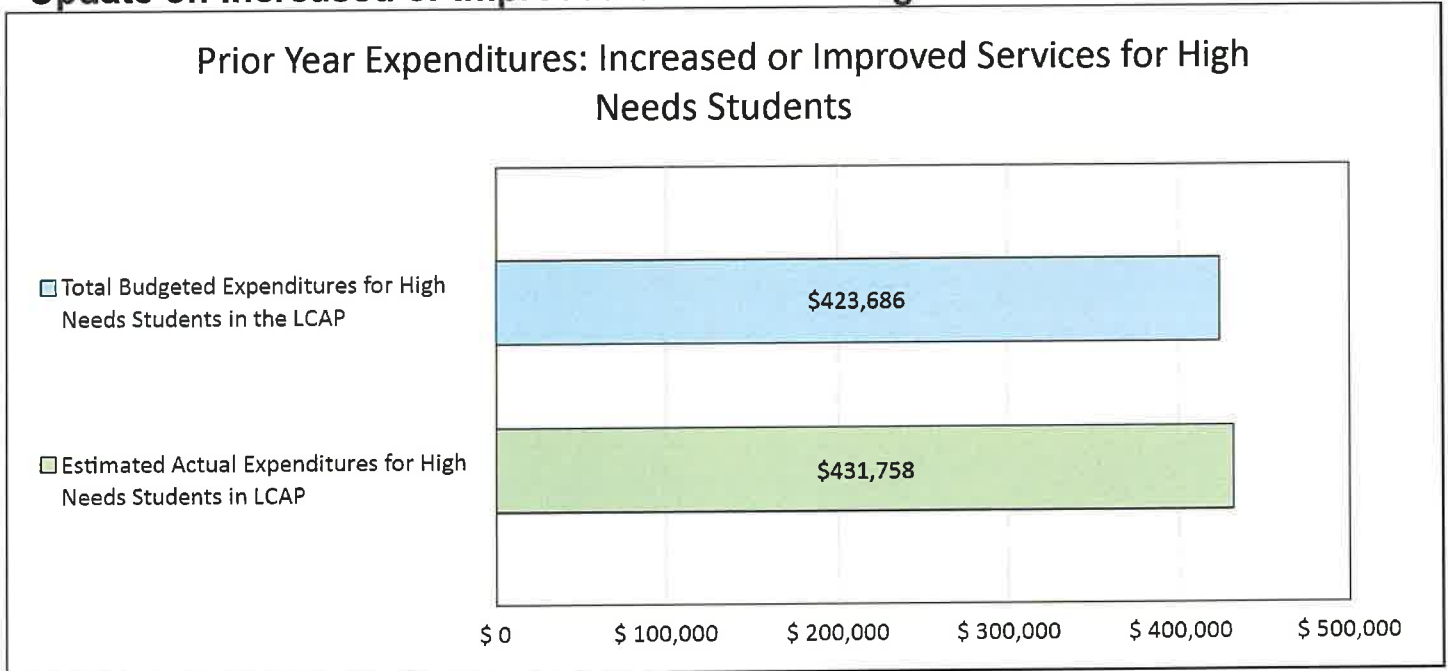
At Ferndale Elementary School, Supplemental and Concentration funds are primarily used to support EL students in the acquisition of the English language and support within their Core Classes. A 1.0 FTE Certificated EL teacher and 2 .495 FTE EL aides provided direct assistance to these students. Additionally, NWEA testing will be used three times a year to assess the academic progress of these students and assist in identifying intervention needs by student group.

Additional technology is purchased and made available to unduplicated students for checkout/ borrowing to support their learning outside of the school day and in the home. Districtwide we will increase/reinforce the technology available for instruction and student learning at all grade levels with the purchase of a combination of Laptops, Computers, Chromebooks and Ipads, Chrome Carts, and software programs; Accelerated Reader, Math IXL, Raz K, etc.. The District will contribute to the salary of a regional Foster Youth Liaison to serve the foster youth of the district for increased services and additional support. The District will provide CalSoap tutors at the middle and high school levels to support the academic development of unduplicated students.

The actions listed above have ben proven successful in providing the improved and additional services needed to help all students succeed in the District as we continue to adapt to ever changing student demographics.

LCFF Budget Overview for Parents

Update on Increased or Improved Services for High Needs Students in 2019-20



This chart compares what Ferndale Unified School District budgeted in the 2019-20 LCAP for actions and services that contributed to increasing or improving services for high needs students with what Ferndale Unified School District actually spent on actions and services that contributed to increasing or improving services for high needs students in the 2019-20 school year.

In 2019-20, Ferndale Unified School District's LCAP budgeted \$423,686 for planned actions to increase or improve services for high needs students. Ferndale Unified School District actually spent \$431,758 for actions to increase or improve services for high needs students in 2019-20.

Ferndale Unified School District

SUPERINTENDENT'S RECOMMENDATION FOR BOARD ACTION

AGENDA ITEM # 10.9

DATE: November 12, 2020

SUBJECT:

2020-2021 Learning Continuity and Attendance Plan

DEPARTMENT/PROGRAM:

Administration/Business

ACTION REQUESTED:

Approve the updates (as recommended by HCOE) to the 2020-2021 Learning Continuity and Attendance Plan

PREVIOUS STAFF/BOARD ACTION:

A public hearing on the LCP was held at the September 9, 2020, meeting. The LCP was approved at the special board meeting on September 30, 2020. The approved LCP was submitted to HCOE for review.

BACKGROUND INFORMATION AND/OR STATEMENT OF NEED:

The Learning Continuity and Attendance Plan (Learning Continuity Plan) is a key part of the overall budget package for K-12 that seeks to address funding stability for schools while providing information at the local educational agency (LEA) level for how student learning continuity will be addressed during the COVID-19 crisis in the 2020–21 school year. The provisions for the plan were approved by the Governor and Legislature in June in SB 98 and can be found in *EC* Section 43509.

The Learning Continuity Plan is intended to balance the needs of all stakeholders, including educators, parents, students and community members, while both streamlining engagement and condensing several preexisting plans. In particular, it was important to combine (1) the intent behind Executive Order N-56-20, published in April 2020, which envisioned an off cycle Local Control and Accountability Plan (LCAP) due December 15th, and (2) the ongoing need for LEAs to formally plan to return to school in the midst of the uncertainty and of COVID-19, without requiring two plans. The Learning Continuity Plan replaces the LCAP for the 2020–21 school year.

The Learning Continuity Plan adoption timeline of September 30, 2020 is intended to ensure the Learning Continuity Plan is completed in the beginning of the 2020–21 school year. Additionally, the timeline is intended to allow for communication of decisions that will guide how instruction will occur during the 2020–21 school year. This includes in-person instruction, according to health guidance, and distance learning, while providing critical opportunities for stakeholder engagement.

Revisions as suggested by HCOE or CDE must be approved by the board.

FISCAL IMPLICATIONS:

None

CONTACT PERSON(S):

Beth Anderson, Superintendent

Friday, October 30, 2020

Note: within 15 days of LEA board meeting

Beth Anderson, Superintendent
1231 Main St.
Ferndale, CA 95536

Dear Beth,

Since March of 2020 school districts have demonstrated a commitment to serving students in the most unprecedented times. Administrators, board members, teachers, and parents have learned to adapt and provide a continuity of learning for students with the intent that their academic and social emotional needs are met to the highest possible degree. The Humboldt County Office of Education recognizes that this is no simple task and has tremendous respect and appreciation for the resilience, challenge, and response needed to provide the best learning experience for all students.

The Learning Continuity and Attendance Plan (LCP) seeks to address funding stability for schools while providing information at the local educational agency (LEA) level for how student learning continuity will be addressed during the COVID-19 crisis in the 2020–21 school year. The provisions for the plan were approved by the Governor and Legislature in June in SB 98 and can be found in *EC* Section 43509. The role of HCOE is to support this work by reviewing your plan and offer recommendations.

We received the LCP you adopted on October 14, 2020. We have reviewed the plan and have some recommendations per SB 98, “The governing board of a school district shall consider the recommendations submitted by the county superintendent of schools in a public meeting within 15 days of receiving the recommendations.” Please find the recommendations in the attached checklist.

Thank you for your engaged leadership and should you have questions about the LCP process or our recommendations please contact: Lori Breyer, Coordinator of School Support and Accountability (lbreyer@hcoe.org).

Sincerely,



Dr. Chris Hartley
Humboldt County Superintendent of Schools

Cc: LEA Superintendent/ Charter Director



Learning Continuity and Attendance Plan (2020-21)

The Learning Continuity and Attendance Plan adheres to the template and instructions adopted by the state board pursuant to
CA Education Code Section 43509

District: Ferndale
LCAP Program Manager: Jennifer Fairbanks
Business Advisor: Jemima West

General Information

Provides description of the impact the COVID-19 pandemic has had on the LEA and its community.	Recommendations	
	No	Yes
<ul style="list-style-type: none"> • Includes how the LEA's Learning Continuity Plan has been informed by the impacts the LEA and its community have experienced from the COVID-19 pandemic. 	X	
<p>Recommendations:</p> <p>No recommendations for this section.</p>		
<p>Future Considerations:</p>		

Learning Continuity and Attendance Plan (2020-21)

The Learning Continuity and Attendance Plan adheres to the template and instructions adopted by the state board pursuant to
CA Education Code Section 43509

Stakeholder Engagement

A description of the efforts made to solicit stakeholder feedback.	Recommendations	
	No	Yes
A sufficient response will describe the overall stakeholder engagement process		
Including efforts to reach:		
• Pupils		X
• Families	X	
• Educators		X
• Stakeholders who do not have internet	X	
• Stakeholders who speak languages other than English	X	
Provides a description of how stakeholder engagement was considered before finalizing the Learning Continuity Plan		
Recommendations: How did you solicit feedback from Classified and certificated staff and students? 		
Future Considerations: 		

Learning Continuity and Attendance Plan (2020-21)

The Learning Continuity and Attendance Plan adheres to the template and instructions adopted by the state board pursuant to
CA Education Code Section 43509

A description of the options provided for remote participation in public meetings and public hearings.	Recommendations	
	No	Yes
A sufficient response describes:		
<ul style="list-style-type: none"> • how the LEA promoted stakeholder engagement 	X	
<ul style="list-style-type: none"> • and the option(s) provided that allowed remote participation in the public hearing and local governing board meetings 	X	
Recommendations: No recommendations for this section.		
Future Considerations:		

A summary of the feedback provided by specific stakeholder groups.	Recommendations	
	No	Yes
A sufficient response to the prompt will describe and summarize the stakeholder feedback provided by specific stakeholders:		
<ul style="list-style-type: none"> • Pupils 	X	
<ul style="list-style-type: none"> • Families 	X	
<ul style="list-style-type: none"> • Educators 	X	
<ul style="list-style-type: none"> • Stakeholders who do not have internet 	X	
<ul style="list-style-type: none"> • Stakeholders who speak languages other than English 		
A sufficient response to the prompt indicates ideas, trends, or inputs that emerged from an analysis of the feedback received from stakeholders	X	
Recommendations: No recommendations for this section.		

Learning Continuity and Attendance Plan (2020-21)

The Learning Continuity and Attendance Plan adheres to the template and instructions adopted by the state board pursuant to
CA Education Code Section 43509

Future Considerations:

A description of the aspects of the Learning Continuity Plan that were influenced by specific stakeholder input.	Recommendations	
	No	Yes
A sufficient response to this prompt will provide stakeholders and the public with clear specific information about how the stakeholder engagement process influenced the development of the LCP.		
This response must describe aspects of the LCP that were influenced by or developed in response to stakeholder feedback. <ul style="list-style-type: none"> • For the purposes of the prompt, “aspects” may include sections or specific actions within a section of the LCP that may have been influenced by stakeholder input. 		X

Recommendations:

What specific aspects were influenced as a result of the stakeholder input?

Future Considerations:

Learning Continuity and Attendance Plan (2020-21)

The Learning Continuity and Attendance Plan adheres to the template and instructions adopted by the state board pursuant to
CA Education Code Section 43509

Continuity of Learning

In-Person Instructional Offerings	Recommendations	
	No	Yes
A description of the actions the LEA will take to offer classroom-based instruction whenever possible:		
<ul style="list-style-type: none"> ● particularly for students who have experienced significant learning loss due to school closures in the 2019-2020 school year 		X
<ul style="list-style-type: none"> ● or are at a greater risk of experiencing learning loss due to future school closures 		
A sufficient response to the prompt will describe:		
<ul style="list-style-type: none"> ● the LEA's classroom-based instructional schedule model 	X	
<ul style="list-style-type: none"> ● how the LEA will ensure learning and competency development 		X
<ul style="list-style-type: none"> ● while also considering a student's social-emotional well-being 		
<ul style="list-style-type: none"> ● The LEA's classroom-based instructional schedule model should include plans and protocols to ensure the safety of students and staff consistent with: <ul style="list-style-type: none"> ○ considerations for campus access ○ hygiene practices ○ protective equipment ○ physical distancing ○ <u>cleaning and disinfecting</u> of school facilities and vehicles 	X	
<ul style="list-style-type: none"> ● To identify students who have experienced significant learning loss due to the school closures in 2019-20, LEAs should consider and solidify: <ul style="list-style-type: none"> ○ a systematic cycle of assessments ○ including initial screenings ○ formative and summative assessments. 		X
Recommendations: What recommendations are there for the learning loss in 19-20? What are the suggestions for the following for academics?: <ul style="list-style-type: none"> ○ a systematic cycle of assessments ○ including initial screenings ○ formative and summative assessments. How will the LEA ensure competency development- probably answered in above prompts Will the LEA hold consistent IEP meetings and progress reporting for SWD? Mention that here		
Future Considerations:		

Learning Continuity and Attendance Plan (2020-21)

The Learning Continuity and Attendance Plan adheres to the template and instructions adopted by the state board pursuant to
CA Education Code Section 43509



Actions Related to In-Person Instructional Offerings	
<ul style="list-style-type: none"> ● Description of what the action is. ● May include a description of how the action contributes to meeting the increased or improved services requirement for FY, EL, or LI as applicable. ● Indicate whether the action contributes to meeting the increased or improved services requirement as described in the Increased or Improved Services section using a “Y” for Yes or an “N” for No. 	
Action(s)	<p>Suggestion for writing actions.</p> <p>Does the action provide a description of: Who is doing what to whom and for what purpose.</p>
<p>Recommendations: Fiscal: Missing dollar amounts for actions. How are some of the actions contributing when they are used for all students? Actions should be marked as contributing when the prioritization is for high needs (unduplicated) students - low income, foster youth and English learners.</p>	
<p>Future Considerations:</p>	

Distance Learning Program Continuity of Instruction	Recommendations	
	No	Yes
A description of how the LEA will provide continuity of instruction during the school		

Learning Continuity and Attendance Plan (2020-21)

The Learning Continuity and Attendance Plan adheres to the template and instructions adopted by the state board pursuant to
CA Education Code Section 43509

year to:		
<ul style="list-style-type: none"> ensure pupils have access to a full curriculum of substantially similar quality regardless of the method of delivery 		X
<ul style="list-style-type: none"> including the LEA's plan for curriculum and instructional resources that will ensure instructional continuity for pupils if a transition between in-person instruction and distance learning is necessary 		X
A sufficient response to this prompt will provide a succinct description of the curriculum and instructional resources that will be developed or utilized that will ensure instructional continuity for pupils if a transition between in-person instruction and distance learning is necessary.		
Recommendations: Is the LEA using the same curriculum for distance learning as in person? If so, consider mentioning that here		
Future Considerations:		

Distance Learning Program Access to Devices and Connectivity	Recommendations	
	No	Yes
A description of how the LEA will ensure access to devices and connectivity for all pupils to support distance learning.		
A sufficient response to the prompt will describe how the LEA will ensure access to devices and connectivity for all pupils to support distance learning whenever it occurs, including:		
<ul style="list-style-type: none"> the process used to ascertain the needs of students. 		X
<ul style="list-style-type: none"> the plan to provide technological support to ensure access to devices and connectivity for all pupils to support distance learning. 	X	
<ul style="list-style-type: none"> description of the efforts of the LEA to ensure students and families with unique circumstances have access to devices and connectivity. 	X	
<ul style="list-style-type: none"> description of methods used to reach students and families who were unable to access devices and connectivity following school closure in the 2019-20 school year. 		
Recommendations: How did the LEA assess the needs of families? Phone calls? Texts?		

Learning Continuity and Attendance Plan (2020-21)

The Learning Continuity and Attendance Plan adheres to the template and instructions adopted by the state board pursuant to
CA Education Code Section 43509

Future Considerations:

Distance Learning Program Pupil Participation and Progress	Recommendations	
	No	Yes
A description of how the LEA will assess pupil progress through live contacts and synchronous instructional minutes.		
And a description of how the LEA will measure participation and time value of pupil work.		
A sufficient response to the prompt will provide specific information about:		
<ul style="list-style-type: none"> • how the LEA will track and monitor student progress through live and synchronous instructional minutes 		X
<ul style="list-style-type: none"> • a description of how the LEA will measure participation and time value of student work 		X
<p>Recommendations:</p> <p>Consider mentioning that the district will be following CDE requirements for attendance monitoring Will SWD have the same expectations for participation as general education students?</p>		
<p>Future Considerations:</p>		

	Recommendations
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Learning Continuity and Attendance Plan (2020-21)

The Learning Continuity and Attendance Plan adheres to the template and instructions adopted by the state board pursuant to
CA Education Code Section 43509

Distance Learning Program Distance Learning Professional Development	No	Yes
A description of the professional development and resources that will be provided to staff to support the distance learning program		X
Including technology support	X	
Recommendations: What PD was offered to RSP teachers?		
Future Considerations:		

Distance Learning Program Staff Roles and Responsibilities	Recommendations	
	No	Yes
A description of the new roles and responsibilities of affected staff as a result of COVID-19.		
A sufficient response to this prompt will describe how the LEA has adapted the roles and responsibilities of employees that have necessarily changed as a result of COVID-19 such as, but not limited to:		
<ul style="list-style-type: none"> ● Modifications made to staff roles and responsibilities to meet: <ul style="list-style-type: none"> ○ academic needs ○ social emotional needs ○ ensuring health and safety of staff and students ● Changes to an employee's original role or responsibility when that original role or responsibility is not feasible in a remote environment. 		X
Recommendations: Who is responsible for determining students that need social emotional needs met? How will health and safety of staff and students be met?		
Future Considerations:		

Learning Continuity and Attendance Plan (2020-21)

The Learning Continuity and Attendance Plan adheres to the template and instructions adopted by the state board pursuant to
CA Education Code Section 43509

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Distance Learning Program Supports for Pupils with Unique Needs	Recommendations	
	No	Yes
A description of the additional supports the LEA will provide during distance learning to assist pupils with unique needs:		
• English learners	X	
• Pupils with exceptional needs served across the full continuum of placements	X	
• Pupils in foster care	X	
• Pupils who are experiencing homelessness	X	
Recommendations: No recommendations for this section.		
Future Considerations:		

Actions Related to the Distance Learning Program		Recommendations	
		No	Yes
<ul style="list-style-type: none"> • Description of what the action is. • May include a description of how the action contributes to meeting the increased or improved services requirement for FY, EL, or LI as applicable. • Indicate whether the action contributes to meeting the increased or improved services requirement as described in the Increased or Improved Services section using a “Y” for Yes or an “N” for No. 			
Actions	Suggestion for writing actions. Does the action provide a description of: Who is doing what to whom and for what purpose.		

Learning Continuity and Attendance Plan (2020-21)

The Learning Continuity and Attendance Plan adheres to the template and instructions adopted by the state board pursuant to
CA Education Code Section 43509

Recommendations:

Fiscal: Missing dollar amounts for actions. How are some of the actions contributing when they are used for all students? Actions should be marked as contributing when the prioritization is for high needs (unduplicated) students - low income, foster youth and English learners.

Future Considerations:

Pupil Learning Loss	Recommendations	
	No	Yes
A description of how the LEA will address pupil learning loss from COVID-19 during the 2019- 20 and 2020-21 school years including how the LEA will assess pupils to measure learning status, particularly in the areas of:		
<ul style="list-style-type: none"> • English language arts 		X
<ul style="list-style-type: none"> • English language development 		X
<ul style="list-style-type: none"> • Mathematics 		X
A sufficient response to this prompt will describe how, with what tools and frequency the LEA will assess pupils to measure the learning status		
<p>Recommendations:</p> <p>What ELD assessments will be completed? How often, other than at the start of the year, will assessments be completed?</p>		
<p>Future Considerations:</p>		

Learning Continuity and Attendance Plan (2020-21)

The Learning Continuity and Attendance Plan adheres to the template and instructions adopted by the state board pursuant to
CA Education Code Section 43509

Pupil Learning Loss Pupil Learning Loss Strategies	Recommendations	
	No	Yes
A description of the actions and strategies the LEA will use to address learning loss and accelerated learning progress for pupils, as needed, including how these strategies differ for pupils who are:		
• English learners		X
• low-income		X
• foster youth or are in foster care		X
• pupils with exceptional needs		X
• pupils experiencing homelessness		X
A sufficient response to this prompt will include specific actions and describe the strategies used to address learning loss and accelerate learning progress.		
Recommendations: Consider being more specific about learning loss strategies to address all student groups mentioned above		
Future Considerations:		

Pupil Learning Loss Effectiveness of Implemented Pupil Learning Loss Strategies	Recommendations	
	No	Yes
A description of how the effectiveness of the services or supports provided to address learning loss will be measured.		
A sufficient response to the prompt will describe how and by what methods the LEA will measure effectiveness of services of supports provided to address learning loss.		X
Recommendations: How often will services and supports be assessed for effectiveness?		
Future Considerations:		

Learning Continuity and Attendance Plan (2020-21)

The Learning Continuity and Attendance Plan adheres to the template and instructions adopted by the state board pursuant to
CA Education Code Section 43509

Actions to Address Pupil Learning Loss		Recommendations	
		No	Yes
<ul style="list-style-type: none"> Description of what the action is. May include a description of how the action contributes to meeting the increased or improved services requirement for FY, EL, or LI as applicable. Indicate whether the action contributes to meeting the increased or improved services requirement as described in the Increased or Improved Services section using a “Y” for Yes or an “N” for No. 			
Action(s)	Suggestion for writing actions. Does the action provide a description of: Who is doing what to whom and for what purpose.		
Recommendations: Missing dollar amounts for actions. How are some of the actions contributing when they are used for all students? Actions should be marked as contributing when the prioritization is for high needs (unduplicated) students - low income, foster youth and English learners.			
Future Considerations:			

Mental Health and Social and Emotional Well-Being		Recommendations	
		No	Yes
A description of how the LEA will monitor and support mental health and social and emotional well-being of pupils and staff during the school year:			
<ul style="list-style-type: none"> including any professional development and resources that will be provided to pupils and staff to address trauma and other impacts of COVID-19 on the school community. 			
A sufficient response to this prompt will describe how the LEA will support mental health and social and emotional well-being of pupils during the school year which includes:			

Learning Continuity and Attendance Plan (2020-21)

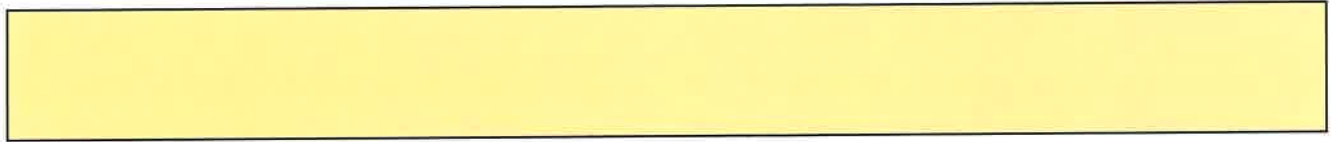
The Learning Continuity and Attendance Plan adheres to the template and instructions adopted by the state board pursuant to
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<ul style="list-style-type: none"> ● What professional development will be provided to staff. 		
<ul style="list-style-type: none"> ● What resources will be provided to pupils and staff to address trauma and other impacts of COVID-19 on the school community. 		
<p>Recommendations: Fiscal: Missing dollar amounts for actions. How are some of the actions contributing when they are used for all students? Actions should be marked as contributing when the prioritization is for high needs (unduplicated) students - low income, foster youth and English learners.</p>		
<p>Future Considerations:</p>		

Pupil Engagement and Outreach	Recommendations	
	No	Yes
A description of pupil engagement and outreach		
<ul style="list-style-type: none"> ● including the procedures for tiered reengagement strategies for pupils who are absent from distance learning and how the LEA will provide outreach to pupils and their parents or guardians, including in languages other than English when pupils are not meeting compulsory education requirement 		
<ul style="list-style-type: none"> ● or if the LEA determines the pupil is not engaging in instruction and is at risk of learning loss 		
A sufficient response to this prompt will provide a description of pupil engagement and outreach including:		X
<ul style="list-style-type: none"> ● The procedures for tiered reengagement strategies for pupils who are absent from distance learning. 		X
<p>Recommendations: Consider mentioning the schedule and procedures for addressing lack of engagement</p>		
Future Considerations:		

Learning Continuity and Attendance Plan (2020-21)

The Learning Continuity and Attendance Plan adheres to the template and instructions adopted by the state board pursuant to
CA Education Code Section 43509



School Nutrition	Recommendations	
	No	Yes
A description of how the LEA will provide nutritionally adequate meals for all pupils, including those who are eligible for free or reduced-price meals, when pupils are participating in both:		
<ul style="list-style-type: none"> • in-person instruction 		X
<ul style="list-style-type: none"> • distance learning 		X
<p>Recommendations: Consider adding language to more clearly define nutritionally adequate meal...”that meets the requirements of the USDA school meal patterns.</p> <p>Add language that addresses how safety and social distancing precautions will be put in place when serving meals during in-person instruction and distance learning.</p> <p>Fiscal: Action missing description information. Missing dollar amounts for actions. Missing information on whether or not the actions are contributing to meeting the increased or improved services for high needs (unduplicated) students - low income, foster youth and English Learner</p>		
Future Considerations:		

Additional Actions to Implement the Learning Continuity Plan	Recommendations	
	No	Yes
<ul style="list-style-type: none"> • Description of what the action is. • May include a description of how the action contributes to meeting the increased or improved services requirement for FY, EL, or LI as applicable. • Indicate whether the action contributes to meeting the increased or improved services requirement as described in the Increased or Improved Services section using a “Y” for Yes or an “N” for No. 		
Action(s)	Suggestion for writing actions.	

Learning Continuity and Attendance Plan (2020-21)

The Learning Continuity and Attendance Plan adheres to the template and instructions adopted by the state board pursuant to
CA Education Code Section 43509

	Does the action provide a description of: Who is doing what to whom and for what purpose.
Recommendations:	
No recommendations for this section.	
Future Considerations:	

Increased or Improved Services for Foster Youth, English Learners, and Low Income Students	Recommendations	
	No	Yes
A description for the actions being provided to an entire school, or across the entire school district or county office of education (COE), an explanation of:		
(1) how the needs of foster youth, English learners, and low-income students were considered first		
• foster youth		
• English learners		
• low-income		
(2) how these actions are effective in meeting the goals for these students		
• foster youth		
• English learners		
• low-income		
Recommendations:		
No recommendations for this section.		
Future Considerations:		

Increased or Improved Services for Foster Youth, English Learners, and Low Income Student	Recommendations	
	No	Yes
A description of how services for foster youth, English learners, and low-income students are being increased or improved by the percentage required.		

Learning Continuity and Attendance Plan (2020-21)

The Learning Continuity and Attendance Plan adheres to the template and instructions adopted by the state board pursuant to CA Education Code Section 43509

A sufficient description to this prompt must address how the actions(s) are expected to result in the required proportional increase or improvement in services for unduplicated pupils as compared to the services the LEA provides to all students.

Recommendations:

No recommendations for this section.

Future Considerations:

The most updated Learning Continuity and Attendance Plan will be available at the board meeting and at the Ferndale Unified School District Office, 1231 Main Street, Ferndale, CA 95536 by the day of the meeting.

If you have any questions please contact Beth Anderson, Superintendent. Ferndale Unified School District, 707-786-5900.

Learning Continuity and Attendance Plan Template (2020–21)

The instructions for completing the Learning Continuity and Attendance Plan is available at <https://www.cde.ca.gov/re/lc/documents/rmgcntyaindncpln-instructions.docx>.

Local Educational Agency (LEA) Name	Contact Name and Title	Email and Phone
Ferndale Unified School District	Beth Anderson Superintendent	banderson@fermdalek12.org (707) 786-5900

General Information

[A description of the impact the COVID-19 pandemic has had on the LEA and its community.]

The COVID-19 pandemic has affected the entire Ferndale community and altered the lives of our students, families, and staff. The unexpected closure of schools in March 2020 impacted the physical, emotional, social, and educational needs of our students and caused high levels of stress and trauma to students and school staff and their families.

The closure of schools impacted many students and families by initially decreasing access to basic services. The broader economic impacts of the pandemic, including increased unemployment, have increased existing challenges such as food insecurity, access to childcare and access to technology/connectivity. Families and students were also impacted by the physical separation from targeted supports and services that are typically provided in-person, including many services for English Learners, Foster Youth, Homeless Youth, and Students with Disabilities. The COVID-19 pandemic also resulted in increased isolation and disconnection due to the physical and social separation from the classroom and school community. Curriculum pacing, traditional methods of instruction, and assessments of student learning were also disrupted.

Ferndale Unified is a small, rural district with one high school and one TK-8 school. The district serves approximately 450 students, 150 high school students and 300 elementary school students. 53.3% of students in the district are socioeconomically disadvantaged, 6.7% are English Learners, and less than 1% are foster youth or homeless youth.

In developing the Learning Continuity and Attendance Plan, FUSD acknowledges the pandemic's disproportionate impacts on students and families who were already experiencing inequitable outcomes. These students include socioeconomically disadvantaged students, English learners and students with disabilities. We identified the issues that made distance learning a challenge for our students and educators. Connectivity and device availability were not large issues for our district and we were able to provide all families in need with devices and connectivity options. Additionally, food service continued through the school year with a seamless summer nutrition program that allowed us to provide breakfast and lunch daily for all students during the school closure. The major challenges during the distance learning in March-June of 2019 were attendance issues among students and a lack of assignment completion across grade levels. Additionally, competing IEP

amendments as well as changes to Speech Therapy, Counseling and EL services due to no in person learning was a difficult process. The district worked to provide these services through distance learning but noted this is an area that needs improvement if the district must re-enter in to a full distance learning model.

Over the summer, the school board voted to return to in person learning and district administration with input from all stakeholders worked with the Humboldt County Department of Public Health and the Humboldt County Office of Education to submit School Site Specific Protection Plans for both of our school sites and a return to learning plan for both sites. The SSSPPs can found on the school website at ferndalek12.org. These plans met all the requirements from Humboldt County Public Health for our sites to return to in person learning on August 31, 2020. In addition site administration and staff worked to come up with plans for a school day that would incorporate a distance learning option for families who need that option for high risk reasons. Also, as the pandemic is fluid, we are prepared to move into full distance learning if needed. Input sessions, information sessions and surveys were offered to all families and staff in the district and were made available in Spanish as well as English as all EI and non-English speaking families in the district at this time are Spanish speaking. All decisions and procedures during the 2020 school site closure to students and for the start of the 2020-2021 school year were communicated through mail, email and social media.

Stakeholder Engagement

[A description of the efforts made to solicit stakeholder feedback.]

Ferndale Unified's efforts to solicit stakeholder feedback to inform the district's School Site Specific Protection Plan, In person and distance learning options and the Learning Continuity and Attendance Plan began in June and have continued throughout the development process. The district's planning process toward the reopening of schools began with guidance from the Humboldt County Office of Education and the Humboldt County Department of Public Health. Engaging in outreach and surveying stakeholders has provided and continues to provide valuable input to inform the district's planning in Academics, Attendance & Engagement, Culture & Climate, District Communication, Nutrition Services, and Public Health. As the 2019-20 academic year came to a close and throughout the summer, the district administered surveys to families, students and staff to gain their feedback on distance learning and options for the fall. These surveys were made available in English and Spanish and administered via email, text message and social media through our all call system. A total of 220 families responded to the survey and detailed results can be found in various board packets. We also held staff and parent input meetings during July through Zoom and took input and provided updated information from CDE, HCOE and HCDPH. We also had an input session for Spanish speaking students, parents and families. The administration and school board also worked with the teachers through FUTA (Ferndale Unified Teacher's Association) to develop an agreed upon MOU for schedules and procedures during the pandemic. also The district's efforts to engage stakeholders in providing input to the Learning Continuity and Attendance Plan began early so that the information received would meaningfully inform plan development. From the surveys in June and July and input sessions in July as well as input sessions at the August

board meeting and from parent emails and phone calls throughout the summer, the district gained a lot of valid input prior to engaging in plan revisions during leading up to and following the public hearing in early September.

[A description of the options provided for remote participation in public meetings and public hearings.]

All public and staff input sessions were available through zoom link and teleconference. Notification of these meetings and the information needed to join were sent through email, mail, text message and social media. All messages were sent in Spanish to Spanish speaking families.

[A summary of the feedback provided by specific stakeholder groups.]

All stakeholder groups had the following concerns in common: Increased communication from teachers regarding distance learning requirements and schedules; an option for synchronous learning, especially synchronous instruction. Parent and staff survey results suggested that 85% of families in the district and 80% of teachers in the district preferred in person instruction if possible. The majority of those surveyed also requested 5 day a week in person instruction. Stakeholders represented students with IEPs and other supports voiced concern over ensuring those supports remained in place in the most true to the plan form if distance learning is in place. Additionally, members from most stakeholder groups shared their concerns over PPE, sanitizing procedures and cohort planning.

[A description of the aspects of the Learning Continuity and Attendance Plan that were influenced by specific stakeholder input.]

All aspects (including an in person instruction model, the offering of distance learning to families who referred that choice, the development of protection and safety plans and procedures and schedules) of the Learning Continuity and Attendance Plan were influenced by stakeholder input as all areas of concerns were addressed in our School Site Specific Protection Plans (as monitored by the county office of education and the county public health department) and the specific site plans for in person and distance learning models. The School Site Specific Protection Plans are also posted on the school websites.

Continuity of Learning

In-Person Instructional Offerings

[A description of the actions the LEA will take to offer classroom-based instruction whenever possible, particularly for students who have experienced significant learning loss due to school closures in the 2019–2020 school year or are at a greater risk of experiencing learning loss due to future school closures.]

Based on the survey results suggesting that 85% of families in the district and 80% of teachers in the district preferred in person instruction if possible, the district moved forward throughout the summer with planning for in person instruction. Coordination with the Humboldt County

Department of Public Health, the Humboldt County Office of Education, the Ferndale Unified Teacher's Association and input from all stakeholders, the district worked to create the required School Site Specific Protection Plans and an MOU between the district and the teacher's association. In order to meet all suggestions and guidelines for safely re-opening schools many things had to be considered and planned carefully for both Ferndale Elementary School and Ferndale High School. On August 31, 2020, Ferndale Elementary (TK-8) began the school year with 221 in person/on site students and Ferndale High School (9-12) began the school year with 128 in person/on site learners. In order to also serve students whose families requested distance learning due to risk factors in their home environment, the school schedules were designed to meet he required daily instructional minutes for 2020-2021 (K = 180 minutes daily, 1-3 = 230 minutes daily, 4-12 = 240 minutes daily) with an earlier than usual release time at both sites to provide an opportunity for added assassinate for distance learners from 1:15-3:15 pm daily. Additional changes that had to be made were smaller classroom/cohort sizes, directional movement in the hallways, students staying in their classroom cohorts for lunch and recess, a reduction to 2 periods a day instead of 4 periods a day (block schedule) for the middle school, and a reduction from 7 periods a day to 4 periods a day at the high school (semester broken into two 4 period quarters). Also, additional cleaning and sanitizing were scheduled throughout the day, all students and staff are required to wear masks while at school, social distancing of 3-6 feet is maintained between student work stations, hand washing and sanitizing were increased throughout the day, and outdoor eating and instructional spaces were created. Masks, face shields and protective barriers were provided to all staff and masks are available for any students who need them. Also, symptom and temperature check stations are required for entry into the school buildings every morning. Initial assessment for learning loss helped teachers to plan for additional instruction needed as well as arrange for intervention and support where needed. The smaller class sizes due to social distancing requirements will also support students with learning loss. These smaller class sizes did require additional teaching staff at the elementary school. All other supports are in place in the in person and distance learning school days for students (math intervention, IEP accommodations and supports, EL support and instruction, and OT and Speech Therapy support. Additionally, all teachers are instructing their in person learners on the use of the digital learning platforms that will be used should a cohort or school quarantine or closure be necessary.

Actions Related to In-Person Instructional Offerings [additional rows and actions may be added as necessary]

Description	Total Funds	Contributing
Face coverings (masks and face shields) for any staff or students needing them (including high needs students)	20,000	Yes
Increased supply of hand soap and hand sanitizer. Hand sanitizer dispensers.	23,043	No
Thermometers for temperature check/health screening of students and staff.	2,000	No
Disinfecting materials and supplies (Disinfecting spray, Disinfecting liquid, disinfecting wipes, towels, gloves, etc.)	30,000	No

Description	Total Funds	Contributing
Signage, posters, floor decals for marking social distancing, unidirectional moment, exit/entry points, reminding students and staff to social distance, wear masks, wash/sanitize hands	1,000	No
Increased HVAC filter replacements and purchase of air filter and purifying devices for certain spaces	2,000	No
Plexiglass and plastic to provide barriers when close contact is likely	10,000	No
Supplies to limit sharing of instructional materials and equipment	10,000	No
Supplies to facilitate outdoor instructional spaces	5,362	No
Instructional materials and supports to address learning loss	15,881	No

Distance Learning Program

Continuity of Instruction

[A description of how the LEA will provide continuity of instruction during the school year to ensure pupils have access to a full curriculum of substantially similar quality regardless of the method of delivery, including the LEA's plan for curriculum and instructional resources that will ensure instructional continuity for pupils if a transition between in-person instruction and distance learning is necessary.]

Synchronous Learning: Synchronous learning is any type of learning that takes place in real time where a group of students are engaging in learning simultaneously and through live instruction and interaction.

- Most resembles a real classroom
- Learners can ask questions and receive feedback simultaneously
- Allows for collaboration between students

- Teachers can provide immediate feedback, assessment, and make adjustments as needed
- Synchronous learning can occur using computer interaction through Google Classroom or video.

Asynchronous Learning: Asynchronous learning occurs separately and without real-time interaction.

- Directly aligned to live learning and instruction
- Feedback and opportunities for questions come later
- Students can absorb content at their own pace
- Provides opportunities for students to develop questions and reflections on learning
- Allows for more flexibility in scheduling
- Asynchronous learning can occur through classwork, videos, group work, or with other support from a teacher.

Ferndale Unified's distance learning plan will include a combination of synchronous and asynchronous learning. The district acknowledges that distance learning is challenging and does not envision students, teachers, and parents/guardians sitting in front of a screen all day long. The district's planned distance learning model is flexible and has balance between synchronous and asynchronous learning and between whole class and small group support.

As noted in the stakeholder feedback section, community input reflected some dissatisfaction with the distance learning model implemented from March-June. District staff have, in their own reflections, identified a number of areas in which significant improvements were needed. Daily, live instruction and interaction was a key area for improvement in the spring, with asynchronous learning being the primary model. The parents and families have strongly voiced their desire to see their teachers provide students the full classroom experience, including peer to peer interaction when possible. The requirement for daily, live instruction has been affirmed by Senate Bill 98. If full distance learning is needed again, Ferndale High School and Ferndale Elementary School will be offering consistent, daily, live instruction for every student with the option of participating through recorded instruction later. The option to later view recorded instruction is critical in supporting the different needs of learners, some of whom need to watch instruction over again as well as the individual needs of families during a shelter in place type order. The district believes that all students should receive the minimum required minutes of instruction and student support per day, which shall include both scheduled synchronous and asynchronous instruction. In addition to direct, live instruction every day for every student, a key expectation of the district's plan is teacher availability to students outside of that time. Access and availability is acknowledged as a key element enabling students to fully access the curriculum regardless of the mode of instruction. Whether at a distance or in-person, students - and family members - need consistent and reliable access to teacher support. This includes maintaining open communication channels and identified times at which support can be obtained.

Access to Devices and Connectivity

[A description of how the LEA will ensure access to devices and connectivity for all pupils to support distance learning.]

At this time the district has purchased additional Chromebooks to allow for a 1-to-1 device ration so all students can be assigned a device for in person and/or distance learning. Additionally, during the closure in the spring, all students who needed assistance with connectivity were provided with hot spots for distance learning. The only barrier with connectivity are the few families who live where the only available internet connectivity is through satellite internet and we have had some issues with streaming and Zoom for those families. Hot spots were provided

for families who could go to another residence to do school work or the school libraries were made available for wireless access as needed. We will continue to reach out to families with connectivity concerns and provide connectivity as needed should another transition to full distance learning be necessary.

Pupil Participation and Progress

[A description of how the LEA will assess pupil progress through live contacts and synchronous instructional minutes, and a description of how the LEA will measure participation and time value of pupil work.]

The instructional plan is to meet the minimum instructional minutes of instruction that includes either synchronous and asynchronous instruction, including interaction with peers and support check-ins. Attendance will be taken in Aeries in both scenarios. Regular instruction, check-ins and assessments, plus information logged in from several daily "checking for understanding activities/discussions" as well as assignment completion and correctness will be used to monitor attendance, engagement and academic progress.

Distance Learning Professional Development

[A description of the professional development and resources that will be provided to staff to support the distance learning program, including technological support.]

Teachers were encouraged to attend distance learning training through the Humboldt County Office of Education and the SHIFT conference. A lead teacher from each site attended the SHIFT training on distance learning and shared their learning with the rest of the staff. With the focus on returning to in person instruction, teachers worked to incorporate their distance learning tools into the classroom. This includes Google Classroom, Zoom, online textbooks and learning tools and school email. Teachers can request additional professional development and upon approval can attend sessions to improve their distance learning instructional model.

Staff Roles and Responsibilities

[A description of the new roles and responsibilities of affected staff as a result of COVID-19.]

Altered schedules allow for in-person teaching from the beginning of school until 1 each day at both sites. Synchronous learning happens through students zooming in to the in person classes. If a shift to full distance learning happens, teachers will teach from their classrooms and all students will zoom in for synchronous learning. From 1:45 until 3:15 daily, teachers assist distance learning students through Zoom meetings, email, and telephone. RSP teachers, the EL teacher, intervention teachers and teachers aides assist distance learners throughout the school day to provide supports and accommodations as directed by individual student learning plans.

Supports for Pupils with Unique Needs

[A description of the additional supports the LEA will provide during distance learning to assist pupils with unique needs, including English learners, pupils with exceptional needs served across the full continuum of placements, pupils in foster care, and pupils who are experiencing homelessness.]

All students who need them can receive hotspots and devices to access synchronous instruction, recorded instruction, Google Classrooms and online programs as needed. General ed. and resource teachers collaborate to plan and evaluate the online, paper, and Zoom meeting results, as they are completed by students receiving differentiated and integrated ELD instruction. English Learners are invited to extra individual and small group instructional support Zoom meetings that are held for students to access designated and integrated ELD

instruction. RSP teachers create accommodations and supports as well as assignments at each student's level to supplement the weekly general education assignments for differentiated and integrated lessons. Teachers hold office hours and/or check-in times Monday through Friday to help support students who have additional questions or need extra guidance. This includes phone calls and/or email contact. Students with a 504 or receiving services through an IEP, low income students, Homeless and Foster Youth, and English Learners are all served by having extra staff assigned or available to them. Support staff is sometimes scheduled through regular Zoom time. But more often, School Psychologist, Counselors, Speech Therapist and other resource staff members hold additional sessions to provide services for students and individual families based on their needs or Individual Educational Program. All students can schedule on site visits as needed for speech therapy, IEP supports and accommodations, connectivity, counseling, etc.

Actions related to the Distance Learning Program [additional rows and actions may be added as necessary]

Description	Total Funds	Contributing
Chromebook purchases	84,680	No
Charger replacements for Chromebooks	1,000	No
Hot spot devices purchase	1,000	No
Hot spot data purchases	1,000	No
Hot spot devices and data purchases for high needs students (low-income, English Learners, Foster and Homeless Youth)	3,000	Yes
Online/distance learning tools and platforms	10,000	No
Technology purchases for staff use to enhance distance learning (microphones, cameras, headsets, etc.)	25,000	No
Increased server space, connectivity upgrades, ethernet extensions for Distance Learning connectivity and sustainability	45,000	No

Description	Total Funds	Contributing

Pupil Learning Loss

[A description of how the LEA will address pupil learning loss that results from COVID-19 during the 2019–2020 and 2020–21 school years, including how the LEA will assess pupils to measure learning status, particularly in the areas of English language arts, English language development, and mathematics.]

Students will complete formative/pre-assessments at the start of school to determine baselines so that staff can assess each students' learning status and plan accordingly to provide appropriate instruction to address learning loss and move forward with attainment of current year standards. Assessments used may include, but are not limited to: NWEA assessments, CAASPP Interim assessments, Grade level shared assessments and individual teacher created assessments.

Pupil Learning Loss Strategies

[A description of the actions and strategies the LEA will use to address learning loss and accelerate learning progress for pupils, as needed, including how these strategies differ for pupils who are English learners; low-income; foster youth; pupils with exceptional needs; and pupils experiencing homelessness.]

Intervention teachers, small group instruction, teacher aide and tutor support can all assist in the general education teachers' strategies to address learning loss and achievement gaps.

Effectiveness of Implemented Pupil Learning Loss Strategies

[A description of how the effectiveness of the services or supports provided to address learning loss will be measured.]

Growth from baseline will be the primary measure of effectiveness.

Actions to Address Pupil Learning Loss [additional rows and actions may be added as necessary]

Description	Total Funds	Contributing
Actions will be determined throughout the school year as assessment results are analyzed and Instructional Leadership Teams can meet to make decisions for best addressing learning loss in wither the in person or distance learning model.	TBD	No

Mental Health and Social and Emotional Well-Being

[A description of how the LEA will monitor and support mental health and social and emotional well-being of pupils and staff during the school year, including the professional development and resources that will be provided to pupils and staff to address trauma and other impacts of COVID-19 on the school community.]

The school counselors, administrators and other support staff members held additional lessons online to provide services for students and individual families based on their social emotional needs during the school closure in the Spring of 2020. Counselors and administrators also competed home visits to offer additional support when needed. For the Fall of 2020, the school counselors are designing new virtual supports and resources for distance learning students and families. This may include a individual and small group sessions as appropriate as well as links to additional programs and support through our county office of education. In person students will continue to receive counseling services on site to support social and emotional well-being.

Pupil and Family Engagement and Outreach

[A description of pupil engagement and outreach, including the procedures for tiered reengagement strategies for pupils who are absent from distance learning and how the LEA will provide outreach to pupils and their parents or guardians, including in languages other than English, when pupils are not meeting compulsory education requirements, or if the LEA determines the pupil is not engaging in instruction and is at risk of learning loss.]

With our small schools and class sizes, teachers know their students well and have the ability to address the academic or social/emotional needs as they arise. Students do not "fall through the cracks" in Ferndale schools, which is one of the strengths of the district. Family training for Zoom access and Google Classroom was provided in the Spring of 2020. Follow up phone calls (with a Spanish speaking translator when needed) were conducted to ensure apps and processes were fully understood by parents who spoke only Spanish. Special arrangements for technology, meals, class meetings and work exchanges were made and deliveries were arranged when needed. Teachers and administrators regularly contacted families of students who were not engaging with distance learning in the Spring to ensure connectivity and technology needs were met, to offer instruction for technology apps as needed and to ensure that all supports (EL, IEP, mental health, etc.) were in place and could be accessed. Surveys for the planning of the 2020-2021 school year were delivered through email, mail and social media links to allow all families to give input in English or Spanish. The schedule and procedures for the upcoming year was shared, along with options and recommendations for families who feel they need a different instructional model. Regular check-ins and follow-ups during the 2020-2021 school year will reinforce that attendance and learning are being monitored and there are expectations for success.

School Nutrition

[A description of how the LEA will provide nutritionally adequate meals for all pupils, including those students who are eligible for free or reduced-price meals, when pupils are participating in both in-person instruction and distance learning, as applicable.]

Our regularly planned menus will be served for school breakfasts and lunches and will be provided in person and for pick-up and delivery for distance learners for the 2020-21 school year. Meal pick up times and locations will be communicated to parents via the all call system.

Additional Actions to Implement the Learning Continuity Plan [Additional rows and actions may be added as necessary]

Section	Description	Total Funds	Contributing
School Nutrition	Supplies needed for individual serving/plating of school breakfasts and lunches.	25,000	No
Distance Learning Program (Staff Roles and Responsibilities)	On site custodial personnel in addition to contracted custodial services for increased cleaning and sanitizing.	52,852	No

Increased or Improved Services for Foster Youth, English Learners, and Low-Income Students

Percentage to Increase or Improve Services	Increased Apportionment based on the Enrollment of Foster Youth, English Learners, and Low-Income students
9.03%	417,027

Required Descriptions

[For the actions being provided to an entire school, or across the entire school district or county office of education (COE), an explanation of (1) how the needs of foster youth, English learners, and low-income students were considered first, and (2) how these actions are effective in meeting the needs of these students.]

Supplemental and Concentration funds were used at Ferndale HS to provide .17 FTE (1 period) of College and Career Readiness (formerly AVID) and College and Career Readiness training, .34 FTE (2 periods) of Financial Management, .17 FTE (1 period) Math Intervention and 1.2 FTE of Counseling at the middle school and high school levels for social/emotional support for students. These services helped the student and families to understand both high school graduation and college entrance requirements. The counselor met with all unduplicated students and parents at least once each school year to update requirements, review the student's academic and career path, and to provide information regarding financial support for postsecondary education. These services are all geared towards assisting students to meet the high school graduation requirements and career/college readiness after 12th grade. The counseling support also helped encourage student attendance, increased students' positive perception of their school/education and encouraged a positive school climate. Additionally, the AP Testing Fees were be paid by the District to remove any economic barriers that may prevent a student from participating in the testing. At Ferndale Elementary School, Supplemental and Concentration funds were primarily used to support EL students in the acquisition of the English language and support within their Core Classes. A 1.0 FTE Certificated EL teacher and 2 .495 FTE EL aides provided direct assistance to these students. Additionally, NWEA testing was be used three times a year to assess the academic progress of these students and assist in identifying intervention needs by student group. Additional technology was purchased and made available to unduplicated students for checkout/ borrowing to support their learning outside of the school day at the after school program and in the home. Districtwide we will increase/reinforce the technology available for instruction and student learning at all grade levels with the purchase of a combination of Laptops, Computers, Chromebooks and Ipads, Chrome Carts, and software programs; Accelerated Reader, Math IXL, Raz K, etc.. The District will contribute to the salary of a regional Foster Youth Liaison to serve the foster youth of the district for increased services and additional support. The District will provide CalSoap tutors at the middle and high school levels to support the academic development of unduplicated students. The actions listed above were successful in providing the improved and additional services needed to help all students succeed in the District as we continue to adapt to an ever changing student demographics.

[A description of how services for foster youth, English learners, and low-income students are being increased or improved by the percentage required.]

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