

HUENEME ELEMENTARY SCHOOL DISTRICT

BOARD AGENDA ITEM: ACCEPTANCE AND FIRST READING OF PROPOSED REVISIONS TO THE DISTRICT POLICY MANUAL

BOARD MEETING DATE: February 24, 2014

FROM: Jerry Dannenberg, Superintendent

STAFF COMMENT

RECOMMENDATION

It is recommended that the Governing Board and administrative staff:

- (1) accept for a first reading proposed revisions to various board policies and administrative regulations; and
- (2) provide input for additional modifications that may be needed before a second reading at the next regular meeting when it will also be recommended that the board approve the revisions.

BACKGROUND

Pursuant to Governing Board Bylaw 9310, staff members regularly review Governing Board policies, administrative regulations, and exhibits to compare them against the latest sample materials from CSBA to respond to newly-enacted laws, or to add new policy documents as district priorities and operational procedures change. Such policy documents are presented for Governing Board consideration with staff recommendations for appropriate action.

Revisions are marked in the attached documents. Highlighted sections are notes that may or may not be published in the final document. Notes provide information that helps decide if a section is required and what optional language may be necessary to ensure that current district practices are reflected.

In accordance with Board Bylaw 9311, proposed updates and/or revisions are presented for two readings prior to adoption. Additional changes that may be requested will be made prior to the second reading at the next regular board meeting. At its option, the Board may require a third reading before taking action to implement revisions.

BB Board Bylaw

BP Board Policy

* denotes a document mandated by law

AR Administrative Regulation

E Exhibit

ACCEPTANCE AND FIRST READING OF PROPOSED REVISIONS TO THE DISTRICT
POLICY MANUAL

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Policy Series Titles are as follows:

0000 – Philosophy, Goals, and Comprehensive Plans
1000 – Community Relations
2000 – Administration
3000 – Business and Non-Instructional Operations
4000 – Personnel
5000 – Students
6000 – Instruction
7000 – Facilities
9000 – Board Bylaws

0410 BP*, Nondiscrimination in District Programs and Activities

Mandated policy reflects new law AB 1266 requiring districts to permit a student to participate in sex-segregated school programs and activities, including athletic teams and competitions, and to use facilities consistent with the student's gender identity, regardless of his/her gender as listed on his/her educational records. Also references new law AB 556 prohibiting employers from discriminating against employees and job applicants based on their military or veteran status.

1330 AR*, Use of School Facilities

Mandated regulation clarifies responsibilities of groups or organizations using school facilities, including a requirement to provide evidence of insurance against claims arising out the group's own negligence. Material moved from AR to BP re: authority to grant the use of school facilities on those days on which the school is closed. Updated Exhibit provides a sample form for requiring a group or organization to (1) indicate its agreement to expressly undertake to comply with district restrictions on the use of facilities and (2) indicate its recognition of its liability for any damage or injury caused by its negligence.

2210 BP, Administrative Discretion Regarding Board Policy

Optional policy deletes section on "Tier 3 Categorical Flexibility" since new law AB 97 repealed law granting flexibility in the use of Tier 3 categorical program funding and redirected that funding into the local control funding formula (LCFF). Also adds consultation with legal counsel, the chief business official, or other district staff as necessary regarding the exercise of the superintendent's authority to act on behalf of the district.

3551, BP and AR, Food Service Operations/Cafeteria Fund

Optional policy (1) clarifies requirement for districts participating in the National School Lunch and/or Breakfast Program to ensure that appropriate personnel receive annual training on administrative practices, (2) reflects the U.S. Department of Agriculture's guidance on indirect costs, and (3) adds a new section on "Program Monitoring and Evaluation" reflecting new state Administrative Review process.

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Optional regulation (1) provides for use of an alternative tracking system when a student reports an excessive number of lost or stolen meal tickets, (2) adds measures to prevent potential identity theft in food service account, (3) reflects new law AB 86 repealing law authorizing the establishment of a cafeteria equipment reserve fund, and (4) adds material on indirect costs and on limitations for net cash resources in the nonprofit school food service.

3554 AR*, Other Food Sales

Mandated regulation reflects new law AB 626 addressing the circumstances under which foods and beverages that do not comply with state nutrition standards may be sold outside of the district's food services program. Also reflects new federal regulations (78 Fed. Reg. 125) applicable to districts participating in the National School Lunch and/or Breakfast Program which, effective July 1, 2014, require all foods sold on campus at any time of the school day to comply with applicable nutrition standards.

5123 BP* and AR*, Promotion/Acceleration/Retention

Policy reflects a mandate that it provide for students to be identified for retention as early in the school year, and as early in their school careers, as possible. Also reflects new law AB 484 establishing a new state assessment system, impacting the indicators that may be used to identify a student for retention. Also reflects new law AB 97 redirecting into the LCFF funding for supplemental instruction for students in grades 2-8 who have been retained or recommended for retention (without eliminating the district's responsibility to provide supplemental instruction for such students); also for students in grades 2-6 who have been identified as being at risk of retention. Revised policy contains material formerly in the AR re: grade levels at which students will be identified for retention, subjects that will be used as the basis for identifying students for retention, responsibility for retention decision when the student has more than one teacher, and requirement for an appeals process.

Mandated regulation reflects California Department of Education (CDE) recommendation re: timing of approving a student's continuation in kindergarten for an additional year and to clarify the process for parent/guardian appeal of a teacher's decision to promote or retain a student.

5145.3 BP* and AR* (New), Nondiscrimination/Harassment

Mandated policy reflects new law AB 1266 requiring districts to permit a student to participate in sex-segregated school programs and activities, including athletic teams and competitions, and to use facilities consistent with the student's gender identity, regardless of his/her gender as listed on his/her educational records. Material regarding the designation of a district Coordinator for Nondiscrimination, provision of training and information about the district's nondiscrimination policy, and grievance procedures moved to the new AR.

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NEW mandated regulation contains material formerly in the BP regarding the designation of a district Coordinator for Nondiscrimination, provision of training and information about the district's nondiscrimination policy, and grievance procedures. Also includes best practices recommended for addressing the unique circumstances and considerations that may arise when a student asserts a different gender from his/her gender at birth, consistent with new law AB 1266. Regardless of whether a referendum qualifies for the ballot to attempt to overturn this law, this material may be used to meet the district's responsibility to ensure nondiscrimination based on gender identity.

6162.51, BP and AR, State Academic Achievement Tests

Optional policy retitled from "Standardized Testing and Reporting Program." Reflects new law AB 484 establishing a new state assessment system designed by the CDE as the California Assessment of Student Performance and Progress (CAASPP) beginning in the 2013-14 school year. Also reflects new law SB 247 requiring the CDE to identify existing tests that may be used by classroom teachers for diagnostic purposes in grade 2. Reflects new law AB 97 which repealed law encouraging boards to examine state assessment results by school, grade and student subgroup during their annual discussion of each school's Academic Performance Index, but which still requires demonstration of comparable improvement in academic achievement by numerically significant student subgroups.

Optional regulation also retitled. Reflects tests that are included in the CAASPP state assessment system established by new law AB 484, including, but not limited to, 2013-14 field tests of the Smarter Balanced Assessment Consortium tests in English language arts and mathematics. Also reflects State Board of Education authorization to use the Standards-Based Test in Spanish (STS) to assess students in a dual language immersion program. Details of allowable testing variations deleted pending the adoption of revised Title 5 regulations, but reference added to related guidelines from Smarter Balanced Assessment Consortium.

6164.2 BP* and AR (deleted), Guidance/Counseling Services

Mandated policy reflects new law AB 7 redirecting funding into the LCFF for the Supplemental School Counseling Program for grades 7-8. Material was expanded on (1) the qualifications of employees providing school counseling, school psychology, and/or school social work services; (2) mental health counseling; and (3) the teacher-based advisory program.

Optional regulation deleted since funding for the Supplemental School Counseling Program was redirected into the LCFF pursuant to new law AB 97. Some material was moved from the AR to the BP.

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6173.1 BP and AR, Education for Foster Youth

Optional policy reflects new law AB 97 and SB 97 providing grants within the LCFF based on the number and concentration of unduplicated counts of foster youth, English learners, and low-income students and requiring that the district's local control and accountability plan (LCAP) include annual goals for all students and each "numerically significant" student subgroup including foster youth.

Optional regulation reflects new law AB 97 defining "foster youth" and requires districts to monitor the educational progress of foster youth.

6179 BP* and AR (deleted), Supplemental Instruction

Mandated policy reflects new law AB 97 redirecting funding for supplemental instruction programs into the LCFF. Also clarifies which programs are still required by law and which are discretionary, and reflects new law AB 484 establishing a new state assessment system, thereby affecting the criteria that may be used to determine student eligibility for supplemental instruction based on lack of sufficient progress toward passing the high school exit exam.

Optional regulation deleted since funding for supplemental instruction programs was redirected into the LCFF pursuant to new law AB 97. Some concepts moved from the AR to the BP.

NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

The Governing Board is committed to equal opportunity for all individuals in education. District programs, activities and practices shall be free from discrimination based on race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

(cf. 4030 – Nondiscrimination in Employment)
(cf. 4032 – Reasonable Accommodation)
(cf. 4119.11/4219.11/4319.11 – Sexual Harassment)
(cf. 4161.8/4261.8/4361.8 – Family Care and Medical Leave)
(cf. 5131.2 – Bullying)
(cf. 5145.3 – Nondiscrimination/Harassment)
(cf. 5145.7 – Sexual Harassment)
(cf. 5146 – Married/Pregnant/Parenting Students)
(cf. 6145.2 – Athletic Competition)
(cf. 6164.4 – Identification of Individuals for Special Education)
(cf. 6164.6 – Identification and Education under Section 504)
(cf. 6178 – Career Technical Education)
(cf. 6200 – Adult Education)

The Superintendent or designee shall review district programs and activities to ensure the removal of any barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities, including the use of facilities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

(cf. 1330 - Use of Facilities)

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, ~~applications~~ applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, application form, or other ~~recruitment~~ materials distributed to these groups.

(cf. 1312.3 – Uniform Complaint Procedures)
(cf. 4031 – Complaints Concerning Discrimination in Employment)
(cf. 4112.9/4212.9/4312.9 – Employee Notifications)

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NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

(cf. 5145.6 – Parental Notifications)

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. ~~and, when required by law, in a language other than English.~~ In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

Access for Individuals with Disabilities

District programs and facilities shall be in compliance with the Americans with Disabilities Act and any implementing standards and/or regulations.

(cf. 6163.2 – Animals at School)

(cf. 7110 – Facilities Master Plan)

(cf. 7111 – Evaluating Existing Buildings)

The Superintendent or designee shall ensure that the district provides auxiliary aids and services ~~where~~ when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, note-takers, written materials, taped text, and Braille or large print materials.

(cf. 6020 – Parent Involvement)

Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a school-sponsored function, program or meeting.

(cf. 9320 – Meetings and Notices)

(cf. 9322 – Agenda/Meeting Materials)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

51007 Legislative intent: state policy

GOVERNMENT CODE

11000 Definitions

11135 Nondiscrimination in programs or activities funded by state

11138 Rules and regulations

NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

12900-12996 Fair Employment and Housing Act
54953.2 Brown Act compliance with Americans with Disabilities Act
PENAL CODE
422.55 Definition of hate crime
422.6 Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1400-~~1485-1482~~ Individuals with Disabilities in Education Act
1681-1688 Discrimination based on sex or blindness, Title IX
6311 State plans
6312 Local educational agency plans
UNITED STATES CODE, TITLE 29
794 Section 504 of the Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2000h-2000h-6 Title IX
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act
36.303 Auxiliary aids and services
CODE OF FEDERAL REGULATIONS, TITLE 34
100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI
104.1-104.39 Section 504 of the Rehabilitation Act of 1973
106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:
106.9 Dissemination of policy

Management Resources:

CSBA PUBLICATIONS

[Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014](#)

[Interim Guidance Regarding Transgender Students, Privacy, and Facilities, September 27, 2013](#)

[Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011](#)

[Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010](#)

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

[Notice of Non-Discrimination, January 1999](#)

[Protecting Students from Harassment and Hate Crime, January 1999](#)

Philosophy-Goals-Objectives and Comprehensive Plans

BP 0410 (d)
MANDATED

NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

Nondiscrimination in Employment Practices in Education, August 1991

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

2010 ADA Standards for Accessible Design, September 2010

WEB SITES

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

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

Safe Schools Coalition: <http://www.easafeschoolscoalition.org>

Pacific ADA Center: <http://www.adapacific.org>

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

U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act:

<http://www.ada.gov>

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Policy

Adopted: 02/03

Revised: 09/03, 11/06, 09/12, pending 1st reading 02/14

HUENEME ELEMENTARY SCHOOL DISTRICT

Port Hueneme, California

Community Relations

USE OF SCHOOL FACILITIES

Application for Use of Facilities

Any persons applying for the use of any school ~~facility~~ facilities or grounds on behalf of any society, group or organization shall present written authorization from the group or organization to make the application.

Persons or organizations applying for the use of school facilities or grounds shall submit a facilities use statement ~~of information~~ indicating that they ~~organization~~ uphold the state and federal constitutions and ~~does do~~ not intend to use school premises or facilities to commit unlawful acts.

Civic Center Use

Subject to district policies and regulations, school facilities and grounds shall be available to citizens and community groups as a civic center for the following purposes: (Education Code 32282, 38131, ~~38132~~)

1. Public, literary, scientific, recreational, educational or public agency meetings
2. The discussion of matters of general or public interest
3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization
4. Child care programs to provide supervision and activities for children of preschool and elementary school age

(cf. 5148 – Child Care and Development)
(cf. 5148.2 – Before/After School Programs)
(cf. 5148.3 – Preschool/Early Childhood Education)

5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies
6. Supervised recreational activities including, but not limited to, sports league activities that are arranged for and supervised by entities, including religious organizations or churches, and in which youth may participate regardless of religious belief or denomination
7. A community youth center

(cf. 1020 – Youth Services)

Community Relations

USE OF SCHOOL FACILITIES

8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

(cf. 0450 – Comprehensive Safety Plan)

(cf. 3516 – Emergencies and Disaster Preparedness Plan)

9. A ceremony, patriotic celebration, or related educational assembly conducted by a veterans' organization

A veterans' organization means the American Legion, Veterans of Foreign Wars, Disabled American Veterans, United Spanish War Veterans, Grand Army of the Republic, or other duly recognized organization of honorably discharged soldiers, sailors, or marines of the United States, or any of their territories. (Military and Veterans Code 1800)

9.10 Other purposes deemed appropriate by the Governing Board

Restrictions

School facilities or grounds shall not be used for any of the following activities:

1. Any use by an individual or group for the commission of any crime or any act prohibited by law

2. Any use which is inconsistent with the use of the school ~~facility~~ facilities for school purposes or which interferes with the regular conduct of school or school work

3. Any use which involves the possession, consumption or sale of alcoholic beverages or any restricted substances including tobacco use

(cf. 3513.3 – Tobacco-Free Schools)

(cf. 5131.6 – Alcohol and Other Drugs)

The district may exclude certain school facilities from non-school use for safety or security reasons.

Damage and Liability

Groups, organizations, or persons using school facilities or grounds shall be liable for any property damage caused by the activity. The Board may charge the amount necessary to repair the damages and may deny the group further use of school facilities or grounds. (Education code 38134)

Community Relations

USE OF SCHOOL FACILITIES

Any group or organization using school facilities or grounds shall be liable for any injuries resulting from its negligence during the use of district facilities or grounds. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk. (Education Code 38134)

Groups or organizations shall provide the district with evidence of insurance against claims arising out of the group's own negligence when using school facilities. (Education code 38134)

~~Groups or organizations shall also be required to include the district as an additional insured on their liability policies for claims arising out of the negligence of the group.~~

As permitted the Superintendent or designee may require a hold harmless agreement and indemnification when warranted by the type of activity or the specific ~~facility~~ facilities being used.

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Administration

ADMINISTRATIVE DISCRETION REGARDING BOARD POLICY

Note: The following optional policy may be revised to reflect district practice. Education Code 42605, which granted districts flexibility to use funds received for "Tier 3" categorical programs for any "education purpose," has been repealed by AB 97 (Ch. 47, Statutes of 2013). Pursuant to AB 97, funding for many of the categorical programs affected has been redirected into the new local control funding formula (LCFF) and districts must instead develop a local control and accountability plan (LCAP) that identifies the goals and specific actions the district will take to improve the achievement of all students. For more information about LCFF and its impact on district policies, see CSBA's policy brief Impact of Local Control Funding Formula on Board Policies. For specific requirements related to the LCAP, see BP/AR 0460 - Local Control and Accountability Plan.

~~Through the adoption of written policies, the Governing Board conveys its expectations for actions that will be taken in the district, clarifies roles and responsibilities of the Board and Superintendent, and communicates Board philosophy and direction. However, the Board recognizes that, at times, situations may arise in the operation of district schools or in the implementation of district programs that are not addressed in Board policy or administrative regulation. When resolution of such a situation necessitates immediate action, the Superintendent or designee shall have the authority to act on behalf of the district.~~

The Governing Board desires to be proactive in communicating its philosophy, priorities and expectations for the district; clarifying the roles and responsibilities of the Board, Superintendent, and other senior administrators; and setting direction for the district through written policies. However, the Board recognizes that, in the course of operating district schools or implementing district programs, situations may arise which may not be addressed in written policies.

(cf. 0000 – Vision)

(cf. 0100 – Philosophy)

(cf. 0200 – Goals for the School District)

(cf. 0460 – Local Control and Accountability Plan)

(cf. 2110 – Superintendent Responsibilities and Duties)

(cf. 9000 – Role of the Board)

(cf. 9310 – Board Policies)

~~If the situation or its resolution may affect the safety or security of students or staff members, involve a significant impact on student learning, or create a distraction within the school community;~~

In any situation in which immediate action is needed to avoid any risk to the safety or security of district students, staff, or property or disruption to student learning, the Superintendent or designee shall have the authority to act on behalf of the district.

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Administration

ADMINISTRATIVE DISCRETION REGARDING BOARD POLICY

As necessary, the Superintendent or designee shall consult with other district staff, including the legal counsel and/or the chief business official, regarding the exercise of this authority.

(cf. 0450 – Comprehensive Safety Plan)

(cf. 3516.5 – Emergency Schedule)

~~the~~ The Superintendent or designee shall notify the Board ~~president~~ as soon as practicable after ~~its occurrence~~ he/she exercises this authority. The Board president and the Superintendent shall schedule a review of the action at the next regular Board meeting. If the action indicates the need for additions or revisions in Board policies, the Superintendent or designee shall make the necessary recommendations to the Board.

~~(cf. 0450 – Comprehensive Safety Plan)~~

~~(cf. 3516.5 – Emergency Schedules)~~

(cf. 9320 – Meetings and Notices)

(cf. 9322 – Agenda/Meeting Materials)

~~Tier 3 Categorical Flexibility~~

~~The Board has determined that it is in the best interest of the district to utilize the categorical program flexibility authorized by Education Code 42605. In implementing the flexibility, the Superintendent, in accordance with Education Code 46205, , may suspend any program or funding requirement for the operation of any Tier 3 categorical program to the extent that such suspension does not affect the terms of any existing district contract or bargaining agreement. As necessary, the Superintendent or designee shall consult with other staff, including district legal counsel and/or the chief business official, regarding the district's exercise of this flexibility.~~

~~The Superintendent or designee shall regularly report to the Board regarding how the district is exercising the flexibility and whether the desired results are being achieved.~~

~~(cf. 0420 – School Plans/Site Councils)~~

~~(cf. 0420.1 – School-Based Program Coordination)~~

~~(cf. 1220 – Citizen Advisory Committees)~~

~~(cf. 1312.4 – Williams Uniform Complaint Procedures)~~

~~(cf. 3110 – Transfer of Funds)~~

~~(cf. 3111 – Deferred Maintenance Funds)~~

~~(cf. 4111 – Recruitment and Selection)~~

~~(cf. 4112.2 – Certification)~~

~~(cf. 4112.21 – Interns)~~

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Administration

ADMINISTRATIVE DISCRETION REGARDING BOARD POLICY

~~(cf. 4113—Assignment)~~
~~(cf. 4131—Staff Development)~~
~~(cf. 4131.1—Beginning Teacher Support/Induction)~~
~~(cf. 4138—Mentor Teachers)~~
~~(cf. 4139—Peer Assistance and Review)~~
~~(cf. 5123—Promotion/Acceleration/Retention)~~
~~(cf. 5136—Gangs)~~
~~(cf. 5141.32—Health Screening for School Entry)~~
~~(cf. 5145.6—Parental Notifications)~~
~~(cf. 5146—Married/Pregnant/Parenting Students)~~
~~(cf. 5147—Dropout Prevention)~~
~~(cf. 5149—At Risk Students)~~
~~(cf. 6141.5—Advanced Placement)~~
~~(cf. 6142.6—Visual and Performing Arts Education)~~
~~(cf. 6142.91—Reading/Language Arts Instruction)~~
~~(cf. 6142.94—History/Social Science Instruction)~~
~~(cf. 6151—Class Size)~~
~~(cf. 6161.1—Selection and Evaluation of Instructional Materials)~~
~~(cf. 6163.1—Library Media Centers)~~
~~(cf. 6164.2—Guidance/Counseling Services)~~
~~(cf. 6172—Gifted and Talented Student Program)~~
~~(cf. 6176—Weekend/Saturday Classes)~~
~~(cf. 6177—Summer School)~~
~~(cf. 6178.2—Regional Occupational Center/Program)~~
~~(cf. 6179—Supplemental Instruction)~~
~~(cf. 7214—General Obligation Bonds)~~
~~(cf. 9323.2—Actions by the Board)~~

Legal Reference:

EDUCATION CODE

35010 Control of district, prescription and enforcement of rules

35035 Powers and duties of superintendent

35160 Authority of governing boards

~~35160.5 Annual review of school district policies~~~~35163 Official actions, minutes and journal~~~~35161 Powers and duties; authority to delegate~~~~42605 Tier 3 categorical flexibility~~P
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Administration

ADMINISTRATIVE DISCRETION REGARDING BOARD POLICY

Management Resources:

CSBA PUBLICATIONS

~~Policy Implications of Categorical Program Flexibility, Policy Advisory, November 2009~~

~~Flexibility Provisions in the 2008 and 2009 State Budget: Policy Considerations for Governance Teams, Budget Advisory, March 2009~~

~~Impact of Local Control Funding Formula on Board Policies, Policy Brief, November 2013~~

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

~~Fiscal Issues Relating to Budget Reductions and Flexibility Provisions, April 2009~~

WEB SITES

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

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

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Policy

Adopted: 02/03

Revised: 10/06; 3/10, 11/11, pending 1st reading 02/14

HUENEME ELEMENTARY SCHOOL DISTRICT

Port Hueneme, California

Business and Noninstructional Operations**FOOD SERVICE OPERATIONS/CAFETERIA FUND**

Note: The following **optional** policy may be revised to reflect district practice. Pursuant to 7 CFR 210.9, 210.14, and 220.7, districts participating in the National School Lunch and/or Breakfast program (42 USC 1751-1769j, 1773) must maintain a nonprofit school food service program. Revenues received through the program may be used only for the operation or improvement of the food service program, except that such revenues must not be used to purchase land or buildings or construct buildings unless otherwise approved. Authorized expenditures are defined in the California Department of Education's (CDE) California School Accounting Manual.

The Governing Board intends that, ~~insofar as possible~~, school food services shall be a self-supporting, nonprofit program. To ensure program quality and increase cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of foods and supplies, the planning of menus, and the auditing of all food service accounts for the district.

(cf. 3100 – Budget)

(cf. 3300 – Expenditures and Purchases)

(cf. 3311 – Bids)

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

(cf. 3552 – Summer Meal Program)

(cf. 5030 – Student Wellness)

The Superintendent or designee shall ensure that all food service ~~administrators and~~ personnel possess appropriate qualifications and receive ongoing professional development related to the effective management and implementation of the district's food service program.

~~(cf. 4231 – Staff Development)~~

~~(cf. 4331 – Staff Development)~~

Note: The following paragraph is for use by districts participating in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773). Pursuant to 42 USC 1776, such districts must ensure that food service personnel who conduct or oversee administrative procedures and other appropriate personnel receive training on administrative practices (i.e., training in application, certification, verification, meal counting, and meal claiming procedures) at least once each year. In addition, all food service personnel are required to receive annual training that (1) is designed to improve the accuracy of approvals for free and reduced-price meals and the identification of reimbursable meals at the point of service and (2) includes modules on nutrition, health and food safety standards and methodologies, and any other appropriate topics as determined by the U.S. Secretary of Agriculture. The CDE provides online training that meets these requirements; see the CDE's web site.

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Business and Noninstructional Operations**FOOD SERVICE OPERATIONS/CAFETERIA FUND**

In addition, on a date to be determined by the U.S. Secretary pursuant to 42 USC 1776, food service directors will be required to meet minimum requirements related to education, training, and certification.

At least once each year, food service administrators, other appropriate personnel who conduct or oversee administrative procedures, and other food service personnel shall receive training provided by the California Department of Education (CDE). (42 USC 1776)

Meal Sales

Meals may be sold to students, district employees, Board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)

Note: Pursuant to Education Code 38084, the district may determine meal prices consistent with the goal of paying the costs of maintaining the cafeterias (exclusive of the costs of housing and equipping cafeterias, or other costs determined by Governing Board resolution, pursuant to Education Code 38100).

Students who meet federal eligibility criteria for the reduced-price meal program cannot be charged more than the amounts listed in 42 USC 1758 and 1773; see AR 3553 - Free and Reduced Price Meals. In setting prices for students who are not eligible for the free and reduced-price meal program, 42 USC 1760 requires schools to charge those students a price that is, on average, equal to the difference between free meal reimbursement and paid meal reimbursement. Schools that charge less than the average are required to gradually increase their prices over time until they meet the requirement or may cover the difference with nonfederal funds. 42 USC 1760 provides that the price shall generally not increase more than 10 cents each year, but allows districts to establish a higher increase at their discretion.

~~In addition, meals may be sold to other individuals and organizations that are on campus during meal times for a legitimate purpose, such as classroom volunteers, parents/guardians, or students' siblings.~~

Meal prices, as recommended by the Superintendent or designee and approved by the Board, shall be based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760.

Students who are enrolled in the free or reduced-price meal program shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation.

(cf. 3553 – Free and Reduced Price Meals)

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Business and Noninstructional Operations**FOOD SERVICE OPERATIONS/CAFETERIA FUND**

Meals may be sold to nonstudents, including parents/guardians, volunteers, students' siblings, or other individuals, who are on campus for a legitimate purpose. Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture (USDA) foods.

Cafeteria Fund

The Superintendent or designee shall establish a cafeteria fund independent of the district's general fund.

The wages, salaries and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

The Superintendent or designee shall ensure that state and federal funds provided through school meal programs are allocated only for purposes related to the operation or improvement of food services and reasonable and necessary indirect program costs as allowed by law. ~~Program financial reports shall be presented regularly to the Board.~~

(cf. 3400 – Management of District Assets/Accounts)
(cf. 3460 – Financial Reports and Accountability)

Program Monitoring and Evaluation

The Superintendent or designee shall present to the Board, at least annually, financial reports regarding revenues and expenditures related to the food service program.

The Superintendent or designee shall provide all necessary documentation required for the Administrative Review conducted by the CDE to ensure compliance of the district's food service program with federal requirements related to maintenance of the nonprofit school food service account, paid lunch equity, revenue from nonprogram goods, indirect costs, and USDA foods.

(cf. 3555 – Nutrition Program Compliance)

Legal Reference:**EDUCATION CODE**

38080 – 38086 Cafeteria, establishment and use

38090 - 38095 Cafeterias, funds and accounts

38100 - 38103 Cafeterias, allocation of charges

42646 Alternate payroll procedure

45103.5 Contracts for management consulting services; restrictions

49490-49493 School breakfast and lunch programs

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Business and Noninstructional Operations

FOOD SERVICE OPERATIONS/CAFETERIA FUND

49500-49505 School meals

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

[CODE OF REGULATIONS, TITLE 5](#)

[15550-15565 School lunch and breakfast programs](#)

UNITED STATES CODE, TITLE 42

1751-1769j School lunch programs

1771-1791 Child nutrition, including:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 2

255 Cost Principles for State, Local, and Indian Tribal Governments

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1 - 210.31 National School Lunch Program

220.1 - 220.21 National School Breakfast Program

[250.1-250.70 USDA foods](#)

Management Resources:

~~CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS~~

~~USDA-FDP-02-2010 Storage and Inventory Management of United States Department of Agriculture (USDA) Donated Foods, August 2010~~

~~USDA-SNP-01-2008 Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs; and the Handling of Unpaid Meal Charges, February 2008~~

~~00-111 Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, July 2000~~

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Food Distribution Program Administrative Manual

[Cafeteria Funds—Allowable Uses, Management Bulletin NSD-SNP-07-2013, May 2013](#)

[Paid Lunch Equity Requirement, Management Bulletin USDA-SNP-16-2012, October 2012](#)

[Storage and Inventory Management of United States Department of Agriculture \(USDA\)](#)

[Donated Foods, Management Bulletin UsDA-FDP-02-2010, August 2010](#)

[Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs; and the Handling of Unpaid Meal Charges, Management Bulletin USDA-SnP-01-2008, February 2008](#)

[Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, Management Bulletin 00-111, July 2000](#)

[U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS](#)

[Financial Management of the School Meal Programs, Correspondence, August 30, 2013](#)

[Indirect Costs: Guidance for State Agencies and School Food Authorities, 2011](#)

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Business and Noninstructional Operations

FOOD SERVICE OPERATIONS/CAFETERIA FUND

U.S. DEPARTMENT OF EDUCATION GUIDANCE

FAQs About School Meals

WEB SITES

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California School Nutrition Association: <http://calsna.org>

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

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

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Policy

adopted: 12/02

Revised: 06/11, pending 1st reading 02/14

HUENEME ELEMENTARY SCHOOL DISTRICT

Port Hueneme, California

Business and Noninstructional Operations

FOOD SERVICE OPERATIONS / CAFETERIA FUND

Payments for Meals

Note: State and federal law (Education Code 49550; 42 USC 1758, 1773) require that all students eligible for free and reduced-price meals receive a reimbursable meal during each school day which must be the same meal choice offered to noneligible students; see BP/AR 3553 - Free and Reduced Price Meals. California Department of Education (CDE) Management Bulletin USDA-SNP-01-2008 clarifies that districts therefore cannot serve an alternate meal (i.e., a meal that is different than the day's advertised meal) to a student eligible for reduced-price meals who does not have the ability to pay or who fails to provide a meal ticket or other medium of exchange on a given day. However, payment and pricing policies for full-price meals are at the discretion of the district and may include decisions on whether or not to extend credit or provide an alternate meal to students in the event of nonpayment.

The following **optional** section includes recommendations of the CDE's Management Bulletin and the U.S. Department of Agriculture's (USDA) "FAQs About School Meals" on the USDA's web site and may be revised to reflect district practice.

With the exception of students who are eligible to receive meals at no cost, students may pay on a per-meal basis or may submit payments in advance. The Superintendent or designee shall maintain ~~an account indicating a system for accurately recording~~ payments received and tracking meals provided from to each student ~~for the purchase of school meals~~.

(cf. 3550 – Food Service/Child Nutrition Program)
 (cf. 3552 – Summer Meal Program)
 (cf. 3553 – Free and Reduced Price Meals)
 (cf. 3555 – Nutrition Program Compliance)

At the beginning of the school year, parents/guardians shall be notified of the district's meal payment policies and encouraged to prepay for meals whenever possible.

(cf. 1113 – District and School Web Sites)

In cases of repeated nonpayment by a student, the Superintendent or designee may contact parents/guardians to discuss the reasons for the nonpayment. The Superintendent or designee may evaluate individual circumstances to determine if the student's parents/guardians need assistance completing an application for free or reduced-price meals or need referral to social services.

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Business and Noninstructional Operations**FOOD SERVICE OPERATIONS / CAFETERIA FUND****Reimbursement Claims**

The Superintendent or designee shall maintain records of the number of meals served each day by school site and by category of free, reduced-price, and full-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to the California Department of Education (CDE) using the online Child Nutrition Information and Payment System.

Cafeteria Fund

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the Governing Board shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, 38091, ~~38092~~)

(cf. 3100 – Budget)

(cf. 3300 – Expenditures and Purchases)

The cafeteria fund shall be used only for Board-authorized expenditures necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR ~~255225~~, and the California School Accounting Manual. (Education Code 38091, 38101; 2 CFR ~~255225~~)

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the expenditure's purpose and basis. (Education Code 38101)

(cf. 3110 – Transfer of Funds)

Net cash resources in the nonprofit school food service shall not exceed three months average expenditures. (2 CFR 210.14)

U.S. Department of Agriculture Foods

Note: The following optional section is for use by districts that participate in the National School Lunch Program and receive foods from the USDA pursuant to 42 USC 1755 and 7 CFR 250.1-250.70. The CDE is responsible for ordering and distributing USDA foods for use in California schools. Pursuant to 42 USC 1758, the USDA must ensure that foods offered through this program reflect the most recent Dietary Guidelines for Americans.

The Superintendent or designee shall ensure that foods received through the U.S. Department of Agriculture (USDA) are handled, stored, and distributed in facilities which: (7 CFR 250.14)

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FOOD SERVICE OPERATIONS / CAFETERIA FUND

1. Are sanitary and free from rodent, bird, insect, and other animal infestation
2. Safeguard foods against theft, spoilage, and other loss
3. Maintain foods at proper storage temperatures
4. Store foods off the floor in a manner to allow for adequate ventilation
5. Take other protective measures as may be necessary

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7 CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

USDA foods shall be used in school lunches as far as practicable. USDA foods also may be used in other nonprofit food service activities, including, but not limited to, school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students, provided that any revenues from such activities accrue to the district's nonprofit food service account. (7 CFR 250.60)

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Regulation

approved: 12/02

Revised: 06/11, pending 1st reading 02/14

HUENEME ELEMENTARY SCHOOL DISTRICT

Port Hueneme, California

OTHER FOOD SALES**Nutritional Standards for Foods and Beverages Requirements for Schools Not Participating in Federal Meal Program**

Note: The following section is for use by districts that have one or more schools that do not participate in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773). Requirements for other schools are described below in the section "Requirements for Schools Participating in Federal Meal Program."

Food and beverage sales outside the district's food service program shall comply with applicable nutritional standards specified in Education Code 49431, ~~49431.2, 49431.5, and~~ 49431.7 and 5 CCR ~~15500-15501 and~~ 15575-15578.

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5030 - Student Wellness)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)

Note: Pursuant to Education Code 49431-49431.5, foods and beverages that do not comply with state nutrition standards may be sold outside of the district's food services program under certain conditions. As amended by AB 626 (Ch. 706, Statutes of 2013), Education Code 49431-49431.5 provide that the same requirements apply to sales of both foods and beverages and to all grade levels. AB 626 also amended Education Code 49431 and 49431.5 to eliminate the requirement that sales of noncompliant foods and beverages in elementary schools only be allowed if the items are sold by students of the school.

~~At an elementary school, the~~ The sale of foods or beverages that do not comply with the standards in Education Code 49431 ~~and~~ 49431.5 may be permitted, ~~as part of a fundraising event, only when the items are sold by students of the school and the sale meets~~ in either of the following ~~conditions~~ circumstances: (Education Code 49431, ~~49431.5~~)

1. ~~The sale~~ takes place off and away from school premises.
2. ~~The sale~~ takes place on school premises at least one-half hour after the end of the school day.

(cf. 1230 - School-Connected Organizations)
(cf. 1321 - Solicitations of Funds from and by Students)
(cf. 6145 – Extracurricular and Cocurricular Activities)

~~At a middle or junior high school, the sale of food items that do not comply with the standards in Education Code 49431.2 may be permitted in any of the following circumstances: (Education Code 49431.2)~~

1. ~~The sale takes place off and away from school premises.~~

OTHER FOOD SALES

~~2. The sale takes place on school premises at least one-half hour after the end of the school day.~~

~~3. The sale occurs during a school-sponsored student activity after the end of the school day.~~

~~(cf. 6145—Extracurricular and Coextracurricular Activities)~~

~~Beverage sales that do not comply with the standards in Education Code 49431.5 may be permitted at a middle or junior high school as part of a school event under either of the following circumstances: (Education Code 49431.5)~~

~~1. The sale occurs during a school-sponsored event and takes place at the location of the event at least one-half hour after the end of the school day.~~

~~2. Vending machines, student stores, and cafeterias are used later than one-half hour after the end of the school day.~~

Additional Requirements for Schools Participating in the National School Lunch or Breakfast Federal Meal Program

Note: The following section is for use by districts that have one or more schools participating in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773). 7 CFR 210.11 and 220.12 **mandate** that such districts adopt rules and regulations to ensure compliance with federal requirements for competitive foods.

Pursuant to 42 USC 1779, the U.S. Secretary of Agriculture has established nutrition standards which are consistent with the most recent Dietary Guidelines for Americans and apply to all foods sold outside the school meal programs on school campuses at any time during the school day. These standards are contained in 7 CFR 210.11 and 220.12, as amended by 78 Fed. Reg. 125, and must be implemented by July 1, 2014.

Note that, in some instances, state nutrition standards (Education Code 49431-49431.7) may be stricter than federal standards. In such cases, the stricter standard prevails. In addition, although 7 CFR 210.11 and 220.12 allow states to adopt criteria for special exemptions from nutrition standard compliance for infrequent school-sponsored fundraisers, the California Department of Education (CDE) provides no exemption. Thus, all infrequent school-sponsored fundraisers are subject to the same rules as other outside food sales.

For any district school participating in the National School Lunch and/or Breakfast Program, The sale of foods food and beverage sales conducted outside of the district's food service program during meal periods in food service areas on school campuses during the school day shall be

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OTHER FOOD SALES

~~allowed only if all income from the sale, including the sale of approved foods or drinks from vending machines, accrues to the benefit of the school, the school food service program, or the student organization(s) sponsoring the sale. Comply with applicable nutritional standards specified in 7 CFR 210.11 and 220.12 or with state nutrition standards in Education Code 49431-49431.7 and 5 CCR 1550-15501 and 15575-15578, whichever rule is stricter. (7 CFR 210.11, 220.12)~~

~~No foods of minimal nutritional value, as listed in 7 CFR 210, Appendix B, and 7 CFR 220, Appendix B, shall be sold in food service areas during breakfast and lunch periods. (7 CFR 210.11, 220.12)~~

Note: As amended by 78 Fed. Reg. 125, 7 CFR 210.11 adds the following definition of "school day" for purposes of the regulations governing competitive food and beverage sales.

These standards shall apply to all competitive foods and beverages sold from midnight before the school day to one-half hour after the end of the school day. (7 CFR 210.11)

Note: The remainder of this section reflects 5 CCR 15500-15501 pertaining to sales by student organizations in schools that participate in a federal meal program, but delegates to the Superintendent or designee the responsibility for approval of the specific food item to be sold; see the accompanying Board policy.

To the extent that any Title 5 requirement conflicts with the nutrition standards specified in Education Code 49431-49431.7 or federal law, the stricter standard prevails. Thus, although 5 CCR 15500 provides that a student organization may only sell a dessert-type item, such as a pastry, ice cream, or fruit, stricter state and federal nutrition standards supersede and so this provision is not reflected in the list below.

Items #1-6 below are for use by districts that maintain any of grades K-8.

In a school with any of grades K-8 that is participating in the National School Lunch and/or Breakfast Program, the Superintendent or designee shall not permit the sale of foods by a student organization except when all of the following conditions are met: (5 CCR 15500)

1. The student organization shall sell only one food item per sale.
2. The specific nutritious food item is approved by the Superintendent or designee in accordance with Board policy.
3. The sale does not begin until after the close of the regularly scheduled midday food service period.
4. The sale during the regular school day is not of food items prepared on the premises.

Business and Noninstructional Operations

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5. There are no more than four such sales per year per school.

~~6. The food sold is a dessert-type food, such as pastry, ice cream, or fruit.~~

7. The food sold is not one sold in the district's food service program at that school during that school day.

Note: Items below are for use by districts that maintain junior high schools or high schools.

In junior high schools, a student organization may be approved to sell food items during or after the school day if all of the following conditions are met: (5 CCR 15501)

1. Only one student organization conducts a food sale on a given school day and the organization sells no more than three types of food or beverage items, except that up to four days during the school year may be designated on which any number of organizations may conduct the sale of any food items.

2. The specific nutritious food items are approved by the Superintendent or designee in accordance with Board policy.

3. Food items sold during the regular school day are not prepared on the premises

4. The food items sold are not those sold in the district's food service program at that school during that school day.

Note: 7 CFR 210.11, as amended by 78 Fed. Reg. 125, requires the district to maintain specified records.

The Superintendent or designee shall maintain records, or shall require organizations selling foods and beverages to maintain records, to document compliance with federal nutrition standards for all competitive foods and beverages sold through and outside the district's food service program. At a minimum, these records shall include receipts, nutrition labels, and/or product specifications. (7 CFR 210.11)

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Personnel

SEXUAL HARASSMENT

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

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

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

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, ~~or~~ gestures; ~~or~~ sexually explicit e-mails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

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Personnel

SEXUAL HARASSMENT

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

Training

Note: Government Code 12950.1 requires any district with 50 or more employees to provide two hours of sexual harassment training and education to supervisory employees once every two years. All newly hired supervisors or employees promoted to a supervisory position must receive the training within six months of their hire or assumption of the supervisory position. Compliance with this law does not insulate the district from any liability for harassment.

Note: Pursuant to 2 CCR 7288.0, as added by Register 2007, No. 29, the definition of "supervisor" in Government Code 12926 is applicable to this training requirement. Government Code 12926 defines "supervisor" broadly as any individual having the authority to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees or to effectively recommend that action if the exercise of that authority is not merely routine or clerical in nature. Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sexual harassment training. Districts should consult with legal counsel to ensure that the appropriate individuals receive training.

Note: The following section is for use by districts with 50 or more employees. Although the law does not require districts with fewer than 50 employees to provide sexual harassment training to supervisors, court decisions have held that providing training may help mitigate damages in sexual harassment suits.

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

Note: Government code 12950.1 and 2 CCR 7288.0, as added by Register 2007, No. 29, require that the training contain specified components and be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. Pursuant to 2 CCR 7288.0, employers may offer computer-based training, but such training must be interactive and provide as to how to contact a trainer who shall be able to answer any questions within two business days.

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Personnel**SEXUAL HARASSMENT**

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

Notifications

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

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures and standards of conduct are posted

2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired

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

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

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment

2. The definition of sexual harassment under applicable state and federal law

3. A description of sexual harassment, with examples

4. The district's complaint process available to the employee

(cf. 4031 – Complaints Concerning Discrimination in Employment)

5. The legal remedies and complaint process available through ~~the Fair Employment and Housing Department~~ DFEH and ~~the~~ Equal Employment Opportunity Commission (EEOC)

Personnel

SEXUAL HARASSMENT

6. Directions on how to contact ~~the Fair Employment and Housing Department and Equal Employment Opportunity Commission~~DFEH and the EEOC

7. The protection against retaliation provided by 2 CCR 7287.8 for opposing harassment prohibited by law or for filing a complaint with, or otherwise participating in an investigation, proceeding or hearing conducted by DFEH and the EEOC

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

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Regulation

Approved: 11/02

Revised: 06/04, pending 1st reading 02/14

HUENEME ELEMENTARY SCHOOL DISTRICT

Port Hueneme, California

Students

PROMOTION/ACCELERATION/RETENTION

Note: Education Code 48070 and 48070.5 **mandate** that the Governing Board adopt a policy, at a public meeting, regarding the promotion and retention of students, including, but not limited to, promotion and retention at specified grade levels and with specified provisions.

Promotion

The Governing Board expects students to progress through each grade level within one school year. ~~To accomplish this~~ Toward this end, instruction ~~should~~ shall be designed to accommodate the variety of ways that ~~children~~ students learn and ~~include~~ provide strategies for addressing academic deficiencies ~~when as~~ needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

(cf. 6011 - Academic Standards)

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

(cf. 6170.1 – Transitional Kindergarten)

Acceleration

When high academic achievement is evident, the ~~Superintendent or designee~~ teacher may recommend a student for acceleration ~~into~~ a higher grade level. The student's ~~social and emotional growth~~ maturity level shall be taken into consideration in making a determination to accelerate a student.

Note: Education Code 48070.5 **mandates** that the Board's policy provide for the identification of students who should be retained and who are at risk of being retained at the end of grades 2, 3, 4, the intermediate grades (usually grade 6), and the middle school grades (usually grade 8). Items #1-5 below should be revised to reflect the grade levels offered by the district. If the Board chooses to expand these requirements to cover other grade levels, the following list should be revised accordingly.

Education Code 48070.5 further **mandates** that the Board's policy provide for students to be identified as early in the school year, and as early in their school careers, as practicable.

Retention

~~As early as possible in the school year, the Superintendent or designee~~ Teachers shall identify students who should be retained ~~and or who are at risk of being retained at their current grade~~

Students

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PROMOTION/ACCELERATION/RETENTION

~~level as early as possible in the school year and as early in their school careers as practicable. Such students shall be identified at the following grade levels: (Education Code 48070.5) who are at risk of being retained in accordance with law, Board policy, administrative regulation and the following criteria.~~

~~Students shall be identified on the basis of grades, attendance, assessment results and other relevant factors that may affect performance.~~

~~(cf. 5149—At Risk Students)~~

~~(cf. 6162.5—Student Assessment)~~

1. Between grades 2 and 3

2. Between grades 3 and 4

3. Between grades 4 and 5

Note: If all the schools in the district are configured in the same manner, the district may specify the actual grade levels in items #4 and 5 below (e.g., between grades 6 and 7, between grades 8 and 9).

4. Between the end of the intermediate grades and the beginning of the middle school grades

5. Between the end of the middle school grades and the beginning of the high school grades

Note: Education Code 48070.5 **mandates** that the district's policy establish the basis for identifying students who should be retained and who are at risk of being retained. If a student performs below the minimum standard based on indicators established by the district, the student shall be retained, unless the teacher determines that retention is not the appropriate intervention for the student's academic deficiencies; see the accompanying administrative regulation.

Pursuant to Education Code 48070.5, the district may use either of the following: (1) the student's grades and other indicators of academic achievement designated by the district (Option 1 below) or (2) the results of state assessments administered pursuant to Education Code 60640-60649 and minimum levels of proficiency recommended by the State Board of Education (SBE) (Option 2 below). With regard to special education students, the determination as to the appropriate standards for promotion or retention should be made as part of the IEP process; see BP/AR 6159 - Individualized Education Program.

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Students

PROMOTION/ACCELERATION/RETENTION

Education Code 48070.5 provides that, when a district chooses to identify students on the basis of grades pursuant to Option 1, the Board shall also designate other indicators of academic achievement that will be used. These other indicators of achievement (e.g., state or district assessments, portfolios, attendance) should be specified in the blanks provided below.

Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency, as indicated by grades and the following additional indicators of academic achievement:

- Performance on benchmark and state assessments
- Teacher judgment

(cf. 5121 – Grades/Evaluation of Student Achievement)
(cf. 5149 – At-Risk Students)

~~When a student in grades 2 through 8 is retained, recommended for retention, or has not demonstrated sufficient progress, the Superintendent or designee shall offer programs of direct, systematic and intensive supplemental instruction in accordance with Education Code 37252.2, as established by Board policy or toward passing the state high school exit examination.~~

~~(cf. 6179 – Supplemental Instruction)~~

~~As funding, facilities, and staff permit, the Superintendent or designee will offer the opportunity for supplemental instruction to students in grades 2-6 who have been identified as at risk of retention or in danger of not meeting grade level standards, or who have been identified as having a deficiency in mathematics, reading or written expression based on grades and other indicators of achievement as designated by Board policy. Such programs may be offered before school, after school, on Saturdays, and during summer. (Education Code 37252.8)~~

~~(cf. 6179 – Supplemental Instruction)~~

~~With the parent/guardian's consent, the Superintendent or designee may require a student who has been retained, recommended for retention or identified as being at risk of retention to participate in supplemental instructional programs. (Education Code 3752.2)~~

~~Nothing in this policy supersedes state or federal law governing special education students. (Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq.; Rehabilitation Act of 1973,~~

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~~29 U.S.C. 794, Title 34 C.F.R. Part 300, 34 C.F.R. Sections 104.1, et seq.; Education Code Sections 56000, et seq.; Title 5 Cal.Code. Regs. Sections 3000, et seq.)~~

~~With respect to students who have been identified as individuals with exceptional needs who are eligible for special education instruction and services, and other students with a disability that affects a major life activity, decisions regarding promotion or retention will be made in accordance with the recommendations of the student's IEP or 504 team.~~

Note: The remainder of this policy is for use by all districts.

~~Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts, and mathematics shall be the basis for identifying students between Grades 4 and 5, between intermediate and middle school grades, and between middle school grades and high school grades. (Education Code 48070.5)~~

~~(cf. 6142.91 – Reading/Language Arts Instruction)~~

~~(cf. 6142.92 – Mathematics Instruction)~~

Note: Education Code 48070.5 **mandates** that the district's policy specify the teacher(s) responsible for the promotion/retention decision in cases where the student does not have a single regular classroom teacher. The following paragraph should be revised to indicate the specific teacher(s) who will be responsible (e.g., teachers responsible for core subjects).

~~If a student does not have a single regular classroom teacher, the Superintendent or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)~~

Note: Education Code 48070.5 **mandates** that the district's policy include a process by which the teacher's decision to promote or retain a student may be appealed; see the accompanying administrative regulation.

~~The teacher's decision to promote or retain a student may be appealed in accordance with AR 5123 – Promotion/Acceleration/Retention.~~

Note: Education Code 48070.5 requires that the Board adopt policy indicating the manner in which opportunities for remedial instruction will be provided to students who are recommended for retention or who are identified as being at risk for retention. See BP 6179 - Supplemental Instruction for language fulfilling this mandate. However, funding for supplemental instructional

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categorical programs for students in grades 2-9 who have been retained or recommended for retention (Education Code 37252.2) and for students in grades 2-6 who have been identified as being at risk of retention (Education Code 37252.8) has been redirected into the local control funding formula pursuant to AB 97 (Ch. 47, Statutes of 2013). Thus, the district may design supplemental instructional programs for these purposes in a manner that meets district and student needs.

When a student is recommended for retention or is identified as being at risk for retention, the Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. (Education Code 48070.5)

(cf. 6176 – Weekend/Saturday Classes)

(cf. 6177 – Summer Learning Programs)

(cf. 6179 – Supplemental Instruction)

Legal Reference:

EDUCATION CODE

37252.2, 37252.8 Supplemental instruction

37252-37254.1 Supplemental instruction

41505-41508 Pupil Retention Block Grant

46300 Method of computing ~~ADA~~ Average Daily Attendance

48010 Admittance to first grade

48011 ~~Admission on completing kindergarten; grade placement of pupils coming from other districts~~ Promotion/retention following one year of kindergarten

48070-48070.5 Promotion and retention

48431.6 Required systematic review of students and grading

56345 Elements of individualized education plan

60640-60649 California Assessment of Student Performance and Progress

~~60641-60648 Standardized Testing and Reporting Program~~

60850-60856 Exit examination

CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

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Management Resources:

~~CDE MANAGEMENT ADVISORIES~~

~~CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS~~

~~FAQs Promotion, Retention, and Grading (students with disabilities)~~

~~FAQs Pupil Promotion and Retention~~

~~0900.90 Changes in Law Concerning Eligibility for Admission to Kindergarten 90-10~~

~~Kindergarten Continuance Form~~

~~LEGISLATIVE COUNSEL'S OPINION~~

~~Promotion and Retention #21610~~

~~CSBA POLICY ADVISORIES~~

~~0901.99 Social Promotion/Retention Policy Briefing: Considerations for English Language Learners~~

~~1112.98 Student Promotion/Retention Advisory~~

WEB SITES

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

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

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Policy

Approved: 11/03

Revised: 11/05, pending 1st reading 02/14

HUENEME ELEMENTARY SCHOOL DISTRICT

Port Hueneme, California

Students

PROMOTION/ACCELERATION/RETENTION

Acceleration from Kindergarten to First Grade

Any student who meets the age eligibility requirement and has completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten. (Education 48010, 48011)

(cf. 5111 – Admission)

A student ~~enrolled in kindergarten who does not meet the age eligibility requirement~~ may be admitted to ~~the~~ first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian, upon determination that the child is ready for first-grade work. ~~(Education Code 48011)~~

~~Admission shall be,~~ subject to the following minimum criteria: (Education Code 48011; 5 CCR 200)

1. The student is at least five years of age.
2. The student has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. The student is in the upper five percent of his/her age group in terms of general mental ability.
4. The physical development and social maturity of the student are consistent with his/her advanced mental ability.
- ~~5. The student has met Kindergarten reading standards as determined by District assessments.~~
- ~~6.5.~~ The parent/guardian of the student has filed a written statement with the school district approving the placement in first grade.

~~Acceleration at Other Grade Levels~~

~~When high academic achievement is evident, the teacher, with the assistance of the school's Student Study Team, may recommend a student for acceleration into a higher grade level.~~

~~When making a decision to accelerate a student, factors considered should help determine whether acceleration will be beneficial to the student in terms of immediate and long-term advantages. Such factors shall include but are not limited to academic performance, achievement of grade-level standards, age, physical size, and social and emotional growth.~~

~~Whenever a student is recommended for acceleration into a higher grade level, the Superintendent or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall be accelerated into a higher grade level.~~

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Continuation in Kindergarten

~~Students who have completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten for not more than one additional school year. (Education Code 48011)~~

Whenever ~~the Superintendent or designee and he~~ parents/guardians agree that a student ~~continues shall~~ continue in kindergarten for an additional year, the Superintendent or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year. (Education Code 46300, 48011)

Retention at Other Grade Levels

~~The Superintendent or designee shall identify students who should be retained or who are at risk of being retained at the following grade levels: (Education Code 48070.5)~~

- ~~1. Between grades 2 and 3~~
- ~~2. Between grades 3 and 4~~
- ~~3. Between grades 4 and 5~~
- ~~4. Between grades 6 and 7~~
- ~~5. Between grades 8 and 9~~

~~Students between grades 1 and 2, 5 and 6, 7 and 8 may be retained if deemed appropriate by the school's Student Appraisal Team (SAT), which consists minimally of the classroom teacher, parent, principal, and other appropriate school personnel.~~

~~Students between grades 1 and 2, grades 2 and 3, and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading. Students between grades 4 and 5, 5 and 6, 7 and 8, and between grades 8 and 9 shall be identified primarily on the basis of their level of proficiency in reading, English language arts and mathematics. (Education Code 48070.5)~~

~~(cf. 6142.91—Reading/Language Arts Instruction)
(cf. 6142.92—Mathematics Instruction)~~

~~Students shall be identified on the basis of grades, assessment, attendance results, and other indicators, as established by Board policy. The district's minimum criteria for promotion are stated in Exhibit 5123—Minimum Criteria for Promotion.~~

~~(cf. 5121—Grades/Evaluation of Student Achievement)
(cf. 6162.5—Student Assessment)~~

English Language Learners (ELL)

~~Retention of ELL students requires supplemental data, which may include but is not limited to the type of ELL program in which they are enrolled, their level of English language proficiency, length of time in the program, or progress over time.~~

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Students Who Receive Instruction in Spanish

Students who receive Language Arts and/or Mathematics instruction in Spanish are expected to meet the promotion criteria for English Language Development (ELD), Spanish Reading, Language Arts and Math. With the exception of ELD proficiency, decisions about their promotion/retention shall be based on assessments conducted in Spanish.

Students Transitioning to English Instruction

English language learners are to be considered transition students for two years from the date of initiation of the transition process. It is usually inappropriate to retain students who are in the process of transitioning from Spanish language arts instruction to English language arts instruction. Therefore, transition students shall be promoted except for specific conditions, such as low achievement due to poor attendance or lack of effort.

English Learners in Sheltered English Immersion Program

English language learners enrolled in the Sheltered Immersion Program need additional time to meet promotion standards. Therefore, it is usually inappropriate to retain these students.

Students Who Receive Special Education Services

Every special education student has an Individual Education Plan (IEP) that describes the student's present levels of educational performance and measurable goals and objectives. Included in the IEP are objective criteria for determining whether those goals and objectives are being achieved. As required by law, the individualized education plan shall govern the standards required for promotion and the placement determinations for special education students.

504 Students

Decisions to promote or retain students shall be in accordance with recommendations of the student's 504 team.

Retention Process

If a student is identified as performing below the minimum standard for promotion, the student shall be retained in his/her current grade level unless the student's regular classroom teacher determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. (Education Code 48070.5)

If the teacher's recommendation to promote is contingent upon the student's participation in a summer school or interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the student shall be reevaluated.

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~~at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the principal before any final determination of retention or promotion. (Education Code 48070.5)~~

~~(cf. 6177—Summer School)~~

~~(cf. 6179—Supplemental Instruction)~~

~~The classroom teacher will work in conjunction with the School Appraisal Team when making a decision to retain a student. If the student does not have a single regular classroom teacher, the principal or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)~~

~~When a student is identified as being at risk of retention, the Superintendent or designee shall so notify the student's parent/guardian as early in the school year as practicable. The student's parent/guardian shall be provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)~~

~~(cf. 5145.6—Parental Notifications)~~

~~If a student is identified as performing below the minimum standard for promotion to the next grade level based on the indicators specified in Board policy, the student shall be retained in his/her current grade level unless the student's regular classroom teacher determines, in writing, that retention is not appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. (Education Code 48070)~~

~~(cf. 5121 – Grades/Evaluation of Student Achievement)~~

~~(cf. 6162.5 – Student Assessment)~~

~~(cf. 6162.51 – State Academic Achievement Tests)~~

~~If the teacher's recommendation to promote is contingent on the student's participation in a summer school or interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program and the decision to retain or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the principal before any final determination of retention or promotion. (Education Code 48070.5)~~

~~(cf. 6176 – Weekend/Saturday Classes)~~

~~(cf. 6177 – Summer Learning Programs)~~

~~(cf. 6179 – Supplemental Instruction)~~

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Appeal Process

~~The teacher's decision to promote or retain a student may be appealed consistent with Governing Board policy, administrative regulation and law.~~

~~Whenever a student's parent/guardian appeals the teacher's decision to promote or retain a student, The~~
~~the~~ burden shall be on the ~~appealing party parent/guardian~~ to show why the teacher's decision should be overruled. (Education Code 48070.5)

To appeal a teacher's decision, the ~~appealing party parent/guardian~~ shall submit a written request to the Superintendent or designee specifying the reasons that the teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion.

The teacher shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based.

Within 30 days of receiving the request, the Superintendent or designee shall determine whether or not to overrule the teacher's decision. Prior to making this determination, the Superintendent or designee may meet with the ~~appealing party parent/guardian~~ and the teacher. If the Superintendent or designee determines that the ~~appealing party parent/guardian~~ has overwhelmingly proven that the teacher's decision should be overruled, he/she shall overrule the teacher's decision. ~~The Superintendent's decision shall be final.~~

~~If the decision of the Superintendent is unfavorable to the appealing party, he/she shall have the right to submit a written statement of objections which shall become part of the student's record.~~

~~The Superintendent or designee's determination may be appealed by submitting a written appeal to the Governing Board within 15 school days. Within 30 days of receipt of a written appeal, the Board shall meet in closed session to decide the appeal. The Board's decision may be made on the basis of documentation as prepared as part of the appeal process or, at the discretion of the Board, the Board may also meet with the parent/guardian, the teacher, and the Superintendent or designee to decide the appeal. The decision of the Board shall be final.~~

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

~~(cf. 9321.1 – Closed Session Actions and Reports)~~

~~If the final decision is unfavorable to the parent/guardian, he/she shall have the right to submit a written statement of objections which shall become part of the student's record.~~

~~(cf. 1312 – Complaints Against the Schools)~~

(cf. 5125 - Student Records)

(cf. 5125.3 - Challenging Student Records)

Policy

Approved:

Revised: 07/05, pending 1st reading 02/14

HUENEME ELEMENTARY SCHOOL DISTRICT

Port Hueneme, California

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NONDISCRIMINATION/HARASSMENT

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school. (Education Code 234.1)

(cf. 0410 – Nondiscrimination in District Programs and Activities)
(cf. 5131 – Conduct)
(cf. 5131.2 – Bullying)
(cf. 5137 – Positive School Climate)
(cf. 5145.9 – Hate-Motivated Behavior)
(cf. 5146 – Married/Pregnant/Parenting Students)
(cf. 6164.6 – Identification and Education under Section 504)

Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

~~The Superintendent or designee shall provide age-appropriate training and information to students, parents/guardians and employees regarding discrimination, harassment, intimidation, and bullying including, but not limited to, the district's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.~~

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The

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BP 5145.3 (b)
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Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the educational program. He/she shall report his/her findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1330 - Use of Facilities)

(cf. 4131 – Staff Development)

(cf. 4231 – Staff Development)

(cf. 4331 – Staff Development)

~~In providing instruction, guidance, supervision, or other services to district students, employees and volunteers shall carefully guard against segregating or stereotyping students.~~

~~(cf. 1240 – Volunteer Assistance)~~

(cf. 6145 – Extracurricular and Cocurricular Activities)

(cf. 6145.2 – Athletic Competition)

(cf. 6164.2 – Guidance/Counseling Services)

~~The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.~~

Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, ~~up to and including counseling, suspension and/or expulsion.~~ Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 – Suspension/Disciplinary Action)

(cf. 4119.21/4219.21/4319.21 – Professional Standards)

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

(cf. 5144 – Discipline)

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

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

(cf. 5145.2 – Freedom of Speech/Expression)

Grievance Procedures

~~The following position is designated as Coordinator for Nondiscrimination to handle complaints~~

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NONDISCRIMINATION/HARASSMENT

~~regarding discrimination, harassment, intimidation, or bullying, and to answer inquiries regarding the district's nondiscrimination policies:~~

~~Senior Director, Educational Projects
205 North Ventura Road
Port Hueneme, California 90341
(805) 488-3588, Ext. 402~~

~~(cf. 1312.1—Complaints Concerning District Employees)
(cf. 131.23—Uniform Complaint Procedures)~~

~~Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the Coordinator, the principal or any other staff member. In addition, any student who observes any such incident should report the incident to the Coordinator or principal, whether or not the victim files a complaint.~~

~~In addition, the employee shall immediately intervene when safe to do so. (Education Code 234.1)~~

~~Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.2—Uniform Complaint Procedures.—~~

~~—
The Superintendent or designee shall ensure that the student handbook clearly describes the district's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, or bullying, and the resources that are available to students who feel that they have been the victim of any such behavior. The district's policy shall also be posted on the district web site or any other location that is easily accessible to students.~~

~~(cf. 1113—District and School Web Sites)
(cf. 1114—District Sponsored Social Media)
(cf. 6163.4—Student Use of Technology)~~

~~When required pursuant to Education Code 48985, complaint forms shall be translated into the student's primary language.~~

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

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BP 5145.3 (d)
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48904 Liability of parent/guardian for willful student misconduct

48907 Student exercise of free expression

48950 Freedom of speech

48985 Translation of notices

49020-49023 Athletic programs

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

[432 Student record](#)

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 42

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

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3a Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

COURT DECISIONS

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

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

Management Resources:

CSBA PUBLICATIONS

[Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014](#)

[Interim Guidance Regarding Transgender Students, Privacy, and Facilities, September 27, 2013](#)

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

[Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April-2010](#)

FIRST AMENDMENT CENTER PUBLICATIONS

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BP 5145.3 (e)
MANDATED

NONDISCRIMINATION/HARASSMENT

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

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

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

WEB SITES

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

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

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendment.org>

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

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

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Policy

adopted: 05/03

Revised: 06/04, 09/12, 08/13, pending 1st reading 02/14

HUENEME ELEMENTARY SCHOOL DISTRICT

Port Hueneme, California

Students

NONDISCRIMINATION/HARASSMENT

Note: The following **mandated** administrative regulation provides measures that may be implemented by a district to comply with state and federal law and regulations prohibiting, at school or in any school activity related to school attendance or under the authority of the district, discrimination, harassment, intimidation, and bullying against students based on actual or perceived characteristics, as specified in the accompanying Board policy.

Note: 5 CCR 4621 **mandates** the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including receiving and investigating complaints alleging noncompliance or discrimination, harassment, intimidation, or bullying. During the Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for investigating complaints. This individual may be the same person designated in the district's uniform complaint procedures to ensure compliance with specified programs and to receive complaints; see AR 1312.3 - Uniform Complaint Procedures. In addition, districts may designate more than one person to receive complaints (e.g., one person at each school).

The following position is designated Coordinator for Nondiscrimination to handle complaints regarding discrimination, harassment, intimidation, or bullying and to answer inquiries regarding the district's nondiscrimination policies: (Education Code 234.1; 5 CCR 4621)

Senior Director, Educational Programs
Hueneme Elementary School District
205 N. Ventura Road
Port Hueneme, CA 93041
(805) 488-3588, Ext. 402

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

To prevent discrimination, harassment, intimidation, and bullying of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

Note: In its October 2010 Dear Colleague Letter: Harassment and Bullying, the U.S. Department of Education's Office for Civil Rights identifies training of the school community as one of the key measures for minimizing discriminatory and harassing behavior in school. Item #1 below is optional and may be modified to reflect district practice.

1. Provide to employees, volunteers, and parents/guardians training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination,

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harassment, intimidation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include guidelines for addressing issues related to transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

2. Provide to students age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)

3. Annually notify all students and parents/guardians of the district's nondiscrimination policy and of the opportunity to inform the Coordinator whenever a student's participation in a sex-segregated school program or activity together with another student of the opposite biological sex would be against the student's religious beliefs and/or practices or a violation of his/her right to privacy. In such a case, the Coordinator shall meet with the student and/or parent/guardian to determine how best to accommodate the student.

(cf. 5145.6 - Parental Notifications)

Note: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, the CDE is required to ensure that the district posts its nondiscrimination policies in all schools, offices, staff lounges, and student government meeting rooms. The following paragraph may be revised to specify the means by which the district posts its nondiscrimination policies.

4. Publicize the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, employees, volunteers, and the general public and post them on the district's web site and other locations that are easily accessible to students. (Education Code 234.1)

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

5. When 15 percent or more of a school's students speak a single primary language other than English, translate the nondiscrimination policy, related complaint procedures, and all forms for use in the complaint process into that other language. (Education Code 234.1, 48985)

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6. At the beginning of each school year, inform school employees that any employee who witnesses any act of discrimination, harassment, intimidation, or bullying against a student is required to intervene if it is safe to do so. (Education Code 234.1)

Note: Item #7 below is optional and should be revised to reflect district practice. In some situations, the district may need to provide individualized accommodation to a student to protect him/her from harassment or bullying. Each situation will need to be analyzed to determine the most appropriate course of action to meet the needs of the student, based on the circumstances involved.

7. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate accommodation(s) to protect students' privacy rights and ensure their safety from threatened or potentially harassing, intimidating, or discriminatory behavior.

Process for Initiating and Responding to Complaints

Note: Education Code 234.1 requires that districts adopt a process for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying based on specified actual or perceived characteristics. Such a process, which is required to be consistent with the uniform complaint procedures specified in 5 CCR 4600-4687, must include (1) a requirement that school personnel who witness an act take immediate steps to intervene when safe to do so, (2) a timeline for investigating and resolving complaints, (3) an appeal process, and (4) translation of forms when required by Education Code 48985.

Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the Coordinator, the principal, or any other staff member. In addition, any student who observes any such incident should report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying or to whom such an incident is reported shall immediately report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures.

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Students

NONDISCRIMINATION/HARASSMENT

Transgender and Gender-Nonconforming Students

Note: The following section may be modified to reflect district practice. Pursuant to Education Code 221.5, as amended by AB 1266 (Ch. 85, Statutes of 2013), a district is required to permit a student to use facilities and participate in sex-segregated school programs and activities consistent with the student's gender identity, regardless of the gender listed on his/her educational records. However, an attempt is currently in progress to qualify a referendum on AB 1266 for the November 2014 ballot. Even as the eventual outcome is unknown as of this writing, the following guidelines are designed to implement other existing state and federal laws that prohibit discrimination, harassment, intimidation, and bullying against students based on their real or perceived gender identity and/or gender expression regardless of whether or not the referendum attempt is successful. The guidelines address certain issues and circumstances that may arise in relation to the needs of transgender and gender-nonconforming students and are by no means exhaustive. Consequently, each instance or situation should be addressed on a case-by-case basis to ensure that the safety, privacy, and other concerns of all students involved are appropriately addressed. For more information on the rights of transgender students, see CSBA's policy brief, *Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students*, and its Interim Guidance Regarding Transgender Students, Privacy, and Facilities. Districts should consult legal counsel about applicable standards for determining a student's gender identity.

Gender identity means a person's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth. (Education Code 210.7)

Transgender student means a student whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

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

1. Right to privacy: A student's transgender or gender-nonconforming status is his/her private information and the district will only disclose the information to others with the student's

Students

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prior consent, except when the disclosure is otherwise required by law or is necessary to preserve the student's physical or mental well-being. Any district employee to whom a student discloses his/her transgender or gender-nonconforming status shall seek the student's permission to notify the Coordinator for Nondiscrimination. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to law or district policy, and shall inform the student that it may be impossible to accommodate the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the Coordinator, the employee shall do so within three school days.

As appropriate, the Coordinator shall discuss with the student any need to disclose the student's transgender or gender-nonconformity status to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. Any decision to disclose the student's status to others shall be based on the student's best interest.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

2. **Determining a Student's Gender Identity:** The Coordinator shall accept the student's assertion unless district personnel present a credible basis for believing that the student's assertion is for an improper purpose. In such a case, the Coordinator shall document the improper purpose and, within seven school days of receiving notification of the student's assertion, shall provide a written response to the student and, if appropriate, to his/her parents/guardians.

3. **Addressing a Student's Transition Needs:** The Coordinator shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify potential issues, including transition-related issues, and to develop strategies for addressing them. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the Coordinator shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it.

4. **Accessibility to Sex-segregated Facilities, Programs, and Activities:** The district may maintain sex-segregated facilities, such as restrooms and locker rooms, and sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs. A student shall be entitled to access facilities and participate in programs and activities consistent with his/her gender identity. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are

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separated by gender, such as for class discussions, yearbook pictures, and field trips. However, a student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6153 - School-Sponsored Trips)
(cf. 7110 - Facilities Master Plan)

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

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

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying district policy.

7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.

(cf. 5132 - Dress Code)

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Instruction**STANDARDIZED TESTING AND REPORTING PROGRAM
STATE ACADEMIC ACHIEVEMENT TESTS**

Note: The following **optional** policy may be revised to reflect district practice. Pursuant to Education Code 60640-60649, as amended by AB 484 (Ch. 489, Statutes of 2013), starting in the 2013-14 school year the state assessment system will begin transitioning from the Standardized Testing and Reporting (STAR) program to the Measurement of Academic Performance and Progress program, designated by the California Department of Education (CDE) as the California Assessment of Student Performance and Progress (CAASPP). For 2013-14, CAASPP will include (1) a field test of the Smarter Balanced Assessment Consortium summative assessment aligned with Common Core State Standards in English language arts and mathematics for grades 3-8 and 11; (2) California Standards Tests in science for grades 5, 8, and 10; (3) for students with disabilities, the California Alternate Performance Assessment (CAPA) in English language arts and mathematics in grades 2-11, and the CAPA or California Modified Assessment in science in grades 5, 8, and 10; (4) the voluntary Early Assessment Program to test college readiness of students in grade 11; and (5) at the district's discretion, Standards-Based Tests in Spanish. See the accompanying administrative regulation for program requirements.

Pursuant to Education Code 60648.5, as added by AB 484, the first full administration of assessments aligned to Common Core State Standards will occur in the 2014-15 school year unless the State Board of Education (SBE) determines that the assessments cannot be fully implemented at that time. In addition, Education Code 60640, as amended, requires the SBE to adopt a primary language assessment that will be administered no later than the 2016-17 school year and to make recommendations by March 1, 2016, for expanding the CAASPP to include additional subjects and assessment methods.

Pursuant to Education Code 60640, for the 2013-14 and/or 2014-15 school years, the district may choose to administer, at its own expense, the STAR tests that are no longer required. If it does so, the district must enter into an agreement with the test contractor subject to the approval of the CDE.

Although grade 2 testing is eliminated in the CAASPP, Education Code 60644, as added by SB 247 (Ch. 479, Statutes of 2013), requires the CDE to identify and inform districts by November 1, 2014, regarding existing assessments in language arts and mathematics for grade 2 that are aligned to Common Core State Standards and are appropriate for diagnostic use by classroom teachers.

~~The Superintendent or designee shall administer mandatory student assessments within the state Standardized Testing and Reporting (STAR) program as required by law and in accordance with Governing Board policy and administrative regulation.~~

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Instruction**STANDARDIZED TESTING AND REPORTING PROGRAM
STATE ACADEMIC ACHIEVEMENT TESTS**

The Governing Board recognizes that state achievement test results provide an indication of student progress in achieving state academic standards and may be used to promote high-quality teaching and learning. The Superintendent or designee shall administer mandatory student assessments within the California Assessment of Student Performance and Progress (CAASPP) as required by law and in accordance with Board policy and administrative regulation.

(cf. 6011 – Academic Standards)

(cf. 6162.5 – Student Assessment)

(cf. 6162.54 – Test Integrity/Test Preparation)

(cf. 9321 – Closed Session Purposes and Agendas)

(cf. 9321.1 – Closed Session Actions and Reports)

~~The Board desires to use the results of the achievement tests to evaluate the performance of district students against the state's academic standards, the performance of students in other districts across the state, and national norms.~~

~~(cf. 0500 – Accountability)~~

~~(cf. 0520 – Intervention for Underperforming Schools)~~

~~(cf. 0530 – Awards for School Performance)~~

~~(cf. 6011 – Academic Standards)~~

~~To ensure maximum student participation, the Superintendent or designee shall notify students and parents/guardians of the importance of these achievement tests.~~

Legal Reference:**EDUCATION CODE**

49076 Student records; access

51041 Evaluation of educational program

52052 Academic Performance Index; numerically significant student subgroups

52057 Governor's Performance Award Program

52060-52077 Local control and accountability plan

56345 Individualized education program, contents

60600-60652 Assessment of academic achievement

60640-60649 California Assessment of Student Performance and Progress

60660-60663 Electronic learning assessment resources

60810 Assessment of language development

99300-99301 Early Assessment Program

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STANDARDIZED TESTING AND REPORTING PROGRAM
STATE ACADEMIC ACHIEVEMENT TESTS

CODE OF REGULATIONS, TITLE 5

~~850-870-864 Standardized Testing and Reporting program~~ State assessments

~~880-901 Designated primary language test~~

~~1031-1039 State performance awards programs~~

UNITED STATES CODE, TITLE 20

1412 Participation of students with disabilities in state assessments

6311 Adequate yearly progress

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1 Standards and assessment

Management Resources:

CSBA PUBLICATIONS

Supporting Student Achievement: Student Assessment System in Flux, Governance Brief, June 2013

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Assembly Bill 484 Questions and Answers

CALIFORNIA STATE UNIVERSITY PUBLICATIONS

The Early Assessment Program: Handbook for School Site Leaders, 2008

SMARTER BALANCED ASSESSMENT CONSORTIUM PUBLICATIONS

Usability, Accessibility, and Accommodations Guidelines, September 2013

~~CDE PROGRAM ADVISORIES~~

~~Students with Disabilities: Guidelines for Testing the California Standardized Testing and Reporting Program~~

~~0327.86 Reporting norm-referenced standardized achievement test scores to parents~~

~~CSBA ADVISORIES:~~

~~0306.01 California Assessment Update~~

~~0313.00 Districts must ensure that all required student data is submitted to the publisher, or face financial penalty #00-01~~

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

The Use of Tests as Part of High-Stakes Decision-Making for Students: A Resource Guide for Educators and Policy-Makers, December 2000

WEB SITES

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

California Department of Education, Testing and Accountability: <http://www.cde.ca.gov/ta>

California Learning Resources Network: <http://clrn.org>

California State University, Early Assessment Program: <http://www.calstate.edu/eap>

Smarter Balanced Assessment Consortium: <http://www.smarterbalanced.org>

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

Policy

adopted: 04/03

Revised: pending 1st reading 02/14

HUENEME ELEMENTARY SCHOOL DISTRICT

Port Hueneme, California

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

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**STANDARDIZED TESTING AND REPORTING PROGRAM
STATE ACADEMIC ACHIEVEMENT TESTS**

Note: Pursuant to Education Code 60640-60649, as amended by AB 484 (Ch. 489, Statutes of 2013), starting in the 2013-14 school year the state assessment system will begin transitioning from the Standardized Testing and Reporting (STAR) program to the Measurement of Academic Performance and Progress program, designated by the California Department of Education (CDE) as the California Assessment of Student Performance and Progress (CAASPP). Education Code 60640 requires the State Board of Education (SBE) to revise the applicable state regulations by July 1, 2014, to conform to the new state assessment system.

The following administrative regulation should be revised to reflect the grade levels offered by the district.

The district shall administer the following assessments in the California Assessment of Student Performance and Progress (CAASPP): (Education Code 60640)

Note: Education Code 60640, as amended by AB 484 (Ch. 489, Statutes of 2013), requires that students in grades 3-8 and 11 be administered summative English language arts and mathematics assessments developed by the Smarter Balanced Assessment Consortium, as provided in item #1 below. Education Code 60603 defines a "summative assessment" as one designed to be given near the end of the school year to evaluate a student's knowledge and skills relative to a specific set of academic standards.

Note: Pursuant to Education Code 60640, the testing requirement includes English learners and students with disabilities. However, Education Code 60640 exempts "recently arrived" English learners, as defined in Education Code 60603, from the requirement to take the English language arts assessment, as provided below. In addition, students with disabilities must be provided accommodations as appropriate to enable them to participate in these tests (see section "Testing Variations" below), but if they are still unable to take these tests, then they may be exempted or administered an alternate test; see item #3 below.

All students at the applicable grade levels shall be administered these tests, except that:

- a. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law
- b. Students with disabilities may be provided an alternate test in accordance with their individualized education program (IEP), as provided in item #3 below

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(cf. 6159 - Individualized Education Program)

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

Note: Education Code 60640, as amended by AB 484 (Ch. 489, Statutes of 2013), provides that California Standards Tests will be administered in science at grades 5 and 8. When available, the SBE shall adopt an assessment that is aligned with the Next Generation Science Standards adopted by the SBE in September 2013 pursuant to Education Code 60605.85.

2. California Standards Tests in science at grades 5 and 8

(cf. 6142.93 - Science Instruction)

Note: Pursuant to Education Code 60640, students with disabilities must be included in the state assessment program with appropriate accommodations in administration where necessary (see section on "Testing Variations" below), unless exempted by their parents/guardians or eligible to take an alternate assessment in accordance with their individualized education program (IEP). The SBE has designated the California Alternate Performance Assessment (CAPA) for use by any student with severe cognitive disabilities whose IEP team has determined is unable to take the state achievement tests even with accommodations or modifications. Eligible students who are not severely cognitively disabled may instead take the California Modified Assessment (CMA), developed pursuant to 34 CFR 200.1 based on modified achievement standards, if their IEP team determines it is appropriate. According to the CDE's Assembly Bill 484 Questions and Answers, for the 2013-14 school year the CAPA may be used for English language arts and mathematics in grades 2-11 and either the CAPA or CMA may be used for science in grades 5 and 8.

3. For students with disabilities who are unable to take the tests specified in items #1-2 above even with appropriate accommodations, the California Alternate Performance Assessment (CAPA) in English language arts and mathematics for students in grades 2-11 and either the CAPA or California Modified Assessment in science for students in grades 5, 8, and 10, in accordance with the student's IEP

Testing Period

~~The Standardized Testing and Reporting (STAR) assessments shall be administered to students during a testing window of 21 instructional days that includes 10 instructional days before and after completion of 85% of the school's, track's or program's instructional days. Testing for all students, including make-up testing, shall be completed within this 21 instructional day window~~

Instruction**STANDARDIZED TESTING AND REPORTING PROGRAM**
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~~unless all or part of the 21 instructional day period falls after any statutorily specified deadline. (Education Code 60640; 5 CCR 855)~~

~~The Superintendent or designee shall arrange for at least two make-up days for the testing of students who were absent during the period that any school administered the designated achievement test and the standards based test. All make-up testing shall occur within five instructional days of the last date that the district administered the tests but not later than the 21 instructional day window established above. (Education Code 60640; 5 CCR 855)~~

Exemptions

~~A parent/guardian may submit to the school a written request to excuse his/her child from any or all parts of any test. The district and its employees may discuss the STAR program with parents/guardians and may inform them of the availability of exemptions under Education Code 60615. However, the district and its employees shall not solicit or encourage any written exemption request on behalf of any student or group of students. (5 CCR 852)~~

Testing of English Language Learners

~~Students of limited English proficiency who have been enrolled in a United States public school for less than 12 months or who receive instruction in Spanish shall take the designated achievement test and the standards based achievement test in English and a test in his/her primary language if such a test is available. (Education Code 60640)~~

~~(cf. 6174—Education for English Language Learners)~~

~~English language learners enrolled in the district for less than one year may be tested with standard or nonstandard accommodations in accordance with the manuals or other instructions provided by the test publisher. Nonstandard accommodations may include, but are not limited to, reading and translating the test instructions into the student's primary language and allowing the student to use a bilingual dictionary. (5 CCR 853)~~

~~Accommodations shall not include translation of test passages or content.~~

~~All English language learners enrolled in the district for less than one year shall be provided nonstandard accommodations.~~

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Instruction**STANDARDIZED TESTING AND REPORTING PROGRAM**
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~~Following the first year of enrollment in a United States public school, English language learners who meet the criteria shall continue to take a second achievement test in their primary language, if such a test is available, in addition to the statewide assessment in English. (Education Code 60640)~~

Testing of Special Education Students

~~Special education students shall be tested with the designated achievement test and the standards-based test, unless an explicit provision in their individualized education program specifically exempts them from the STAR program. (5 CCR 852, 881)~~

~~(cf. 6159—Individualized Education Program)~~

~~(cf. 6164.6—Identification and Education under Section 504)~~

~~Students in special education programs with individualized education programs or students with current Section 504 plans delineating accommodations such as, but not limited to, large print, Braille, extended time, or the use of a reader or scribe or a calculator shall be tested and the prescribed adaptations or accommodations shall be made. (5 CCR 853)~~

District and Test Site Coordinators

~~By October 15 of each year, the Superintendent or designee shall designate a district coordinator who shall serve as the district representative and liaison with the California Department of Education for all matters relating to the STAR program. The Superintendent or designee also shall designate a coordinator at each test site. (5 CCR 857-858, 886-887)~~

~~In addition to the duties prescribed in 5 CCR 857-858 and 886, the district coordinator shall establish guidelines to help ensure that the publisher is provided complete student information, as specified in 5 CCR 861 and 870, for purposes of the Academic Performance Index.—~~

~~Within five working days of receiving reports and files from the publisher, the Superintendent and the district coordinator shall review the files and reports for completeness and accuracy, and shall notify the publisher and the California Department of Education of the findings. The Superintendent or district coordinator shall notify the California Department of Education in writing whether any errors, discrepancies, or incomplete information has been resolved. (5 CCR 857)~~

Reports

Instruction**STANDARDIZED TESTING AND REPORTING PROGRAM
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~~Within 10 working days of the last day of make-up testing in the district, the Superintendent or designee shall report the following information to the California Department of Education, for grades 2-8: (Education Code 60640; 5 CCR 862)~~

- ~~1. The number of students enrolled in each school and in the district on the first day of testing in the district~~
- ~~2. The number of special education students in each school and in the district who were exempted from the test based on an explicit provision in their individualized education program pursuant to Education Code 60640(e)~~
- ~~3. The number of students in each school and in the district who were exempted from the test at the request of their parents/guardians pursuant to Education Code 60615~~
- ~~4. The number of students in each school and the district to whom the designated achievement test was administered~~

~~Within 10 working days of the last day of make-up testing in the district, the Superintendent or designee shall report the following information relative to the designated primary language test to the California Department of Education, for grades 2-11: (5 CCR 891)~~

- ~~1. The number of students who are English language learners~~
- ~~2. The number of English language learners who were administered each designated primary language test pursuant to Education Code 60640(f)(e.g., regular test administration)~~
- ~~3. The number of English language learners who were administered each designated primary language test pursuant to Education Code 60640(g)(e.g., enrolled less than 12 months)~~
- ~~4. The total number of English language learners exempted from the test at the request of their parents/guardians pursuant to Education Code 60615~~
- ~~5. The total number of English language learners exempted pursuant to any provision in their individual education programs that explicitly exempts them from standardized testing~~
- ~~6. If the district opted to have the publisher of a designated primary language test provide pre-identified answer sheets, the number of tests administered with these sheets~~

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~~The Superintendent or designee shall report the results of each student's test in writing to the student's parents/guardians within 20 working days of receiving results from the test publisher. If the test results are received from the publisher after the last day of instruction in the school year, each student's results shall be mailed to his/her parents/guardians. The report shall include a clear explanation of the purpose of the test, the student's score and its intended use by the district. (Education Code 60641; 5 CCR 863)~~

~~(cf. 5145.6—Parental Notifications)~~

~~An individual student's scores shall also be reported to his/her school and teachers and shall be included in his/her student record. Individual test results shall not be released without the permission of the student's parents/guardians. (Education Code 60641)~~

~~(cf. 5125—Student Records)~~

~~Districtwide, school-level and grade-level results shall be reported to the Governing Board at a regularly scheduled meeting. The Board shall not receive individual student's scores or the relative position of any individual student. (Education Code 60641)~~

~~(cf. 9321.1—Closed Session Actions and Reports)~~

Note: Education Code 60640 provides that the SBE will establish a testing period that allows all schools to administer the achievement tests at approximately the same time during the instructional year and takes into account the need to provide make-up days for students who were absent during testing.

The state achievement tests shall be administered within the testing period established by the State Board of Education (SBE) pursuant to Education Code 60640. Students who are absent during testing shall be provided an opportunity to take the tests during the period of time established by the SBE for make-up testing.

Exemptions

Note: 5 CCR 852 allows students to be exempted from participation in state testing as provided below. However, districts should be aware that if a school's student participation level falls below 95 percent, then the school's ability to make "adequate yearly progress" pursuant to 20 USC 6311 may be affected; see the accompanying Board policy.

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A parent/guardian may submit to the school a written request to excuse his/her child from any or all parts of any test. However, district employees shall not solicit or encourage any written exemption on behalf of any student or group of students. (5 CCR 852)

Testing Variations

Note: Pursuant to 20 USC 1412 and Education Code 60640, students with disabilities must be included in state assessments and provided appropriate accommodations in administration when necessary. 5 CCR 853.5 specifies testing variations that may be used with all students, English learners, and students with disabilities.

Assessments shall be administered in accordance with the manuals or other instructions provided by the test contractor and California Department of Education (CDE), except that students may be provided a tool, support, or accommodation that is specifically allowed pursuant to 5 CCR 853.5.

Accommodations provided to students with disabilities shall be those specified in their IEP or Section 504 plan. (5 CCR 850, 853.5)

Staff Responsibilities

On or before September 30 of each year, the Superintendent or designee shall designate a district coordinator who shall oversee all matters related to the testing program and serve as the district representative and liaison with the test contractor and the CDE. In addition, the Superintendent or designee shall designate a coordinator for each test site. The duties of the district and school site test coordinators shall include those specified in 5 CRR 857-858. (5 CCR 857-858)

The Superintendent or designee also shall appoint test examiner(s) to administer the state assessments. A test examiner shall be an employee or contractor of the district or, for the CAPA, shall be a certificated or licensed employee of the school, district, or county office of education. (5 CCR 850)

(cf. 4112.2 – Certification)

(cf. 4113 – Assignment)

As appropriate, the Superintendent or designee shall assign a specially trained district employee to serve as a test proctor to assist the test examiner; a specially trained district employee, or other person supervised by a district employee, to serve as a translator to translate the test directions

Instruction**STANDARDIZED TESTING AND REPORTING PROGRAM
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into a student's primary language; and a district employee to serve as a scribe to transcribe a student's responses to the format required by the test. A student's parent/guardian shall not be eligible to be that student's translator or scribe. (5 CCR 850)

Test coordinators, examiners, proctors, translators, and scribes shall sign a test security agreement or affidavit. (5 CCR 850, 857-859)

Report of Test Results

Note: Education Code 60641, as amended by AB 484 (Ch. 489, Statutes of 2013), requires that test results for individual students be reported to the student's parents/guardians, school, and teacher(s) for any assessments that produce valid individual student results. While field tests are being conducted for some new assessments, those assessments will not produce individual-level scores until it is determined that the scores are valid and reliable.

For any state assessments that produce valid individual student results, the Superintendent or designee shall provide a written report of the student's results to his/her parents/guardians which includes a clear explanation of the purpose of the test, the student's score, and its intended use by the district. An individual student's scores shall also be reported to his/her school and teacher(s) and shall be included in his/her student record. (Education Code 60641; 5 CCR 863)

(cf. 5125 – Student Records)

(cf. 5145.6 – Parental Notifications)

The Superintendent or designee shall present districtwide, school-level, and grade-level results to the Governing Board at a regularly scheduled meeting. The Board shall not receive individual students' scores or the relative position of any individual student. (Education Code 49076, 60641)

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Instruction**GUIDANCE/COUNSELING SERVICES**

The Governing Board recognizes that a comprehensive counseling program can help promote academic achievement and serves the diverse needs of all district students. Counseling staff shall be available to meet with students regarding their educational progress toward academic and/or career goals and, as appropriate, to may discuss academic, social, or personal difficulties, as well, as or other issues that may impact student learning.

(cf. 0460 – Local Control and Accountability Plan)

Note: Pursuant to Education Code 44266 and 5 CCR 80049-80049.1, persons authorized to provide services in school counseling, school psychology, or school social work must possess a pupil personnel services credential, with the appropriate specialization, issued by the Commission on Teacher Credentialing.

The Superintendent or designee shall ensure that all persons employed to provide school counseling, school psychology, and/or school social work services shall possess the appropriate credential from the Commission on Teacher Credentialing authorizing their employment in such positions. Responsibilities of each position shall be clearly defined in a job description.

(cf. 4112.2 - Certification)

Academic and Career Counseling

The district's academic counseling program shall be designed to help assist students to establish immediate and long-range educational plans, achieve academic standards, prepare for the high school exit examination, and complete the required curriculum in accordance with their individual needs, abilities, and interests. Insofar as possible, parents/guardians shall be included when making educational plans.

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

(cf. 0420 – School Plans/Site Councils)

(cf. 1220 – Citizen Advisory Committees)

(cf. 6011 - Academic Standards)

(cf. 6020 - Parent Involvement)

(cf. 6174 – Education for English Language Learners)

Counseling staff shall help all students plan for the future and become aware of their career potential. Academic planning for higher education shall include information about courses needed for admission to colleges and universities, standardized admission tests, financial aid, and scholarships.

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No counselor shall unlawfully discriminate against any student. Guidance counseling regarding school programs and career, vocational, or higher education opportunities shall not be differentiated on the basis of any protected category specified in BP 0410 - Nondiscrimination in District Programs and Activities.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)

In addition, counselors shall affirmatively explore with students the possibility of careers, or courses leading to careers, that are nontraditional for that student's sex. (Education Code 221.5)

For assessing or counseling students, the district shall not use testing or other materials that permit or require impermissible or unlawful differential treatment of students. (5 CCR 4931)

~~(cf. 6030—Integrated Academic and Vocational Instruction)~~
~~(cf. 6141.5—Advanced Placement)~~
~~(cf. 6143—Courses of Study)~~
~~(cf. 6146.1—High School Graduation Requirements)~~
~~(cf. 6146.11—Alternative Credits Toward Graduation)~~
~~(cf. 6146.2—Certificate of Proficiency/High School Equivalency)~~

~~Supplemental School Counseling Program for Students in Grades 7-8~~

~~The Board adopted supplementary school counseling program for students in grades 7 and 8 shall be delivered by personnel who hold a valid pupil personnel services credential. The district's program shall provide for: (Education Code 52378)~~

- ~~1.——An individualized review of academic and deportment records~~
- ~~2.——An individualized review of the career goals of students and the available academic and career technical education opportunities and community and workplace experiences available to students to support their goals~~
- ~~3.——An opportunity for a counselor to meet with students and, if practicable, the parent/guardian, to discuss available educational and career technical options~~
- ~~4.——Specialized counseling services for students identified as at risk~~

~~(cf. 6162.52—High School Exit Examination)~~
~~(cf. 6179—Supplemental Instruction)~~

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Personal or Mental Health Counseling

~~Counseling staff shall identify and work with students whose personal problems may prevent them from reaching their potential. As appropriate, students shall be informed about agencies that offer qualified professional assistance with substance abuse, physical or emotional problems, or other personal problems.~~

A school counselor, school psychologist, or school social worker may provide individualized personal, mental health, or family counseling to students in accordance with the specialization(s) authorized by his/her credential. Such services may include, but are not limited to, support related to the student's social and emotional development, behavior, substance abuse, mental health assessment, depression, or mental illness. As appropriate, students and their parents/guardians shall be informed about community agencies, organizations, or health care providers that offer qualified professional assistance.

(cf. 1020 - Youth Services)

(cf. 5113 - Absences and Excuses)

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

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5137 - Positive School Climate)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5141.6 - Student School Health ~~and Social~~ Services)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

(cf. 6164.5 - Student Success Teams)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

~~Counselors shall respect student confidentiality as appropriate and shall consult with the Superintendent or designee or with the district's legal counsel whenever unsure of how to respond to a student's personal problem. Parent/guardian consultation and consent shall be obtained as appropriate.~~

Written parent/guardian consent shall be obtained before mental health counseling or treatment services are provided to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-6929, Health and Safety Code 124260, or other applicable law.

Any information of a personal nature disclosed to a school counselor by a student age 12 years or older or by his/her parent/guardian is confidential and shall not become part of the student record without the written consent of the person who disclosed the confidential information. The information shall not be revealed, released, discussed, or

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referred to except under the limited circumstances specified in Education Code 49602. (Education Code 49602)

(cf. 5022 - Student and Family Privacy Rights)
(cf. 5125 - Student Records)

A counselor shall consult with the Superintendent or designee and, as appropriate, with the district's legal counsel whenever unsure of how to respond to a student's personal problem or when questions arise regarding the possible release of confidential information regarding a student.

Crisis Counseling

The Board recognizes the need for a prompt and effective response when students are confronted with a traumatic incident. School counselors shall assist in the development of the comprehensive school safety plan, emergency and disaster preparedness plan, and other prevention and intervention practices designed to assist students before and after a crisis.

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

In addition, the Superintendent or designee shall identify crisis counseling resources to train district staff in appropriate threat assessment, appropriate response techniques, and/or to methods to directly help students cope with ~~such crises~~ a crisis if ~~they it~~ occurs.

Early identification and intervention plans shall be developed to help identify those students who may be at risk for violence so that support may be provided before they engage in violent or disruptive behavior.

(cf. 5131 – Conduct)
(cf. 5131.2 – Bullying)
(cf. 5136 - Gangs)
(cf. 5141.52 - Suicide Prevention)

Legal Reference
See next page

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Legal Reference:

EDUCATION CODE

221.5 Prohibited sex discrimination

41505-41508 Pupil Retention Block Grant

44266 Pupil personnel services credential

48431 Establishing and maintaining high school guidance and placement program

49600-49604 Educational counseling

51250-51251 School age military dependents

51513 Personal beliefs

52378-52380 Supplemental School Counseling Program

FAMILY CODE

6920-6929 Consent by minor for treatment or counseling

HEALTH AND SAFETY CODE

124260 Mental health services; consent by minors age 12 and older

PENAL CODE

11166-11170 Reporting known or suspected cases of child abuse

WELFARE AND INSTITUTIONS CODE

5850-5883 Mental Health Services Act

CODE OF REGULATIONS, TITLE 5

4930-4931 Counseling

80049-80049.1 Pupil personnel services credential

80632-80632.5 Preparation programs for pupil personnel services

UNITED STATES CODE, TITLE 10

503 Military recruiter access to directory information

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California Results-Based School Counseling and Student Support Guideliens, 2007

WEB SITES

American School Counselor Association: <http://www.schoolcounselor.org>

California Association of School Counselors: <http://www.schoolcounselor-ca.org>

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

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

U.S. Department of Education, Access to military recruiters:

<http://www.ed.gov/policy/gen/guid/fpco/hottopics/ht10-09-02.html>

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Instruction**EDUCATION FOR FOSTER YOUTH**

Note: Education Code 42238.02 and 42238.03, as added by AB 97 (Ch. 47, Statutes of 2013) and amended by SB 97 (Ch. 357, Statutes of 2013), provide supplemental and concentration grants within the local control funding formula based on the number and concentration of unduplicated counts of students who are foster youth, English learners, and/or eligible for free or reduced-price meals; see BP/AR 3100 - Budget. In addition, AB 97 added Education Code 52060-52077 requiring districts to develop a local control and accountability plan (LCAP) which must be aligned to specific state priorities and any additional local priorities, and which must contain annual goals for all students and for each "numerically significant" student subgroup and the specific actions to be taken to achieve each goal; see BP/AR 0460 - Local Control and Accountability Plan. AB 97 also amended the definition of "numerically significant" student subgroups in Education Code 52052 to include foster youth.

Education Code 48850-48859 (the AB 490 Educational Rights and Stability Act of 2003) create additional obligations for districts regarding the education of foster youth, including the right of foster youth to continue attending their school of origin and the requirement to ensure that foster youth have access to the same academic resources, services, and extracurricular activities that are available to all students. See the accompanying administrative regulation.

While the requirements of the federal McKinney-Vento Homeless Assistance Act (42 USC 11431-11435) may apply to foster youth in certain situations, such as when they are living in emergency or transitional shelters or when they are awaiting foster care placement (see BP/AR 6173 - Education for Homeless Children), Education Code 48850-48859 extend services to youth at any time when in foster care. The following policy may be revised to reflect district practice.

The Governing Board recognizes that foster youth may ~~be at greater risk for poor~~ face significant barriers to achieving academic performance success due to their family circumstances, disruption of their educational program, and emotional, social, and other health needs. To enable such students to achieve state and district academic standards, The district ~~the Superintendent or designee~~ shall provide ~~such students~~ them with full access to the district's educational program and implement strategies identified as necessary for the improvement of the ~~other support services necessary to assist them in achieving state and district academic standards for the improvement of the academic achievement of foster youth in the district's local control and accountability plan (LCAP).~~

(cf. 0460 – Local Control and Accountability Plan)

(cf. 3100 – Budget)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5147 - Dropout Prevention)

(cf. 5149 - At-Risk Students)

(cf. 6011- Academic Standards)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

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(cf. 6164.2 - Guidance/Counseling Services)
 (cf. 6173 - Education for Homeless Children)
 (cf. 6179 - Supplemental Instruction)

Note: Pursuant to Education Code 48850, placement determinations for foster youth must be made in accordance with the student's "best interest." In addition, Education Code 48853.5 requires each district to designate a staff person as a foster care liaison to help ensure proper school placement and enrollment. See the accompanying administrative regulation.

The Superintendent or designee shall ensure that placement decisions for foster youth are based on the students' best interests as defined in law and administrative regulation. To that end, he/she shall designate a staff person as a district liaison for foster youth to help facilitate the enrollment, placement, and transfer of foster youth.

The Superintendent or designee and district liaison shall ensure that all appropriate staff, including but not limited to each principal and school registrar, and attendance clerk, receive training regarding on the enrollment, placement, and rights-transfer of foster youth and other related rights.

~~(cf. 4131—Staff Development)~~
~~(cf. 4231—Staff Development)~~
~~(cf. 4331—Staff Development)~~

Note: AB 97 (Ch. 47, Statutes of 2013) eliminated the School Safety and Violence Prevention Act, Education Code 32228-32228.5, which provided funds to undertake measures to ensure school safety and a harassment- and violence-free school environment and redirected the funding into the local control funding formula. However, Education Code 52060, as added by AB 97, requires districts to develop an LCAP that must be aligned with state priorities, including goals for student engagement. The following **optional** paragraph promotes such student engagement.

The Board desires to provide foster youth with a safe, positive learning environment that is free from discrimination and harassment and promotes students' self-esteem and academic achievement. The Superintendent or designee shall develop strategies to build students'-a foster youth's feelings of connectedness with the-his/her school, including, but not limited to, strategies that promote positive discipline and conflict resolution, the development of resiliency and interpersonal skills, and the involvement of foster parents, group home administrators, and/or other caretakers in school programs and activities.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
 (cf. 0450 - Comprehensive Safety Plan)
 (cf. 5131 - Conduct)
(cf. 5131.2 – Bullying)
 (cf. 5137 - Positive School Climate)

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(cf. 5138 - Conflict Resolution/Peer Mediation)
 (cf. 5145.3 - Nondiscrimination/Harassment)
 (cf. 5145.9 - Hate-Motivated Behavior)
 (cf. 6020 - Parent Involvement)

Note: Education Code 48853.5 encourages districts to collaborate with other agencies to provide services to foster youth. The following **optional** paragraph should be modified to reflect district practice.

To address the needs of foster youth and help ensure the maximum utilization of available funds, the Superintendent or designee shall collaborate with local agencies and officials including, but not limited to, the county placing agency, social services, probation officers, and juvenile court officers, ~~nonprofit organizations, and advocates~~. The Superintendent or designee shall explore the feasibility of entering into agreements with these groups to coordinate services and protect the rights of foster youth.

(cf. 1020 - Youth Services)

Legal Reference:**EDUCATION CODE**

32228-32228.5 Student safety and violence prevention

42238.01-42238.07 Local control funding formula

42920-42925 Foster children educational services

48645-48646 Juvenile court schools

48850-48859 Educational placement of students residing in licensed children's institutions

48915.5 Suspension and expulsion; students with disabilities, including foster youth

48918.1 Notice of expulsion hearing for foster youth

49061 Student records

49069.5 Foster care students, transfer of records

49076 Access to student records

51225.2 Pupil in foster care defined; acceptance of coursework, credits, retaking of course

51225.3 High school graduation

52060-52077 Local control and accountability plan

56055 Rights of foster parents in special education

60851 High school exit examination

HEALTH AND SAFETY CODE

1522.41 Training and certification of group home administrators

1529.2 Training of licensed foster parents

120341 Foster youth: school placement: immunization records

WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction

309 Investigation and release of child

317 Appointment of legal counsel

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361 Limitations on parental or guardian control
366.27 Educational decision by relative providing living arrangements
602 Minors violating law; ward of court
726 Limitations on parental or guardian control
727 Order of care, ward of court
16000-16014 Foster care placement
UNITED STATES CODE, TITLE 20
1415 Procedural safeguards; placement in alternative educational setting
UNITED STATES CODE, TITLE 29
794 Rehabilitation Acts of 1973, Section 504
UNITED STATES CODE, TITLE 42
670-679b Federal assistance for foster care programs
11431-11435 McKinney-Vento Homeless Assistance Act

Management Resources:

CSBA PUBLICATIONS

Educating Foster Youth: Best Practices and Board Considerations, Policy Brief, March 2008

AMERICAN BAR ASSOCIATION PUBLICATIONS

Mythbusting: Breaking Down Confidentiality and Decision-Making Barriers to Meet the
Education Needs of Children in Foster Care, 2005

CALIFORNIA CHILD WELFARE COUNCIL

Partial Credit Model Policy and Practice Recommendations

CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS

Our Children: Emancipating Foster Youth, A Community Action Guide

WEB SITES

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

American Bar Association: <http://www.americanbar.org>

California Child Welfare Council: <http://www.chhs.ca.gov/Pages/CACChildWelfareCouncil.aspx>

California Department of Education, Foster Youth Services: <http://www.cde.ca.gov/ls/pf/fy>

California Department of Social Services, Foster Youth Ombudsman Office:

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

California Youth Connection: <http://www.calyouthconn.org/site/cyc>

Cities, Counties and Schools Partnership: <http://www.ccspartnership.org>

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Policy

adopted: 02/10

Revised: pending 1st reading 02/14

HUENEME ELEMENTARY SCHOOL DISTRICT

Port Hueneme, California

Instruction**EDUCATION FOR FOSTER YOUTH****Definitions**

~~Foster youth means a child who has been subject to one of the following: (Education Code 48853.5)~~

~~1. Has been removed from his/her home pursuant to Welfare and Institutions Code 309 (temporary custody)~~

~~2. Is the subject of a petition filed under Welfare and Institutions Code 300 or 602 (jurisdiction of juvenile court)~~

~~3. Has been removed from his/her home and is the subject of a petition filed under Welfare and Institutions Code 300 or 602~~

Foster youth means a child who has been removed from his/her home pursuant to Welfare and Institutions Code 309, is the subject of a petition filed under Welfare and Institutions Code 300 or 602, or has been removed from his/her home and is the subject of a petition filed under Welfare and Institutions Code 300 or 602 or is a nonminor who is under the transition jurisdiction of a juvenile court, as described in Welfare and Institutions Code 450, and satisfies the criteria specified in Education Code 42238.01. (Education Code 42238.01, 48853.5)

Person holding the right to make educational decisions means a responsible adult appointed by a court pursuant to Welfare and Institutions Code 361 or ~~727726~~.

School of origin means the school that the foster youth attended when permanently housed or the school in which he/she was last enrolled. If the school the foster youth attended when permanently housed is different from the school in which he/she was last enrolled, or if there is some other school that the foster youth attended within the preceding 15 months and with which the youth is connected, the district liaison for foster youth shall determine, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, ~~determine, and~~ in the best interest of the foster youth, which school is the school of origin. (Education Code 48853.5)

Best interests means that, in making educational and school placement decisions for a foster youth, consideration is given to, among other factors, educational stability, the opportunity to be educated - a placement that ensures that the youth is placed in the least restrictive educational ~~program and has~~ setting necessary to achieve academic progress, and the foster youth's access to academic resources, services, and extracurricular and enrichment activities that are available to all district students. (Education Code ~~48850~~, 48853)

District Liaison

The Superintendent designates the following position as the district liaison for foster youth: (Education Code 48853.5)

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EDUCATION FOR FOSTER YOUTH

Senior Director of Educational Projects
 Hueneme Elementary School District
 205 North Ventura Road
 Port Hueneme, CA 93041
 (805) 488-3588, Ext. 9-400

(cf. 6173 - Education for Homeless Children)

The ~~district's~~ liaison for foster youth shall:

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care (Education Code 48853.5)
2. Ensure proper transfer of credits, records, and grades when students in foster care transfer from one school to another or from one district to another (Education Code 48645.5, 48853.5)

When a student in foster care is enrolling in a district school, the liaison shall contact the school last attended by the student to obtain, within two business days, all academic and other records. When a foster youth is transferring to a new school, the liaison shall provide the student's records to the new school within two business days of receiving the new school's request. (Education code 48853.5)

(cf. 5125 - Student Records)

(cf. 6146.3 - Reciprocity of Academic Credit)

3. When required by law, notify the foster youth's attorney and the representative of the appropriate county child welfare agency when the foster youth is undergoing any expulsion or other disciplinary proceeding, including a manifestation determination prior to a change in the foster youth's placement, when he/she is a student with a disability. (Education Code 48853.5, 48911, 48915.5, 48918.1)

4. As ~~necessary~~needed, make appropriate referrals to ensure that students in foster care receive necessary special education services and services ~~as stipulated on the most current Individualized Education Plan (IEP)~~ under Section 504 of the federal Rehabilitation Act of 1973., ~~as stipulated in their plan~~

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

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

5. As needed, Ensure~~ensure~~ that students in foster care receive appropriate school-based services, such as counseling and health services, supplemental instruction, counseling, ~~or and~~ after-school services

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(cf. 5141.6 - School Health Services)
 (cf. 5148.2 - Before/After School Programs)
 (cf. 5149 - At-Risk Students)
 (cf. 6164.2 - Guidance/Counseling Services)
 (cf. 6172 - Gifted and Talented Student Program)
 (cf. 6174 - Education for English Language Learners)
 (cf. 6177- Summer School)
 (cf. 6179 - Supplemental Instruction)

6. Develop protocols and procedures for creating awareness for district staff, including principals, school registrars, and attendance clerks, of the requirements for the proper enrollment, placement and transfer of foster youth

7. Collaborate with the county placing agency, social services, probation officers, juvenile court officers, and other appropriate agencies to help coordinate services for the district's foster youth

(cf. 1020 – Youth Services)
(cf. 5113.1 – Chronic Absence and Truancy)

5.8. Monitor the educational progress of foster youth and provide reports to the Superintendent or designee and the Governing Board based on indicators identified in the district's local control and accountability plan

The Superintendent or designee shall regularly monitor the caseload of the ~~district~~ liaison, as well as his/her additional duties outside of the foster youth program, to determine whether adequate time and resources are available to meet the needs of foster youth in the district.

~~(cf. 4115–Evaluation/Supervision)~~
~~(cf. 4315–Evaluation/Supervision)~~

Enrollment

A foster youth placed in a licensed children's institution or foster family home within the district shall attend programs operated by the district unless one of the following circumstances applies: (Education Code 48853, 48853.5)

1. The student has an individualized education program requiring placement in a nonpublic, nonsectarian school or agency, or in another local educational agency.

(cf. 6159 - Individualized Education Program)

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

2. The parent/guardian or other person holding the right to make educational decisions for the student and the district liaison determine that it is in the best interest of the student to be placed in another educational program and submits a written statement to the district indicating that determination and that he/she is aware of the following:

a. The student has a right to attend a regular public school in the least restrictive environment.

b. The alternate educational program is a special education program, if applicable.

c. The decision to unilaterally remove the student from the district school and to place him/her in an alternate education program may not be financed by the district.

d. Any attempt to seek reimbursement for the alternate education program may be at the expense of the parent/guardian or other person holding the right to make educational decisions for the student.

(cf. 5116.1 – Intradistrict Open Enrollment)

(cf. 5117 – Interdistrict Attendance)

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

3. At the initial placement or any subsequent change in placement, the student ~~is entitled to remain in his/her school of origin, as defined above, for the remainder of the academic school year pursuant to Education Code 48853.5. Under such circumstances, the parent or person holding the right to make educational decisions shall pay for transportation, unless otherwise indicated by the liaison.~~ exercises his/her right to continue in his/her school of origin, as defined above.

a. The student may continue in the school of origin for the duration of the court's jurisdiction.

b. If the court's jurisdiction over a grade K-8 student is terminated prior to the end of a school year, the student may continue in his/her school of origin for the remainder of the school year.

c. If the student is transitioning between school grade levels, he/she shall be allowed to continue in the district of origin in the same attendance area to provide him/her the benefit of matriculating with his/her peers in accordance with the established feeder patterns of school districts. A student who is transitioning to a middle school shall be allowed to enroll in the school designated for matriculation in another school district.

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The district liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, recommend that the youth's right to attend the school of origin be waived and he/she be enrolled in any school that students living in the attendance area in which the foster youth resides are eligible to attend. All decisions shall be made in accordance with the foster youth's best interests. (Education Code 48853.5)

Prior to making any recommendation to move a foster youth from his/her school of origin, the liaison shall provide the youth and the person holding the right to make educational decisions for the youth with a written explanation of the basis for the recommendation and how the recommendation serves the youth's best interests. (Education Code 48853.5)

The role of the liaison shall be advisory with respect to placement decisions and determination of the school of origin. (Education Code 48853.5)

If the liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth agrees that the best interests of the youth would be served by his/her transfer to a school other than the school of origin, the principal or designee of the new school shall immediately enroll the foster youth. The youth shall be immediately enrolled even if he/she:

1. ~~has~~ Has outstanding fees, fines, textbooks, or other items or monies due to the school last attended ~~or is unable to produce records, such as academic or medical records, proof of residency, or clothing normally required for enrollment.~~ (Education Code 48853.5)

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

2. Does not have clothing normally required by the school, such as school uniforms

(cf. 5132 - Dress and Grooming)

3. Is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, and medical records, including, but not limited to, immunization records or other documentation

(cf. 5141.26 – Tuberculosis Testing)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 – Health Screening for School Entry)

~~Within two business days of enrollment, the liaison shall contact the school last attended by the student to obtain all academic and other records. Upon receiving a request from a new school, the liaison shall provide all records within two business days of receiving the request. (Education Code 48853.5)~~

Instruction**EDUCATION FOR FOSTER YOUTH**

If the foster youth or a person with the right to make educational decisions for a foster youth ~~or the foster youth~~ disagrees with the liaison's enrollment recommendation, he/she may appeal to the Superintendent. The Superintendent shall make a determination within 30 calendar days of receipt of the appeal. Within 30 calendar days of receipt of the Superintendent's decision, the parent/guardian or foster youth may appeal that decision to the Board. The Board shall consider the issue at its next regularly scheduled meeting. The Board's decision shall be final.

(cf. 9320 – Meetings and Notices)

If any dispute arises regarding the request of a foster youth to remain in the school of origin, the youth has the right to remain in the school of origin pending resolution of the dispute. (Education Code 48853.5)

Transportation

Note: Pursuant to Education Code 48853.5, a district may, but is not required to, provide transportation to enable a foster youth to attend a school or school district of origin, except when it is otherwise required by federal law or pursuant to the individualized education program of a student with a disability. An example of when transportation might be required under federal law is when a foster youth is homeless, pursuant to the McKinney-Vento Homeless Assistance Act (42 USC 11431-11435).

The district shall not be responsible for providing transportation to and from the school of origin.

(cf. 3540 - Transportation)

(cf. 3541 - Transportation Routes and Services)

Grades/CreditsEffect of Absences on Grades

The ~~Grades~~ grades for a student in foster care shall not be lowered for any absence from school that is due to either of the following circumstances: (Education Code 49069.5)

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades shall be calculated as of the date he/she left school
2. A verified court appearance or related court-ordered activity

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

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Instruction**EDUCATION FOR FOSTER YOUTH****Transfer of Coursework and Credits**

Note: The following section is for use by districts maintaining high schools. Education Code 51225.2 addresses the transferability of coursework and credits completed by foster youth, as provided below.

When a foster youth transfers into a district school, the district shall accept and issue full credit for any coursework that the foster youth has satisfactorily completed while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency and shall not require the foster youth to retake the course. (Education Code 51225.2)

If the foster youth did not complete the entire course, he/she shall be issued partial credit for the coursework completed and shall be required to take the portion of the course that he/she did not complete at his/her previous school. However, the district may require the foster youth to retake the portion of the course completed if, in consultation with the holder of educational rights for the foster youth, the district finds that the foster youth is reasonably able to complete the requirements in time to graduate from high school. Whenever partial credit is issued to a foster youth in any particular course, he/she shall be enrolled in the same or equivalent course, if applicable, so that he/she may continue and complete the entire course. (Education Code 51225.2)

Note: Though Education Code 51225.2 requires districts to award partial credits to foster youth who transfer from school to school, there is no uniform system for calculating and awarding partial credits. To ensure consistency in the treatment of foster youth, the California Child Welfare Council (CCWC), in its Partial Credit Model Policy and Practice Recommendations available on its web site, recommends the approach specified in the following optional paragraph, which may be revised to reflect district practice.

Eligibility for Extracurricular Activities

A foster youth who changes residences pursuant to a court order or decision of a child welfare worker shall be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities. (Education Code 48850)

(cf. 6145 – Extracurricular and Cocurricular Activities)

(cf. 6145.2 – Athletic Competition)

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The Governing Board recognizes that high-quality supplemental instructional programs can motivate and support students to attain grade-level academic standards, overcome academic deficiencies, and/or acquire critical skills. The district shall offer programs of direct, systematic, and intensive supplemental instruction to meet student needs.

(cf. 5113.1 – Chronic Absence and Truancy)
(cf. 5147 – Dropout Prevention)
(cf. 5148.2 – Before/After School Programs)
(cf. 5149 – At-Risk Students)
(cf. 6011 – Academic Standards)
(cf. 6146.1 – High School Graduation Requirements)
(cf. 6146.5 – Elementary/Middle School Graduation Requirements)
(cf. 6164.5 – Student Success Teams)

Required Supplemental Programs

~~The district shall offer direct, systematic and intensive supplemental instruction for:~~

~~1. Students in grades 2-8 who have been retained or recommended for retention pursuant to Education Code 48070.5. (Education Code 37252.2)~~

~~(cf. 5123 – Promotion/Acceleration/Retention)~~

Supplemental instruction may be offered outside the regular school day, including during the summer, before school, after school, on Saturday, and/or during intersessions. It may also be provided during the regular school day provided it does not supplant the student's instruction in the core curriculum areas or physical education.

(cf. 5148.2 – Before/After School Programs)
(cf. 6111 – School Calendar)
(cf. 6112 – School Day)
(cf. 6176 – Weekend/Saturday Classes)
(cf. 6177 – Summer Learning Programs)

Supplemental instruction shall be offered to:

1. Eligible students from low-income families whenever the district or a district school receiving federal Title I funds has been identified by the California Department of Education for program improvement for two or more consecutive years. (20 USC 6316)

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

2. Students who have been recommended for retention at their current grade level or are at risk of retention (Education Code 48070.5)

(cf. 5123 – Promotion/Acceleration/Retention)

2.3. Students in grades 7-8 who do not demonstrate “sufficient progress” toward passing the state exit examination required for high school graduation in order to help them pass the exam. (Education Code 37252, 60851)

(cf. 6162.52 – High School Exit Examination)

“Sufficient progress” shall be determined based on a student’s results on the state Standardized Testing and Reporting assessments and the minimum levels of proficiency recommended by the State Board of Education.

(cf. 6162.51 – Standardized Testing and Reporting Program)

In addition, students who do not possess sufficient English language skills to be assessed shall be considered students who do not demonstrate sufficient progress toward passing the exit exam and shall receive supplemental instruction designed to help them succeed on the exit exam. (Education Code 37252)

3. Eligible students from low income families whenever the district or a district school receiving federal Title I funds has been identified by the California Department of Education for program improvement for two or more years. (20 USC 6316)

(cf. 0520.2 – Title I Program Improvement Schools)

Optional Supplemental Programs

As funding, facilities and staffing permit, supplemental instruction may be offered to:

1. Students in grades 2-6 who have been identified as being “at risk” of retention pursuant to Education Code 48070.5 (Education Code 37252.8)

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~~2. — Students in grades 2–6 who have been identified as having a deficiency in mathematics, reading or written expression based on the results of the Standardized Testing and Reporting Program (Education Code 37252.8)~~

~~3. — Students in grades K–8 who seek enrichment in mathematics, science or other core academic areas designated by the Superintendent of Public Instruction (Education Code 37253)~~

~~(cf. 6143—Courses of Study)~~

~~4. — Students in grades K–4 who need or desire intensive reading opportunities that meet the standards for a research-based comprehensive reading program including appropriate support to address the needs of English language learners (Education Code 41505–41508)~~

~~(cf. 6142.91—Reading/Language Arts Instruction)~~

~~(cf. 6174—Education for English Language Learners)~~

~~5. — Students in grades 7–8 who need or desire intensive opportunities to practice skills in algebra and/or pre-algebra (Education Code 41505–41508)~~

~~(cf. 6142.92—Mathematics Instruction)~~

Required Student Participation

~~The Superintendent or designee may require participation in a supplemental instructional program for: (Education Code 37252.2, 37254.1)~~

~~1. — Students in grades 7–8 who demonstrate insufficient progress toward the exit exam required for high school graduation pursuant to Education Code 37252~~

~~2. — Students in grades 2–8 who are retained or recommended for retention pursuant to Education Code 37252.2~~

~~3. — Students in grades 2–6 who are “at risk” of retention pursuant to Education Code 37252.8~~

~~4. — Students in grades 2–6 who are deficient in mathematics, reading, or written expression pursuant to Education Code 37252.8~~

~~5. — Students in grades K–8 participating in enrichment programs in core academic subjects pursuant to Education Code 37253~~

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~~The Superintendent or designee shall obtain written parent/guardian consent for a student's participation in the supplemental instructional program.~~

In addition, contingent on the district budget and local control and accountability plan (LCAP), supplemental instruction may be offered to students who:

1. Based on state assessment results, grades, or other indicators, demonstrate academic deficiencies in core curriculum areas that may jeopardize their attainment of academic standards

2. Are in targeted student groups identified in the district's LCAP as needing increased or improved services to succeed in the educational program

(cf. 0460 – Local Control and Accountability Plan)

(cf. 3100 – Budget)

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

(cf. 6173.1 – Education for Foster Youth)

(cf. 6174 – Education for English Language Learners)

3. Desire enrichment in core academic areas, visual and performing arts, physical education, or other subjects as approved by the Board

(cf. 6142.6 – Visual and Performing Arts Education)

(cf. 6142.7 – Physical Education and Activity)

(cf. 6142.91 – Reading/Language Arts Instruction)

(cf. 6142.92 – Mathematics Instruction)

(cf. 6142.93 – Science Instruction)

(cf. 6142.94 – History-Social Science Instruction)

(cf. 6143 – Courses of Study)

(cf. 6172 – Gifted and Talented Student Program)

As appropriate, supplemental instruction may be provided through a classroom setting, individual or small group instruction, technology-based instruction, and/or an arrangement with a community or other external service provider.

(cf. 1020 – Youth Services)

When determined to be necessary by the principal or designee, a student may be required to participate in a supplemental instruction. In such cases, written parent/guardian consent shall be obtained for the student's participation.

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Legal Reference:

EDUCATION CODE

~~1240 County Superintendent duties~~

~~35186 Williams Uniform Complaint Procedures~~

37200-37202 School calendar

37223 Weekend classes

37252-37254.1 Supplemental instruction

41505-41508 Pupil Retention Block Grant

~~42238.01-42238.07 Local control funding formula~~

~~42239 Supplemental instruction~~

~~44259 Comprehensive reading program~~

46100 Length of school day

48070-48070.5 Promotion and retention

48200 Compulsory education

48985 Translation of notices

51210-~~51212~~ Courses of study, elementary schools

51220-~~51228~~ Courses of study, secondary schools

~~52060-52077 Local control and accountability plan~~

~~52378-52380 Supplemental School Counseling Program~~

60603 Definitions, core curriculum areas

60640-~~60648-60649 Standardized Testing and Reporting Program~~California Assessment of Student Performance and Progress

60850-60859 High school exit examination

~~REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS~~

~~52012 Establishment of school site council~~

~~52014-52015 School plans~~

~~53025-53031 Intensive reading instruction~~

~~53091-53094 Intensive algebra instruction~~

CODE OF REGULATIONS, TITLE 5

11470-11472 Summer school

UNITED STATES CODE, TITLE 20

6316 Program improvement schools and districts

Management Resources:

~~CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE~~

~~Implementation of Assembly Bill (AB) 347: requiring instruction and services for students who have not passed the exit exam but have met all other graduation requirements, October 26, 2007~~

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SUPPLEMENTAL INSTRUCTION

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Supplemental Educational Services, ~~June 13, 2005~~ January 14, 2009
Creating Strong Supplemental Educational Services Programs, May 2004

WEB SITES

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

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

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

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Policy

adopted: 04/03, 09/03

Revised: 11/05, 08/13, ~~pending~~ 1st reading 02/14

HUENEME ELEMENTARY SCHOOL DISTRICT

Port Hueneme, California