

WILETS UNIFIED SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE

TO: Board of Trustees
FROM: Mark Westerburg, Superintendent
DATE: June 12, 2019
RE: Board Policy Revision- AR 4161.1/4361.1 - Personal Illness/Injury Leave

Priority:

Communication

Objective:

To conduct a first read of the revised policy

Background:

(AR revised)

Regulation updated to revise section on "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" to clarify that, for districts choosing Option 2, employees must receive "at least" 50 percent of their regular salary during the additional period of absence. Section on "Parental Leave" updated to reflect **NEW LAW (AB 2012)** which requires that, regardless of the type of differential pay system used by the district, employees must receive at least 50 percent of their regular salary for any portion of the 12-week parental leave that remains following the exhaustion of sick leave.

Funding/Source:

None

Recommendation:

Administration recommends the board conduct a first read of the revised policy

Personal Illness/Injury Leave

Certificated employees employed five school days per week are entitled to 10 days' leave of absence with full pay for personal illness or injury (sick leave) per school year of service. Employees who work less than five school days per week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employee who is entitled to less than three days of paid sick leave per year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if they are he/she is eligible. (Education Code 44978; Labor Code 245-249)

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

Use of Sick Leave

Certificated employees may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment; quarantine which results from contact in the course of employment with other persons having a contagious disease; ~~during the employee's performance of his/her duties~~; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 44965, 44978)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

3. Personal necessity (Education Code 44981)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

4. Medical and dental appointments, in increments of not less than one hour

5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)

(cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave)

6. Need of the employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 44977.5; Government Code 12945.2, 12945.6; 29 USC 2612; 29 CFR 825.112)

7. Need of the employee or employee's his/her family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Labor Code 233, 246.5)

8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and/or 230.1(a) for the health, safety, or welfare of the employee or the employee's his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

For the purposes specified in items #7-8, an employee may use, in any calendar year, the amount of sick leave that he/she would be accrued during six months at the employee's then his/her current rate of entitlement. (Labor Code 233)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

An employee shall reimburse the district for any unearned sick leave used as of the date of his/her termination.

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

The district shall not require new employees to waive leave accumulated in a previous district. (Education Code 44979, 44980)

The Superintendent or designee shall notify any certificated employee who leaves the district after at least one school year of employment that if the employee accepts a certificated position in another district, county office of education, or community college district within one year, the employee he/she may request that the district transfer his/her accumulated sick leave to the new employer. (Education Code 44979, 44980)

Additional Leave for Disabled Military Veterans

In addition to any other entitlement for sick leave with pay, a certificated employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 10 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or more by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time he/she works. (Education Code 44978.2)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of the his/her disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives the his/her disability rating decision, the employee he/she shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 10-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 44978.2)

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code [44978.2](#))

Notification of Absence

An employee shall notify the district of ~~the his/her~~ need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which ~~the employee he/she~~ intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

(cf. [4121](#) - Temporary/Substitute Personnel)

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent ~~from his/her duties~~ for an additional period of up to five school months, the ~~district shall deduct from the~~ employee's ~~shall~~ ~~receive his/her~~ regular salary ~~for that period minus~~ the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the employee's salary. (Education Code [44977](#))

An employee shall not be provided more than one five-month period per illness or accident. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code [44977](#))

Absence Beyond Five-Month Period/Reemployment List

If a certificated employee is not medically able to ~~return to work resume his/her duties~~ after the five-month period provided pursuant to Education Code [44977](#), the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 24 months for probationary employees or 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, ~~the employee he/she~~ shall be returned to employment in a position for which ~~the employee he/she~~ is credentialed and qualified. (Education Code [44978.1](#))

(cf. [4116](#) - Probationary/Permanent Status)

Parental Leave

During each school year, a certificated employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code [44977.5](#))

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code [44977.5](#))

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay for the remainder of the 12 work weeks. (Education Code [44977.5](#))

Parental leave taken pursuant to Education Code [44977.5](#) shall run concurrently with the parental leave taken pursuant to Government Code [12945.2](#) or [12945.6](#), and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code [44977.5](#); Government Code [12945.2](#), [12945.6](#))

Verification Requirements

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence form to [the employee's his/her](#)-immediate supervisor.

The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on [the medical condition of the employee](#). ~~The report shall include a statement as to~~ the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information. Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

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Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from [a his/her](#) physician stating that [the employee he/she](#) is able to return to duty and stipulating any necessary restrictions or limitations.

(cf. [4032](#) - Reasonable Accommodation)

(cf. [4113.4/4213.4/4313.4](#) - Temporary Modified/Light-Duty Assignment)

Healthy Workplaces, Healthy Families Act Requirements

No employee shall be denied the right to use accrued sick days, and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code [245-249](#).

To ensure the district's compliance with Labor Code [245-249](#), the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The ~~number amount~~ of sick days provided by Labor Code [245-249](#)
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against ~~the employee him/her~~
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

(cf. [4112.9/4212.9/4312.9](#) - Employee Notifications)

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Legal Reference:

EDUCATION CODE

- 44964 Power to grant leave of absence in case of illness, accident, or quarantine
- 44965 Granting of leaves of absence for pregnancy and childbirth
- 44976 Transfer of leave rights when school is transferred to another district
- 44977 Salary deduction during absence from duties up to five months after sick leave is exhausted
- 44977.5 Differential pay during parental leave up to 12 weeks after sick leave is exhausted

44978 Provisions for sick leave of certificated employees

44978.1 Inability to return to duty; placement in another position or on reemployment list

44978.2 Leave for military service connected disability

44979 Transfer of accumulated sick leave to another district

44980 Transfer of accumulated sick leave to a county office of education

44981 Leave of absence for personal necessity

44983 Exception to sick leave when district adopts specific rule

44984 Industrial accident or illness

44986 Leave of absence for disability allowance applicant

GOVERNMENT CODE

12945.1-12945.2 California Family Rights Act

12945.6 Parental leave

LABOR CODE

220 Sections inapplicable to public employees

230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off

230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off

233 Illness of child, parent, spouse or domestic partner

234 Absence control policy

245-249 Healthy Workplaces, Healthy Families Act of 2014

CODE OF REGULATIONS, TITLE 5

5601 Transfer of accumulated sick leave

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act of 1993, as amended

UNITED STATES CODE, TITLE 42

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

CODE OF FEDERAL REGULATIONS, TITLE 29

825.100-825.800 Family and Medical Leave Act of 1993

1635.1-1635.12 Genetic Information Nondiscrimination Act of 2008

COURT DECISIONS

Veguez v. Governing Board of Long Beach Unified School District, (2005) 127 Cal.App.4th 406

Regulation WILLITS UNIFIED SCHOOL DISTRICT

approved: October 3, 2018 Willits, California

revised: June 19, 2019

Personal Illness/Injury Leave

Certificated employees employed five school days per week are entitled to 10 days' leave of absence with full pay for personal illness or injury (sick leave) per school year of service. Employees who work less than five school days per week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employee who is entitled to less than three days of paid sick leave per year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if they are eligible. (Education Code 44978; Labor Code 245-249)

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

Use of Sick Leave

Certificated employees may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment; quarantine which results from contact in the course of employment with other persons having a contagious disease; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 44965, 44978)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

3. Personal necessity (Education Code 44981)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

4. Medical and dental appointments, in increments of not less than one hour

5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)

(cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave)

6. Need of the employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 44977.5; Government Code 12945.2, 12945.6; 29 USC 2612; 29 CFR 825.112)

7. Need of the employee or employee's family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Labor Code 233, 246.5)

8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code [230\(c\)](#) and/or [230.1\(a\)](#) for the health, safety, or welfare of the employee or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code [233](#), [246.5](#))

For the purposes specified in items #7-8, an employee may use, in any calendar year, the amount of sick leave that would be accrued during six months at the employee's then current rate of entitlement. (Labor Code [233](#))

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code [44978](#))

An employee shall reimburse the district for any unearned sick leave used as of the date of his/her termination.

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code [44978](#))

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

The district shall not require new employees to waive leave accumulated in a previous district. (Education Code [44979](#), [44980](#))

The Superintendent or designee shall notify any certificated employee who leaves the district after at least one school year of employment that if the employee accepts a certificated position in another district, county office of education, or community college district within one year, the employee may request that the district transfer his/her accumulated sick leave to the new employer. (Education Code [44979](#), [44980](#))

Additional Leave for Disabled Military Veterans

In addition to any other entitlement for sick leave with pay, a certificated employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 10 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or more by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time he/she works. (Education Code [44978.2](#))

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of the disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives the disability rating decision, the employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 10-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code [44978.2](#))

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code [44978.2](#))

Notification of Absence

An employee shall notify the district of the need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which the employee intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

(cf. [4121](#) - Temporary/Substitute Personnel)

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent for an additional period of up to five school months, the district shall deduct from the employee's regular salary for that period the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the employee's salary. (Education Code [44977](#))

An employee shall not be provided more than one five-month period per illness or accident. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code [44977](#))

Absence Beyond Five-Month Period/Reemployment List

If a certificated employee is not medically able to return to work after the five-month period provided pursuant to Education Code [44977](#), the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 24 months for probationary employees or 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, the employee shall be returned to employment in a position for which the employee is credentialed and qualified. (Education Code [44978.1](#))

(cf. [4116](#) - Probationary/Permanent Status)

Parental Leave

During each school year, a certificated employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code [44977.5](#))

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code [44977.5](#))

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay for the remainder of the 12 work weeks. (Education Code [44977.5](#))

Parental leave taken pursuant to Education Code [44977.5](#) shall run concurrently with the parental leave taken pursuant to Government Code [12945.2](#) or [12945.6](#), and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code [44977.5](#); Government Code [12945.2](#), [12945.6](#))

Verification Requirements

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence form to the employee's immediate supervisor.

The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information. Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from a physician stating that the employee is able to return to duty and stipulating any necessary restrictions or limitations.

(cf. [4032](#) - Reasonable Accommodation)

(cf. [4113.4/4213.4/4313.4](#) - Temporary Modified/Light-Duty Assignment)

Healthy Workplaces, Healthy Families Act Requirements

No employee shall be denied the right to use accrued sick days, and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code [245-249](#).

To ensure the district's compliance with Labor Code [245-249](#), the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:

- a. That an employee is entitled to accrue, request, and use paid sick days
- b. The number of sick days provided by Labor Code 245-249
- c. The terms of use of paid sick days
- d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee

2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request

3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

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

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Legal Reference:

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COURT DECISIONS

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Regulation WILLITS UNIFIED SCHOOL DISTRICT

approved: October 3, 2018 Willits, California

revised: June 19, 2019

WILLETTS UNIFIED SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE

TO: Board of Trustees
FROM: Mark Westerburg, Superintendent
DATE: June 12, 2019
RE: Board Policy Revision- AR 4261.1 - Personal Illness/Injury Leave

Priority:
Communication

Objective:
To conduct a first read of the revised policy

Background:
(AR revised)
Regulation updated to revise section on "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" to clarify that, for districts choosing Option 2, employees must receive "at least" 50 percent of their regular salary during the additional period of absence. Section on "Parental Leave" updated to reflect NEW LAW (AB 2012) which requires that, regardless of the type of differential pay system used by the district, employees must receive at least 50 percent of their regular salary for any portion of the 12-week parental leave that remains following the exhaustion of sick leave.

Funding/Source:
None

Recommendation:
Administration recommends the board conduct a first read of the revised policy

Personal Illness/Injury Leave

Classified employees employed five days a week are entitled to 12 days' leave of absence with full pay for personal illness or injury (sick leave) per fiscal year. Employees who work less than a full fiscal year or fewer than five days a week (part-time employees) shall be granted sick leave in proportion to the time they work. However, ~~any~~ part-time employees whose work hours are entitled to less than so few as to entitle him/her to less than 24 hours of paid sick leave per fiscal year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if they are he/she is eligible. (Education Code 45191; Labor Code 245-249)

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

Use of Sick Leave

A classified employee may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact with other persons having a contagious disease during the employee's performance of his/her duties (Education Code 45199)

2. Pregnancy, childbirth, and recovery (Education Code 45193)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

3. Personal necessity as specified in Education Code 45207

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

4. Medical and or dental appointments, in increments of not less than one hour

5. Industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)

(cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave)

6. Need of an employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 45196.1; Government Code 12945.2, 12945.6; 29 USC 2612; 29 CFR 825.112)

7. Need of the employee or the employee's his/her family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Labor Code 233, 246.5)

8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or the employee's his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

For the purposes specified in items #7-8, an employee may use, in any calendar year, the amount of sick leave ~~that he/she~~ would be accrued during six months at the employee's his/her current rate of entitlement. (Labor Code 233)

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new full-time classified employee shall not be entitled to more than six days of sick leave, or the proportionate amount to which the employee may be entitled, until the first day of the month after the employee until he/she has completed six months of active service with the district. (Education Code 45191)

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 45191)

An employee shall reimburse the district for any unearned sick leave used as of the date of his/her termination.

The district shall not require newly employed classified employees to waive leave accumulated in a previous district. However, if the employee's previous employment was terminated for cause, the transfer of the accumulated leave shall be made only if approved by the Governing Board of Trustees. (Education Code 45202)

The Superintendent or designee shall notify any classified employee whose employment with the district is terminated after at least one calendar year for reasons other than for cause that, if the employee he/she accepts employment in another district, county office of education, or community college district within one year of the termination of employment, he/she the employee may shall be entitled to request that the district transfer any his/her accumulated sick leave to the his/her new employer. (Education Code 45202)

Additional Leave for Disabled Military Veterans

In addition to any other entitlement for sick leave with pay, a classified employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 12 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or higher by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time he/she works. (Education Code 45191.5)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of the his/her disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives the his/her disability rating decision, he/she the employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 12-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 45191.5)

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code [45191.5](#))

Notification of Absence

An employee shall notify the Superintendent or the designated manager or supervisor of ~~the his/her~~ need to be absent as soon as such need is known so that the services of a substitute may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which ~~the employee he/she~~ intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

~~When a A~~ classified employee ~~who~~ has exhausted all paid leaves, including sick leave, and continues to be absent on account of illness or injury for a period of shall for the remainder of the five-months or less, the district shall deduct from the employee's regular period of absence to which he/she is entitled, receive his/her salary for that period an minus the actual amount that does not exceed the actual cost of a substitute to fill the position paid a substitute to fill the employee's position during his/her absence. (Education Code [45196](#))

The five-month period shall commence on the first day of the leave of absence and shall run concurrently with any other paid leave.

Parental Leave

During each school year, a classified employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code [45196.1](#))

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code [45196.1](#))

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay for the remainder of the 12 work weeks. (Education Code [45196.1](#))

Parental leave taken pursuant to Education Code [45196.1](#) shall run concurrently with the parental leave taken pursuant to Government Code [12945.2](#) or [12945.6](#), and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code [45196.1](#); Government Code [12945.2](#), [12945.6](#))

Extension of Leave

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. The total additional leave granted shall not exceed 18 months. (Education Code 45195)

(cf. 4216 - Probationary/Permanent Status)

If the employee is still unable to ~~return to work resume his/her duties~~ after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes medically able, ~~to resume the duties of his/her position,~~ ~~he/she the employee~~ shall be offered reemployment in the first vacancy in the classification of the employee's his/her previous assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to his/her seniority. (Education Code 45195)

Verification Requirements

After any absence due to illness or injury, the employee shall submit a completed and signed district absence form to the employee's his/her immediate supervisor.

The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for additional leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny the request for additional leave.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information. Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

~~Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.~~

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from a his/her physician stating that the employee he/she is able to return to work and stipulating any recommended restrictions or limitations.

(cf. [4032](#) - Reasonable Accommodation)

(cf. [4113.4/4213.4/4313.4](#) - Temporary Modified/Light-Duty Assignment)

Short-Term and Substitute Employees

Except for a retired annuitant who is not reinstated to the retirement system, ~~any~~ short-term or substitute employees who works for 30 or more days within a year of ~~their his/her~~ employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code [246](#))

Short term or substitute employees may begin to use accrued paid sick days on the 90th day of their employment, after which they may use the sick days as they are accrued. (Labor Code 246)

A short-term or substitute employee may use accrued sick leave for absences due to: (Labor Code [246.5](#))

1. The employee's His/her own need or the need of a family member, as defined in Labor Code [245.5](#), for the diagnosis, care, or treatment of an existing health condition or for preventive care
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code [230\(c\)](#) and [230.1\(a\)](#) for the health, safety, or welfare of the employee, or the employee's his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking

Healthy Workplaces, Healthy Families Act Requirements

No employee, including a short-term or substitute employee, shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code [245-249](#).

To ensure the district's compliance with Labor Code [245-249](#), the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The number amount of sick days provided by Labor Code [245-249](#)
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employe~~ch~~im/her
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request

3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

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

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Legal Reference:

EDUCATION CODE

45103 Substitute employees

45190 Leaves of absence and vacations

45191 Leaves of absence for illness and injury

45191.5 Leave for military service connected disability

45193 Leave of absence for pregnancy (re use of sick leave under certain circumstances)

45195 Additional leave for nonindustrial accident or illness; reemployment preference

45196 Salary; deductions during sick leave

45196.1 Differential pay during parental leave up to 12 weeks after sick leave is exhausted

45202 Transfer of accumulated sick leave and other benefits

GOVERNMENT CODE

12945.1-12945.2 California Family Rights Act

12945.6 Parental leave

LABOR CODE

230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off

230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off

233 Illness of child, parent, spouse or domestic partner

245-249 Healthy Workplaces, Healthy Families Act of 2014

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act of 1993, as amended

UNITED STATES CODE, TITLE 42

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

CODE OF FEDERAL REGULATIONS, TITLE 29

825.100-825.800 Family and Medical Leave Act of 1993

1635.1-1635.12 Genetic Information Nondiscrimination Act of 2008

COURT DECISIONS

California School Employees Association v. Colton Joint Unified School District, (2009) 170 Cal.App.4th 957

California School Employees Association v. Tustin Unified School District, (2007) 148 Cal.App.4th 510

ATTORNEY GENERAL OPINIONS

53 Ops.Cal.Atty.Gen. 111 (1970)

Regulation WILLITS UNIFIED SCHOOL DISTRICT

approved: October 3, 2018 Willits, California

revised: June 19, 2019

Personal Illness/Injury Leave

Classified employees employed five days a week are entitled to 12 days' leave of absence with full pay for personal illness or injury (sick leave) per fiscal year. Employees who work less than a full fiscal year or fewer than five days a week (part-time employees) shall be granted sick leave in proportion to the time they work. However, part-time employees whose work hours are entitled to less than 24 hours of paid sick leave per fiscal year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if they are eligible. (Education Code 45191; Labor Code 245-249)

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

Use of Sick Leave

A classified employee may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact with other persons having a contagious disease (Education Code 45199)

2. Pregnancy, childbirth, and recovery (Education Code 45193)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

3. Personal necessity as specified in Education Code 45207

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

4. Medical and dental appointments, in increments of not less than one hour

5. Industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)

(cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave)

6. Need of an employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 45196.1; Government Code 12945.2, 12945.6; 29 USC 2612; 29 CFR 825.112)

7. Need of the employee or the employee's family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Labor Code 233, 246.5)

8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

For the purposes specified in items #7-8, an employee may use, in any calendar year, the amount of sick leave that would be accrued during six months at the employee's current rate of entitlement. (Labor Code [233](#))

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new full-time classified employee shall not be entitled to more than six days of sick leave, or the proportionate amount to which the employee may be entitled, until the first day of the month after the employee has completed six months of active service with the district. (Education Code [45191](#))

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code [45191](#))

An employee shall reimburse the district for any unearned sick leave used as of the date of termination.

The district shall not require newly employed classified employees to waive leave accumulated in a previous district. However, if the employee's previous employment was terminated for cause, the transfer of the accumulated leave shall be made only if approved by the Governing Board. (Education Code [45202](#))

The Superintendent or designee shall notify any classified employee whose employment with the district is terminated after at least one calendar year for reasons other than for cause that, if the employee accepts employment in another district, county office of education, or community college district within one year of the termination of employment, the employee may request that the district transfer any accumulated sick leave to the new employer. (Education Code [45202](#))

Additional Leave for Disabled Military Veterans

In addition to any other entitlement for sick leave with pay, a classified employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 12 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or higher by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time he/she works. (Education Code [45191.5](#))

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of the disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives the disability rating decision, the employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 12-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code [45191.5](#))

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code [45191.5](#))

Notification of Absence

An employee shall notify the Superintendent or the designated manager or supervisor of the need to be absent as soon as such need is known so that the services of a substitute may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which the employee intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

When a classified employee has exhausted all paid leaves, including sick leave, and continues to be absent on account of illness or injury for a period of five-months or less, the district shall deduct from the employee's regular salary for that period an amount that does not exceed the actual cost of a substitute to fill the position.. (Education Code [45196](#))

The five-month period shall commence on the first day of the leave of absence and shall run concurrently with any other paid leave.

Parental Leave

During each school year, a classified employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code [45196.1](#))

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code [45196.1](#))

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay for the remainder of the 12 work weeks. (Education Code [45196.1](#))

Parental leave taken pursuant to Education Code [45196.1](#) shall run concurrently with the parental leave taken pursuant to Government Code [12945.2](#) or [12945.6](#), and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code [45196.1](#); Government Code [12945.2](#), [12945.6](#))

Extension of Leave

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee

additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. The total additional leave granted shall not exceed 18 months. (Education Code [45195](#))

(cf. [4216](#) - Probationary/Permanent Status)

If the employee is still unable to return to work after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes medically able, the employee shall be offered reemployment in the first vacancy in the classification of the employee's previous assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to seniority. (Education Code [45195](#))

Verification Requirements

After any absence due to illness or injury, the employee shall submit a completed and signed district absence form to the employee's immediate supervisor.

The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for additional leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny the request for additional leave.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information. Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from a physician stating that the employee is able to return to work and stipulating any recommended restrictions or limitations.

(cf. [4032](#) - Reasonable Accommodation)

(cf. [4113.4/4213.4/4313.4](#) - Temporary Modified/Light-Duty Assignment)

Short-Term and Substitute Employees

Except for a retired annuitant who is not reinstated to the retirement system, short-term or substitute employees who works for 30 or more days within a year of their employment shall be entitled to one hour

of paid sick leave for every 30 hours worked. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code [246](#))

Short term or substitute employees may begin to use accrued paid sick days on the 90th day of their employment, after which they may use the sick days as they are accrued. (Labor Code 246)

A short-term or substitute employee may use accrued sick leave for absences due to: (Labor Code [246.5](#))

1. The employee's own need or the need of a family member, as defined in Labor Code [245.5](#), for the diagnosis, care, or treatment of an existing health condition or for preventive care
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code [230\(c\)](#) and 230.1(a) for the health, safety, or welfare of the employee, or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking

Healthy Workplaces, Healthy Families Act Requirements

No employee, including a short-term or substitute employee, shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code [245-249](#).

To ensure the district's compliance with Labor Code [245-249](#), the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The number of sick days provided by Labor Code [245-249](#)
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee
 2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
 3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available
- (cf. [4112.9/4212.9/4312.9](#) - Employee Notifications)
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Legal Reference:

EDUCATION CODE

45103 Substitute employees

45190 Leaves of absence and vacations

45191 Leaves of absence for illness and injury

45191.5 Leave for military service connected disability

45193 Leave of absence for pregnancy (re use of sick leave under certain circumstances)

45195 Additional leave for nonindustrial accident or illness; reemployment preference

45196 Salary; deductions during sick leave

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45202 Transfer of accumulated sick leave and other benefits

GOVERNMENT CODE

12945.1-12945.2 California Family Rights Act

12945.6 Parental leave

LABOR CODE

230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off

230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off

233 Illness of child, parent, spouse or domestic partner

245-249 Healthy Workplaces, Healthy Families Act of 2014

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act of 1993, as amended

UNITED STATES CODE, TITLE 42

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

CODE OF FEDERAL REGULATIONS, TITLE 29

825.100-825.800 Family and Medical Leave Act of 1993

1635.1-1635.12 Genetic Information Nondiscrimination Act of 2008

COURT DECISIONS

California School Employees Association v. Colton Joint Unified School District, (2009) 170 Cal.App.4th 957

California School Employees Association v. Tustin Unified School District, (2007) 148 Cal.App.4th 510

ATTORNEY GENERAL OPINIONS

53 Ops.Cal.Atty.Gen. 111 (1970)

Regulation WILLITS UNIFIED SCHOOL DISTRICT

approved: October 3, 2018 Willits, California

revised: June 19, 2019

WILLITS UNIFIED SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE

TO: Board of Trustees
FROM: Mark Westerburg, Superintendent
DATE: June 12, 2019
RE: Board Policy Revision- BP/AR 5117 - Interdistrict Attendance

Priority:

Communication

Objective:

To conduct a first read of the revised policy

Background:

(BP/AR revised)

Policy updated to delete references to the Open Enrollment Act since schools are not currently being identified as low achieving based on the Academic Performance Index, update legal cites, and clarify the continuing requirement to register as a school district of choice with the Superintendent of Public Instruction and county board of education before enrolling students under that program. Regulation updated to reflect **NEW LAW (AB 2826)** which adds a requirement, applicable to districts that have entered into interdistrict attendance agreements, to post on their web site the procedures and timelines for requests for interdistrict transfer permits. Regulation also reflects timelines added by AB 2826 for notifying parents/guardians of the district's granting or denial of the transfer request, which differ for current-year and future-year transfer requests, and for the parent/guardian's appeal of the district's decision to the county office of education. In section on "School District of Choice Program," material deleted regarding the denial of a transfer into the district based on a negative impact on a desegregation plan or the racial/ethnic balance of the district, as such grounds are only applicable to transfers out of the district.

Funding/Source:

None

Recommendation:

Administration recommends the board conduct a first read of the revised policy

Interdistrict Attendance

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

(cf. 5111.1 - District Residency)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5118 - Open Enrollment Act Transfers)

Interdistrict Attendance Permits

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

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

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

Transportation

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

Legal Reference:

EDUCATION CODE

41020 Annual district audits

46600-46610~~1~~ Interdistrict attendance agreements

48204 Residency requirements for school attendance

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

~~48350-48361 Open Enrollment Act~~

48900 Grounds for suspension or expulsion; definition of bullying

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

48985 Notices to parents in language other than English

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

CALIFORNIA CONSTITUTION

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

ATTORNEY GENERAL OPINIONS

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

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

COURT DECISIONS

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

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

Management Resources:

WEB SITES

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

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

Policy WILLITS UNIFIED SCHOOL DISTRICT

adopted: June 6, 2018 Willits, California

revised: June 19, 2019

Interdistrict Attendance

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(cf. 5116.1 - Intradistrict Open Enrollment)

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Interdistrict Attendance Permits

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

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

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

Transportation

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

Legal Reference:

EDUCATION CODE

41020 Annual district audits

46600-46610 Interdistrict attendance agreements

48204 Residency requirements for school attendance

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

48900 Grounds for suspension or expulsion; definition of bullying

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

48985 Notices to parents in language other than English

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

CALIFORNIA CONSTITUTION

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

ATTORNEY GENERAL OPINIONS

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

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

COURT DECISIONS

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

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

Management Resources:

WEB SITES

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

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

Policy WILLITS UNIFIED SCHOOL DISTRICT

adopted: June 6, 2018 Willits, California

revised: June 19, 2019

Interdistrict Attendance

Interdistrict Attendance Permits

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

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

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

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

(cf. 5131.2 - Bullying)

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

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

(cf. 5131.2 - Bullying)

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

(cf. 5148 - Child Care and Development)

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

(cf. 6159 - Individualized Education Program)

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

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

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

67. To allow a high school senior to attend the same school ~~he/she~~ attended as a junior, even if the student's his/her family moved out of the district during the junior year.

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

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

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

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5113.12 - District School Attendance Review Board)

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

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

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

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

If the transfer request is for a school year that begins within 15 calendar days of the receipt of the request, the Superintendent or designee shall notify the parent/guardian of the final decision within 30 calendar days of receiving the request. If the transfer request is for a school year that begins more than 15 calendar days after the receipt of the request, the parent/guardian shall be notified of the final decision as soon as possible, but not later than 14 calendar days after the commencement of instruction during that school year. (Education Code 46600.2)

If a student's ~~for an~~ interdistrict transfer request is denied, ~~permit~~, the Superintendent or designee shall in writing, notify the parents/guardians of a student who is denied interdistrict attendance regarding the process for their right to appeal to the County Board of Education within 30 calendar days from the date of the final denial as specified in Education Code 46601. (Education Code 46600.21)

(cf. 5145.6 - Parental Notifications)

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

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

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

(cf. 5119 - Students Expelled from Other Districts)

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

Once a student is admitted to a school on the basis of an interdistrict attendance permit, the student he/she shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school in which he/she is enrolled, unless reapplication standards are otherwise specified in the

interdistrict attendance agreement. Existing interdistrict attendance permits shall not be rescinded after June 30 following a student's completion of grade 10 or for any students entering grade 11 or 12 in the subsequent school year. (Education Code 46600)

Transfers Out of the District

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

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

1. The number of student transfers out of the district to a school district of choice has reached the limit specified in Education Code 48307 based on the district's average daily attendance.
2. The County Superintendent of Schools has given the district a negative budget certification or has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice.

(cf. 3100 - Budget)

3. The Board determines that the transfer would negatively impact any of the following: (Education Code 48307)

a. A court-ordered desegregation plan

b. A voluntary desegregation plan of the district, consistent with the California Constitution, Article 1, Section 31

c. The racial and ethnic balance of the district, consistent with the California Constitution, Article 1, Section 31

Regulation WILLITS UNIFIED SCHOOL DISTRICT

approved: June 6, 2018 Willits, California

revised: June 19, 2019

Interdistrict Attendance

Interdistrict Attendance Permits

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

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

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

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

(cf. 5131.2 - Bullying)

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

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

(cf. 5148 - Child Care and Development)

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

(cf. 6159 - Individualized Education Program)

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

4. To allow the student to complete a school year when the student's parents/guardians have moved out of the district during that year.

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

6. To allow a high school senior to attend the same school attended as a junior, even if the student's family moved out of the district during the junior year.

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

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

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

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5113.12 - District School Attendance Review Board)

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

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

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

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

If the transfer request is for a school year that begins within 15 calendar days of the receipt of the request, the Superintendent or designee shall notify the parent/guardian of the final decision within 30 calendar days of receiving the request. If the transfer request is for a school year that begins more than 15 calendar days after the receipt of the request, the parent/guardian shall be notified of the final decision as soon as possible, but not later than 14 calendar days after the commencement of instruction during that school year. (Education Code 46600.2)

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

(cf. [5145.6](#) - Parental Notifications)

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

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

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

(cf. [5119](#) - Students Expelled from Other Districts)

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

Once a student is admitted to a school on the basis of an interdistrict attendance permit, the student shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school in which he/she is enrolled, unless reapplication standards are otherwise specified in the interdistrict attendance agreement. Existing interdistrict attendance permits shall not be rescinded after June 30 following a student's completion of grade 10 or for any student entering grade 11 or 12 in the subsequent school year. (Education Code [46600](#))

Transfers Out of the District

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

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

1. The number of student transfers out of the district to a school district of choice has reached the limit specified in Education Code 48307 based on the district's average daily attendance.
2. The County Superintendent of Schools has given the district a negative budget certification or has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice.

(cf. 3100 - Budget)

3. The Board determines that the transfer would negatively impact any of the following: (Education Code 48307)

- a. A court-ordered desegregation plan
- b. A voluntary desegregation plan of the district, consistent with the California Constitution, Article 1, Section 31
- c. The racial and ethnic balance of the district, consistent with the California Constitution, Article 1, Section 31

Regulation WILLITS UNIFIED SCHOOL DISTRICT

approved: June 6, 2018 Willits, California

revised: June 19, 2019

WILLITS UNIFIED SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE

TO: Board of Trustees
FROM: Mark Westerburg, Superintendent
DATE: June 12, 2019
RE: Board Policy Revision- AR 5125.2 - Withholding Grades, Diploma and Transcripts

Priority:

Communication

Objective:

To conduct a first read of the revised policy

Background:

(AR revised)

Regulation updated to reflect **NEW LAW (AB 1974)** which allows districts to offer any student, other than a current or former homeless student, nonmonetary means to settle debt owed for property loss or damage resulting from the student's willful misconduct and to withhold the student's grades, diploma, and/or transcripts until the work or other alternative is completed.

Funding/Source:

None

Recommendation:

Administration recommends the board conduct a first read of the revised policy

Withholding Grades, Diploma Or Transcripts

When a minor student willfully cuts, defaces, or otherwise injures real or personal property of the district or willfully does not return district property that has been loaned to ~~the student, him/her upon demand of a district employee,~~ the student's parents/guardians may be required to pay the costs of all damages within the limits established pursuant to Education Code 48904. Until the student's parents/guardians have paid for the damages or the student has completed voluntary work or other nonmonetary alternative offered by the district in lieu of monetary damages, the Superintendent or designee may withhold the student's grades, diploma, and/or transcripts. (Education Code 48904)

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

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

(cf. 5125 - Student Records)

(cf. 5131.5 - Vandalism and Graffiti)

(cf. 6161.2 - Damaged or Lost Instructional Materials)

This administrative regulation shall not apply to a student who is a current or former homeless or foster youth. (Education Code 49014)

Before withholding ~~at~~ the student's grades, diploma, and/or transcripts, the Superintendent or designee shall inform the student's parents/guardians in writing of the student's alleged misconduct. (Education Code 48904)

(cf. 5145.6 - Parental Notifications)

The student shall be afforded due process consistent with procedures established for the expulsion of students. (Education Code 48904)

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

~~If the student and parents/guardians are unable to pay for the damages or return the property, the Superintendent or designee shall provide a program of voluntary work for the student in lieu of monetary damages. Upon completion of the voluntary work, the student's grades, diploma, and/or transcripts shall be released. (Education Code 48904)~~

When a student who is transferring into the district has had his/her grades, diploma, and/or transcripts withheld by the previous district, the Superintendent or designee shall continue to withhold the student's grades, diploma, and/or transcripts until notified by the previous district that the decision to withhold has been rescinded. (Education Code 48904.3)

Upon receiving notice that a student whose grades, diploma, and/or transcripts have been withheld by this district has transferred to another district in California, the Superintendent or designee shall provide the

student's records to the new district and notify the new district that the student's grades, diploma, and/or transcripts are being withheld from the student and parents/guardians pursuant to Education Code 48904.

The Superintendent or designee shall also notify the student's parents/guardians in writing that the decision to withhold the student's grades, diploma, and/or transcripts will be enforced by the new district. (Education Code 48904.3)

Legal Reference:

EDUCATION CODE

48904 Liability of parent

48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold

48911 Suspension by principal, designee or superintendent

49014 Public School Fair Debt Collection Act

49069 Absolute right to access

Regulation WILLITS UNIFIED SCHOOL DISTRICT

approved: June 6, 2018 Willits, California

revised: June 19, 2019

Withholding Grades, Diploma Or Transcripts

When a minor student willfully cuts, defaces, or otherwise injures real or personal property of the district or willfully does not return district property that has been loaned to the student, the student's parents/guardians may be required to pay the costs of all damages within the limits established pursuant to Education Code 48904. Until the student's parents/guardians have paid for the damages or the student has completed voluntary work or other nonmonetary alternative offered by the district in lieu of monetary damages, the Superintendent or designee may withhold the student's grades, diploma, and/or transcripts. (Education Code 48904)

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

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

(cf. 5125 - Student Records)

(cf. 5131.5 - Vandalism and Graffiti)

(cf. 6161.2 - Damaged or Lost Instructional Materials)

This administrative regulation shall not apply to a student who is a current or former homeless or foster youth. (Education Code 49014)

Before withholding a student's grades, diploma, and/or transcripts, the Superintendent or designee shall inform the student's parents/guardians in writing of the student's alleged misconduct. (Education Code 48904)

(cf. 5145.6 - Parental Notifications)

The student shall be afforded due process consistent with procedures established for the expulsion of students. (Education Code 48904)

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

When a student who is transferring into the district has had grades, diploma, and/or transcripts withheld by the previous district, the Superintendent or designee shall continue to withhold the student's grades, diploma, and/or transcripts until notified by the previous district that the decision to withhold has been rescinded. (Education Code 48904.3)

Upon receiving notice that a student whose grades, diploma, and/or transcripts have been withheld by this district has transferred to another district in California, the Superintendent or designee shall provide the student's records to the new district and notify the new district that the student's grades, diploma, and/or transcripts are being withheld from the student and parents/guardians pursuant to Education Code 48904.

The Superintendent or designee shall also notify the student's parents/guardians in writing that the decision to withhold the student's grades, diploma, and/or transcripts will be enforced by the new district. (Education Code 48904.3)

Legal Reference:

EDUCATION CODE

48904 Liability of parent

48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold

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Regulation WILLITS UNIFIED SCHOOL DISTRICT

approved: June 6, 2018 Willits, California

revised: June 19, 2019

WILLITS UNIFIED SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE

TO: Board of Trustees
FROM: Mark Westerburg, Superintendent
DATE: June 12, 2019
RE: Board Policy Revision- BP 5127 - Graduation Ceremonies and Activities

Priority:

Communication

Objective:

To conduct a first read of the revised policy

Background:

(BP revised)

Policy updated to provide optional language providing that passage of any of the three high school equivalency tests approved by the State Board of Education is not equivalent to completing all graduation requirements for participation in graduation ceremonies. Option for student-initiated, student-led prayer at graduation ceremonies deleted consistent with court decisions which suggest that such prayer could be unconstitutional. Policy also reflects **NEW LAW (AB 1248)** which permits students to wear tribal regalia or recognized religious or cultural adornments to the cap and gown, unless the district determines that an item is likely to cause substantial disruption of the ceremony.

Funding/Source:

None

Recommendation:

Administration recommends the board conduct a first read of the revised policy

Graduation Ceremonies And Activities

High school graduation ceremonies shall be held to recognize those students who have earned a diploma by successfully completing the required course of study, satisfying district standards, and passing any required assessments. The Governing Board of Trustees believes that these students deserve the privilege of a public celebration that recognizes the significance of their achievement and encourages them to continue the pursuit of learning throughout their lives.

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

~~(cf. 6162.52 - High School Exit Examination)~~

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

At the discretion of the Superintendent or designee, a student who will complete graduation requirements during the summer may be allowed to participate in graduation exercises without receiving a his/her diploma. When the requirements have been satisfied, a diploma shall be sent to the student.

High school students who have passed a high school equivalency test or the California High School Proficiency Examination ~~or the General Educational Development Test~~ must also meet district graduation requirements in order to participate in graduation ceremonies.

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

~~The school or district shall not direct~~ invocations, prayers, or benedictions shall not be included in at graduation ceremonies. The school or district shall not sponsor other ceremonies or programs for graduates that include prayer.

(cf. 1330 - Use of School Facilities)

(cf. 5145.2 - Freedom of Speech/Expression)

Honors and Awards

To honor superior academic achievement, graduation ceremonies shall include recognition of a valedictorian(s) and salutatorian(s). ~~The Superintendent or designee shall establish procedures that ensure a fair determination of the students who have achieved the highest grade point average in the graduating class. If a tie exists, the principal may honor more than one valedictorian and/or salutatorian~~ Valedictorian(s) and salutatorian(s) shall be selected based on established criteria and procedures that use multiple measures of academic performance.

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

The Superintendent or designee shall identify other school-sponsored awards which may be given during graduation exercises. A separate awards program may be held to recognize graduating students receiving other school and nonschool awards.

(cf. [5126](#) - Awards for Achievement)

Graduation Attire

The Superintendent or designee may require graduating students to wear ceremonial attire, such as cap and gown, at the ceremony.

(cf. [3260](#) - Fees and Charges)

Any graduating student who has completed basic training and is an active member of any branch of the United States Armed Forces may, at the student's option, wear a military dress uniform at the ceremony. (Education Code 35183.3)

Students shall be permitted to wear tribal regalia or recognized objects of religious or cultural significance as an adornment to the customary ceremonial attire, as long as the adornment does not cause a substantial disruption of, or material interference with, the graduation ceremony. (Education Code 35183.1)

Students who desire to wear such adornments shall seek permission from the Superintendent or designee at least 14 days before the graduation ceremony

Disciplinary Considerations

Students are expected to comply with district and school policies, regulations, and rules throughout the school session, including during graduation and related events. In order to encourage high standards of student conduct and behavior, the principal may deny a student the privilege of participating in graduation ceremonies and/or activities in accordance with school rules. Students shall not be denied the privilege of participating in graduation ceremonies and activities except as discipline in cases of serious misconduct. In no event shall a student be denied participation in graduation ceremonies unless the principal or designee has informed the student and the parent/guardians of the misconduct and has, shall be made aware of the grounds for such denial and shall be given them an opportunity to respond. If a privilege is to be denied, the student and parent/guardian shall receive written notice of the denied privilege and the means whereby he/she may appeal the decision.

~~(cf. [5125.2](#) - Withholding Grades, Diploma or Transcripts)~~

(cf. [5131](#) - Conduct)

(cf. [5144](#) - Discipline)

~~(cf. [6161.2](#) - Damaged or Lost Instructional Materials)~~

During the graduation ceremony, a student may be removed from the ceremony for conduct that is disruptive or that poses a risk to safety.

High school seniors shall be notified of this policy in advance, through the student handbook or other means, and shall be required to acknowledge receiving it.

Middle School Promotion Exercise

~~The Board desires that each middle school provide age-appropriate promotion exercises to recognize students who have completed the school's course of study.~~

Participation in High School Graduation Ceremony

~~The Board recognizes that each student who receives a high school diploma or certificate of completion of coursework has met the standards of proficiency established by the district. In addition, students with disabilities whose Individualized Education Plan provides for a "Certificate of Coursework Completion" and be allowed to participate in graduation ceremonies.~~

~~A student who has not completed course and credit requirements for high school graduation will not be allowed to participate in graduation ceremonies.~~

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

~~(cf. 6146.4 Differential Graduation and Competency Standards for Students with Disabilities (assuming district has already adopted this))~~

~~Foreign exchange students may receive honorary diplomas during the graduation ceremony. (Education Code 51225.5)~~

Legal Reference:

EDUCATION CODE

35183.1 Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance

35183.3 Graduation ceremonies; military dress uniforms

38119 Lease of personal property; caps and gowns

48904 Liability of parent or guardian; withholding of grades, diplomas, transcripts

51225.5 Honorary diplomas; foreign exchange students

51410-51412 Diplomas

COURT DECISIONS

Workman v. Greenwood Community School Corporation, (2010) Case No. 1:2010cv00293

Cole v. Oroville Union High School District, (2000, 9th Cir.) 228 F.3d 1092

Santa Fe Independent School District v. Doe, (2000) 530 U.S. 290

Lee v. Weisman, (1992) 505 U.S. 577

Sands v. Morongo Unified School District, (1991) 53 Cal. 3d 863

Lemon v. Kurtzman, (1971) 403 U.S. 602

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Pupil Fees, Deposits and Other Charges, Fiscal Management Advisory 17-01, July 28, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools, February 2003

WEB SITES

AASA The School Superintendents Association: <http://www.aasa.org>

Antidefamation League: <https://www.adl.org>

California Department of Education, High School: <http://www.cde.ca.gov/ci/gS/hs/>

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

Policy WILLITS UNIFIED SCHOOL DISTRICT

adopted: August 7, 2013 Willits, California

revised: June 19, 2019

Graduation Ceremonies And Activities

High school graduation ceremonies shall be held to recognize those students who have earned a diploma by successfully completing the required course of study, satisfying district standards, and passing any required assessments. The Governing Board believes that these students deserve the privilege of a public celebration that recognizes the significance of their achievement and encourages them to continue the pursuit of learning throughout their lives.

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

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

At the discretion of the Superintendent or designee, a student who will complete graduation requirements during the summer may be allowed to participate in graduation exercises without receiving a diploma. When the requirements have been satisfied, a diploma shall be sent to the student.

High school students who have passed a high school equivalency test or the California High School Proficiency Examination must also meet district graduation requirements in order to participate in graduation ceremonies.

(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)

Invocations, prayers, or benedictions shall not be included in graduation ceremonies. The school or district shall not sponsor other ceremonies or programs for graduates that include prayer.

(cf. 1330 - Use of School Facilities)

(cf. 5145.2 - Freedom of Speech/Expression)

Honors and Awards

To honor superior academic achievement, graduation ceremonies shall include recognition of a valedictorian(s) and salutatorian(s). Valedictorian(s) and salutatorian(s) shall be selected based on established criteria and procedures that use multiple measures of academic performance.

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

The Superintendent or designee shall identify other school-sponsored awards which may be given during graduation exercises. A separate awards program may be held to recognize graduating students receiving other school and nonschool awards.

(cf. 5126 - Awards for Achievement)

Graduation Attire

The Superintendent or designee may require graduating students to wear ceremonial attire, such as cap and gown, at the ceremony.

(cf. 3260 - Fees and Charges)

Any graduating student who has completed basic training and is an active member of any branch of the United States Armed Forces may, at the student's option, wear a military dress uniform at the ceremony. (Education Code 35183.3)

Students shall be permitted to wear tribal regalia or recognized objects of religious or cultural significance as an adornment to the customary ceremonial attire, as long as the adornment does not cause a substantial disruption of, or material interference with, the graduation ceremony. (Education Code 35183.1)

Students who desire to wear such adornments shall seek permission from the Superintendent or designee at least 14 days before the graduation ceremony

Disciplinary Considerations

Students are expected to comply with district and school policies, regulations, and rules throughout the school session, including during graduation and related events. Students shall not be denied the privilege of participating in graduation ceremonies and activities except as discipline in cases of serious misconduct. In no event shall a student be denied participation in graduation ceremonies unless the principal or designee has informed the student and the student's parent/guardians of the misconduct and has given them an opportunity to respond.

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

During the graduation ceremony, a student may be removed from the ceremony for conduct that is disruptive or that poses a risk to safety.

High school seniors shall be notified of this policy in advance, through the student handbook or other means, and shall be required to acknowledge receiving it.

Legal Reference:

EDUCATION CODE

35183.1 Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance

35183.3 Graduation ceremonies; military dress uniforms

38119 Lease of personal property; caps and gowns

48904 Liability of parent or guardian; withholding of grades, diplomas, transcripts

51225.5 Honorary diplomas; foreign exchange students

51410-51412 Diplomas

COURT DECISIONS

Workman v. Greenwood Community School Corporation, (2010) Case No. 1:2010cv00293

Cole v. Oroville Union High School District, (2000, 9th Cir.) 228 F.3d 1092

Santa Fe Independent School District v. Doe, (2000) 530 U.S. 290

Lee v. Weisman, (1992) 505 U.S. 577

Sands v. Morongo Unified School District, (1991) 53 Cal. 3d 863

Lemon v. Kurtzman, (1971) 403 U.S. 602

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Pupil Fees, Deposits and Other Charges, Fiscal Management Advisory 17-01, July 28, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools, February 2003

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Policy WILLITS UNIFIED SCHOOL DISTRICT

adopted: August 7, 2013 Willits, California

revised: June 19, 2019

WILLITS UNIFIED SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE

TO: Board of Trustees
FROM: Mark Westerburg, Superintendent
DATE: June 12, 2019
RE: Board Policy Revision- BP 5141.33, Head Lice

Priority:

Communication

Objective:

To conduct a first read of the revised policy

Background:

Update to board policy changing the conditions to exclude a student from their classroom from *nits or lice* to only say *active lice*.

Funding/Source:

None

Recommendation:

Administration recommends the board conduct a first read of the revised policy

Head Lice

To prevent the spread of head lice infestations, school employees shall report all suspected cases of head lice to the school nurse or designee as soon as possible. The nurse or designee shall examine the student and any siblings of affected students or members of the same household. If ~~nits~~ or active lice are found, the student shall be excluded from the classroom and parents/guardians will be informed about recommended treatment procedures and sources of further information.

(cf. 5141.3 - Health Examinations)

(cf. 5141.6 - Student Health and Social Services)

The Superintendent or designee shall send home the notification required by law for excluded students. (Education Code 48213)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5145.6 - Parental Notifications)

If there are two or more students affected in any class, all students in the class shall be examined, and information about head lice shall be sent home to all parents/guardians of those students.

Staff shall maintain the privacy of students identified as having head lice and excluded from attendance.

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

Excluded students may return to school when (1) they bring a note from the parent/guardian verifying treatment, and (2) reexamination by the nurse or designee shows that all active head lice have been removed.

If a student is found consistently infested with head lice, he/she may be referred to a multidisciplinary team, which may consist of the school nurse, representatives from the local health department and social services, and other appropriate individuals, to determine the best approach for identifying and resolving problems contributing to the student's head lice infestations.

(cf. 1020 - Youth Services)

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

Legal Reference:

EDUCATION CODE

48320-48325 School attendance review boards

49451 Physical examinations: parent's refusal to consent

Management Resources:

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS

Guidelines on Head Lice Prevention and Control for School Districts and Child Care Facilities, rev. March 2012

A Parent's Guide to Head Lice, 2008

CALIFORNIA SCHOOL NURSES ORGANIZATION

Pediculosis Management, Position Statement, rev. 2011

WEB SITES

American Academy of Pediatrics: <http://www.aap.org>

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

California School Nurses Organization: <http://www.csno.org>

Centers for Disease Control and Prevention, Parasitic Disease Information, Head Lice: <http://www.cdc.gov/parasites/lice/head>

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adopted: August 7, 2013 Willits, California

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(cf. 1020 - Youth Services)

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Policy WILLITS UNIFIED SCHOOL DISTRICT

adopted: August 7, 2013 Willits, California

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WILLITS UNIFIED SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE

TO: Board of Trustees
FROM: Mark Westerburg, Superintendent
DATE: June 12, 2019
RE: Board Policy Revision- E 5145.6 - Parental Notifications

Priority:
Communication

Objective:
To conduct a first read of the revised policy

Background:
(E revised)
Exhibit reflects **NEW LAWS** requiring parental notice of the rights of pregnant and parenting students (**AB 2289**), mental health services available in the school and community (**AB 2022**), risks and effects of lead exposure when child enrolls in a licensed child care center or preschool (**AB 2370**), and specified educational rights of migrant students and newly arrived immigrant students in grades 11-12 (**AB 2121**). Exhibit also deletes two items related to Open Enrollment Act transfers since schools are not currently being identified as low achieving under this program. Section V updated to add legal cite pursuant to **NEW LAW (AB 1808)** which requires classroom notice on Williams UCP to include health and safety issues in license-exempt California State Preschool Programs.

Funding/Source:
None

Recommendation:
Administration recommends the board conduct a first read of the revised policy

Parental Notifications

Cautionary Notice: Government Code [17581.5](#) releases districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2017 (AB 97, Ch. 14, Statutes of 2017) extends the suspension of these requirements through the 20187-198 fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

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

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

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

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
I. Annually (continued)			
<u>Beginning of each school year</u>	<u>Education Code</u> 44050	<u>BP 4119.21</u> 4219.21 4319.21	<u>Code of conduct addressing employee interactions with students</u>
<u>Beginning of each school year</u>	<u>Education Code</u> 46010.1	<u>AR 5113</u>	<u>Absence for confidential medical services</u>
<u>Beginning of each school year, if district has adopted policy on involuntary transfer of students convicted of certain crimes when victim is enrolled at same school</u>	<u>Education Code</u> 48929, 48980	<u>BP 5116.2</u>	<u>District policy authorizing transfer</u>
<u>Beginning of each school year</u>	<u>Education Code</u> 48980	<u>BP 6111</u>	<u>Schedule of minimum days and student-free staff development days</u>
<u>Beginning of each school year</u>	<u>Education Code</u> 48980, 231.5; 5 CCR 4917	<u>AR 5145.7</u>	<u>Copy of sexual harassment policy as related to students</u>
<u>Beginning of each school year</u>	<u>Education Code</u> 48980, 32255- 32255.6	<u>AR 5145.8</u>	<u>Right to refrain from harmful or destructive use of animals</u>
<u>Beginning of each school year</u>	<u>Education Code</u> 48980, 35160.5, 46600-46611, 48204, 48301, 48350-48361	<u>BP 5111.1</u> <u>AR 5116.1</u> <u>AR 5117</u>	<u>All statutory attendance options, available local attendance options, options for meeting residency, form for changing attendance, appeals process</u>
<u>Beginning of each school year, if Board allows such absence</u>	<u>Education Code</u> 48980, 46014	<u>AR 5113</u>	<u>Absence for religious exercises or purposes</u>
<u>Beginning of each school year</u>	<u>Education Code</u> 48980, 48205	<u>AR 5113</u> <u>BP 6154</u>	<u>Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205</u>

<u>When to Notify</u>	<u>Other Legal Code</u>	<u>Administrative Regulation #</u>	<u>Subject</u>
<u>I. Annually (continued)</u>			
<u>Beginning of each school year</u>	<u>Education Code</u> 48980, 48206.3, 48207, 48208	<u>AR 6183</u>	<u>Availability of home/hospital instruction for students with temporary disabilities</u>
<u>Beginning of each school year</u>	<u>Education Code</u> 48980, 49403	<u>BP 5141.31</u>	<u>School immunization program</u>
<u>Beginning of each school year</u>	<u>Education Code</u> 48980, 49423, 49480	<u>AR 5141.21</u>	<u>Administration of prescribed medication</u>
<u>Beginning of each school year</u>	<u>Education Code</u> 48980, 49451; 20 USC 1232h	<u>AR 5141.3</u>	<u>Right to refuse consent to physical examination</u>
<u>Beginning of each school year</u>	<u>Education Code</u> 48980, 49471, 49472	<u>BP 5143</u>	<u>Availability of insurance</u>
<u>Beginning of each school year</u>	<u>Education Code</u> 49013; 5 CCR 4622	<u>AR 1312.3</u>	<u>Uniform complaint procedures, available appeals, civil law remedies</u>
<u>Beginning of each school year</u>	<u>Education Code</u> 49063	<u>AR 5125</u> <u>AR 5125.3</u>	<u>Challenge, review, and expunging of records</u>
<u>Beginning of each school year</u>	<u>Education Code</u> 49063, 49069; 20 USC 1232g; 34 CFR 99.7	<u>AR 5125</u>	<u>Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine legitimate educational interest, course prospectus availability</u>
<u>Beginning of each school year</u>	<u>Education Code</u> 49063, 49073; 20 USC 1232g; 34 CFR 99.37	<u>AR 5125.1</u>	<u>Release of directory information</u>
<u>Beginning of each school year and at least one more time during school year using specified methods</u>	<u>Education Code</u> 49428	<u>None</u>	<u>How to access mental health services at school and/or in community</u>

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
I. Annually (continued)			
<u>Beginning of each school year</u>	<u>Education Code</u> 49520, 48980; 42 USC 1758; 7 CFR 245.5	<u>AR 3553</u>	<u>Eligibility and application process for free and reduced-price meals</u>
<u>Beginning of each school year</u>	<u>Education Code</u> 51513; 20 USC 1232h	<u>AR 5022</u> <u>BP 6162.8</u>	<u>Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities; inspection rights and procedures</u>
<u>Beginning of each school year</u>	<u>Education Code</u> 56301	<u>BP 6164.4</u>	<u>Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment</u>
<u>Beginning of each school year</u>	<u>Education Code</u> 58501, 48980	<u>AR 6181</u>	<u>Alternative schools</u>
<u>Beginning of each school year</u>	<u>Health and Safety Code</u> 104855	<u>AR 5141.6</u>	<u>Availability of dental fluoride treatment; opportunity to accept or deny treatment</u>
<u>Annually</u>	<u>5 CCR 852;</u> <u>Education Code</u> 60615	<u>AR 6162.51</u>	<u>Student's participation in state assessments; option to request exemption from testing</u>
<u>Beginning of each school year, if district receives Title I funds</u>	<u>20 USC 6312;</u> <u>34 CFR 200.48</u>	<u>BP 4112.2</u> <u>AR 4222</u>	<u>Right to request information re: professional qualifications of child's teacher and paraprofessional</u>
<u>Beginning of each school year</u>	<u>34 CFR 104.8,</u> <u>106.9</u>	<u>BP 0410</u> <u>BP 6178</u>	<u>Nondiscrimination</u>
<u>Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals</u>	<u>40 CFR 763.84,</u> <u>763.93</u>	<u>AR 3514</u>	<u>Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress</u>

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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I. Annually (continued)

<u>Beginning of each school year</u>	<u>USDA SP-23-2017</u>	<u>AR 3551</u>	<u>District policy on meal payments</u>
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II. At Specific Times During the Student's Academic Career

<u>Beginning in grade 7, at least once prior to course selection and career counseling</u>	<u>Education Code 221.5, 48980</u>	<u>BP 6164.2</u>	<u>Course selection and career counseling</u>
<u>Upon a student's enrollment</u>	<u>Education Code 310</u>	<u>BP 6142.2 AR 6174</u>	<u>Information on the district's language acquisition programs</u>
<u>When child first enrolls in a public school, if school offers a fingerprinting program</u>	<u>Education Code 32390, 48980</u>	<u>AR 5142.1</u>	<u>Fingerprinting program</u>
<u>When participating in driver training courses under the jurisdiction of the district</u>	<u>Education Code 35211</u>	<u>None</u>	<u>Civil liability, insurance coverage</u>
<u>Upon registration in K-6, if students have not previously been transported</u>	<u>Education Code 39831.5</u>	<u>AR 3543</u>	<u>School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops</u>
<u>Beginning of each school year for high school students, if high school is open campus</u>	<u>Education Code 44808.5, 48980</u>	<u>BP 5112.5</u>	<u>Open campus</u>
<u>Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement</u>	<u>Education Code 48980, 51225.3</u>	<u>AR 6146.1</u>	<u>How each graduation requirement does or does not satisfy college entrance a-g course criteria; district CTE courses that satisfy a-g criteria</u>
<u>Upon a student's enrollment</u>	<u>Education Code 49063</u>	<u>AR 5125 AR 5125.3</u>	<u>Specified rights related to student records</u>
<u>When students enter grade 7</u>	<u>Education Code 49452.7</u>	<u>AR 5141.3</u>	<u>Specified information on type 2 diabetes</u>

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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II. At Specific Times During the Student's Academic Career (continued)

<u>When in kindergarten, or first grade if not previously enrolled in public school</u>	<u>Education Code</u> 49452.8	<u>AR 5141.32</u>	<u>Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights</u>
<u>Beginning of each school year for students in grades 9-12</u>	<u>Education Code</u> 51229, 48980	<u>AR 6143</u>	<u>College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors</u>
<u>Beginning of each school year for students in grades 7-12, or at time of enrollment if after beginning of year</u>	<u>Education Code</u> 51938, 48980	<u>AR 6142.1</u>	<u>Sexual health and HIV prevention education, right to view A/V materials, whether taught by district staff or outside consultants, right to request specific Education Code sections, right to excuse</u>
<u>Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, within 20 working days of start of next school year</u>	<u>Education Code</u> 60641; 5 CCR 863	<u>AR 6162.51</u>	<u>Results of tests; test purpose, individual score and intended use</u>
<u>By October 15 for students in grade 12</u>	<u>Education Code</u> 69432.9	<u>AR 5121</u> <u>AR 5125</u>	<u>Forwarding of student's grade point average to Cal Grant program; timeline to opt out</u>
<u>When child is enrolled or reenrolled in a licensed child care center or preschool</u>	<u>Health and Safety Code</u> 1596.7996	<u>AR 5148</u>	<u>Information on risks and effects of lead exposure, blood lead testing</u>
<u>When child is enrolled in kindergarten</u>	<u>Health and Safety Code</u> 124100, 124105	<u>AR 5141.32</u>	<u>Health screening examination</u>
<u>To students in grades 11-12, early enough to enable registration for fall test</u>	<u>5 CCR 11523</u>	<u>AR 6146.2</u>	<u>Notice of proficiency examination provided under Education Code 48412</u>

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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II. At Specific Times During the Student's Academic Career (continued)

<u>To secondary students, if district receives Title I funds</u>	<u>20 USC 7908</u>	<u>AR 5125.1</u>	<u>Request that district not release name, address, phone number of child to military recruiters without prior written consent</u>
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III. When Special Circumstances Occur

<u>In the event of a breach of security of district records, to affected persons</u>	<u>Civil Code 1798.29</u>	<u>BP 3580</u>	<u>Types of records affected, date of breach, description of incident, contact information for credit reporting agencies</u>
<u>Upon receipt of a complaint alleging discrimination</u>	<u>Education Code 262.3</u>	<u>AR 1312.3</u>	<u>Civil law remedies available to complainants</u>
<u>When determining whether an English learner should be reclassified as fluent English proficient</u>	<u>Education Code 313; 5 CCR 11303</u>	<u>AR 6174</u>	<u>Description of reclassification process, opportunity for parent/guardian to participate</u>
<u>When student is identified as English learner and district receives Title I or Title III funds for English learner programs, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year</u>	<u>Education Code 313.2, 440; 20 USC 6312</u>	<u>AR 6174</u>	<u>Reason for classification, level of English proficiency, identification as long-term English learner, description of program(s), option to decline program or choose alternate, option to remove student from program at any time, exit requirements of program</u>
<u>When homeless or foster youth applies for enrollment in before/after school program</u>	<u>Education Code 8483</u>	<u>AR 5148.2</u>	<u>Right to priority enrollment; how to request priority enrollment</u>
<u>Before high school student attends specialized secondary program on a university campus</u>	<u>Education Code 17288</u>	<u>None</u>	<u>University campus buildings may not meet Education Code requirements for structural safety</u>
<u>At least 72 hours before use of pesticide product not included in annual list</u>	<u>Education Code 17612</u>	<u>AR 3514.2</u>	<u>Intended use of pesticide product</u>
<u>To members of athletic teams</u>	<u>Education Code 32221.5</u>	<u>AR 5143</u>	<u>Offer of insurance; no-cost and low-cost program options</u>

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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III. When Special Circumstances Occur (continued)

<u>Annually to parents/guardians of student athletes before they participate in competition</u>	<u>Education Code 33479.3</u>	<u>AR 6145.2</u>	<u>Information on sudden cardiac arrest</u>
<u>If school has lost its WASC accreditation status</u>	<u>Education Code 35178.4</u>	<u>BP 6190</u>	<u>Loss of status, potential consequences</u>
<u>When district has contracted for electronic products or services that disseminate advertising</u>	<u>Education Code 35182.5</u>	<u>BP 3312</u>	<u>Advertising will be used in the classroom or learning center</u>
<u>At least six months before implementing uniform policy</u>	<u>Education Code 35183</u>	<u>AR 5132</u>	<u>Dress code policy requiring schoolwide uniform</u>
<u>Before implementing a year-round schedule</u>	<u>Education Code 37616</u>	<u>BP 6117</u>	<u>Public hearing on year-round schedule</u>
<u>When interdistrict transfer is requested and not approved or denied within 30 days</u>	<u>Education Code 46601</u>	<u>AR 5117</u>	<u>Appeal process</u>
<u>Before early entry to kindergarten, if offered</u>	<u>Education Code 48000</u>	<u>AR 5111</u>	<u>Effects, advantages and disadvantages of early entry</u>
<u>When student identified as being at risk of retention</u>	<u>Education Code 48070.5</u>	<u>AR 5123</u>	<u>Student at risk of retention</u>
<u>When student excluded due to quarantine, contagious or infectious disease, danger to safety or health</u>	<u>Education Code 48213</u>	<u>AR 5112.2 BP 5141.33</u>	<u>Student has been excluded from school</u>
<u>Before already admitted student is excluded for lack of immunization</u>	<u>Education Code 48216; 17 CCR 6040</u>	<u>AR 5141.31</u>	<u>Need to submit evidence of immunization or exemption within 10 school days; referral to medical care</u>
<u>When a student is classified as truant</u>	<u>Education Code 48260.5, 48262</u>	<u>AR 5113.1</u>	<u>Truancy, parental obligation, availability of alternative programs, student consequences, need for conference</u>

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
III. When Special Circumstances Occur (continued)			
<u>When a truant is referred to a SARB or probation department</u>	<u>Education Code</u> 48263	<u>AR 5113.1</u>	<u>Name and address of SARB or probation department and reason for referral</u>
<u>When student requests to voluntarily transfer to continuation school</u>	<u>Education Code</u> 48432.3	<u>AR 6184</u>	<u>Copy of district policy and regulation on continuation education</u>
<u>Prior to involuntary transfer to continuation school</u>	<u>Education Code</u> 48432.5	<u>AR 6184</u>	<u>Right to request meeting prior to involuntary transfer to continuation school</u>
<u>To person holding educational rights, prior to recommending placement of foster youth outside school of origin</u>	<u>Education Code</u> 48853.5	<u>AR 6173.1</u>	<u>Basis for the placement recommendation</u>
<u>When student is removed from class and teacher requires parental attendance at school</u>	<u>Education Code</u> 48900.1	<u>AR 5144.4</u>	<u>Parental attendance required; timeline for attendance</u>
<u>Prior to withholding grades, diplomas, or transcripts</u>	<u>Education Code</u> 48904	<u>AR 5125.2</u>	<u>Damaged school property</u>
<u>When withholding grades, diplomas or transcripts from transferring student</u>	<u>Education Code</u> 48904.3	<u>AR 5125.2</u>	<u>Next school will continue withholding grades, diplomas, or transcripts</u>
<u>When student is released to peace officer</u>	<u>Education Code</u> 48906	<u>BP 5145.11</u>	<u>Release of student to peace officer for the purpose of removing minor from school, unless taken into custody as victim of suspected child abuse</u>
<u>At time of suspension</u>	<u>Education Code</u> 48911	<u>BP 5144.1</u> <u>AR 5144.1</u>	<u>Notice of suspension</u>
<u>When original period of suspension is extended</u>	<u>Education Code</u> 48911	<u>AR 5144.1</u>	<u>Extension of suspension</u>
<u>At the time a student is assigned to a supervised suspension classroom</u>	<u>Education Code</u> 48911.1	<u>AR 5144.1</u>	<u>The student's assignment to a supervised suspension classroom</u>
<u>Before holding a closed session re: suspension</u>	<u>Education Code</u> 48912	<u>AR 5144.1</u>	<u>Intent to hold a closed session re: suspension</u>

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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III. When Special Circumstances Occur (continued)

<u>When student expelled from another district for certain acts seeks admission</u>	<u>Education Code</u> 48915.1, 48918	<u>BP 5119</u>	<u>Hearing re: possible danger presented by expelled student</u>
<u>When readmission is denied</u>	<u>Education Code</u> 48916	<u>AR 5144.1</u>	<u>Reasons for denial; determination of assigned program</u>
<u>When expulsion occurs</u>	<u>Education Code</u> 48916	<u>AR 5144.1</u>	<u>Readmission procedures</u>
<u>At least 10 calendar days before expulsion hearing</u>	<u>Education Code</u> 48918	<u>AR 5144.1</u>	<u>Notice of expulsion hearing</u>
<u>When expulsion or suspension of expulsion occurs</u>	<u>Education Code</u> 48918	<u>AR 5144.1</u>	<u>Decision to expel; right to appeal to county board; obligation to inform new district of status</u>
<u>Before involuntary transfer of student convicted of certain crime when victim is enrolled at same school</u>	<u>Education Code</u> 48929, 48980	<u>BP 5116.2</u>	<u>Right to request a meeting with principal or designee</u>
<u>One month before the scheduled minimum day</u>	<u>Education Code</u> 48980	<u>BP 6111</u>	<u>When minimum days are scheduled after beginning of the school year</u>
<u>When parents/guardians request guidelines for filing complaint of child abuse at a school site</u>	<u>Education Code</u> 48987	<u>AR 5141.4</u>	<u>Guidelines for filing complaint of child abuse at a school site with local child protective agencies</u>
<u>When student in danger of failing a course</u>	<u>Education Code</u> 49067	<u>AR 5121</u>	<u>Student in danger of failing a course</u>
<u>When student transfers from another district or private school</u>	<u>Education Code</u> 49068	<u>AR 5125</u>	<u>Right to receive copy of student's record and to challenge its content</u>
<u>When parent/guardian's challenge of student record is denied and parent/guardian appeals</u>	<u>Education Code</u> 49070	<u>AR 5125.3</u>	<u>If board sustains allegations, the correction or destruction of record; if denied, right to submit written objection</u>

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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III. When Special Circumstances Occur (continued)

<u>When district is considering program to gather safety-related information from students' social media activity</u>	<u>Education Code 49073.6</u>	<u>BP 5125</u>	<u>Opportunity for input on proposed program</u>
<u>When district adopts program to gather information from students' social media activity, and annually thereafter</u>	<u>Education Code 49073.6</u>	<u>AR 5125</u>	<u>Information is being gathered, access to records, process for removal or corrections, destruction of records</u>
<u>Within 24 hours of release of information to a judge or probation officer</u>	<u>Education Code 49076</u>	<u>AR 5125</u>	<u>Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition</u>
<u>Before release of information pursuant to court order or subpoena</u>	<u>Education Code 49077</u>	<u>AR 5125</u>	<u>Release of information pursuant to court order or subpoena</u>
<u>When screening results in suspicion that student has scoliosis</u>	<u>Education Code 49452.5</u>	<u>AR 5141.3</u>	<u>Scoliosis screening</u>
<u>When test results in discovery of visual or hearing defects</u>	<u>Education Code 49456; 17 CCR 2951</u>	<u>AR 5141.3</u>	<u>Vision or hearing test results</u>
<u>Within 10 days of negative balance in meal account</u>	<u>Education Code 49557.5</u>	<u>AR 3551</u>	<u>Negative balance in meal account; encouragement to apply for free or reduced-price meals</u>
<u>Annually to parents/guardians of student athletes before their first practice or competition</u>	<u>Education Code 49475</u>	<u>AR 6145.2</u>	<u>Information on concussions and head injuries</u>
<u>Within 30 days of foster youth, homeless youth, former juvenile court school student, child of military family, or migrant student being transferred after second year of high school, or immigrant student enrolled in newcomer program in grades 11-12</u>	<u>Education Code 51225.1</u>	<u>BP 6146.1 AR 6173 AR 6173.1 AR 6173.3 AR 6175</u>	<u>Exemption from local graduation requirements, effect on college admission, option for fifth year of high school</u>

<u>Education or When to Notify</u>	<u>Board Policy/ Other Legal Code</u>	<u>Administrative Regulation #</u>	<u>Subject</u>
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III. When Special Circumstances Occur (continued)

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

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

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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III. When Special Circumstances Occur (continued)

<u>For schools receiving Title I funds, upon development of parent involvement policy</u>	20 USC 6318	AR 6020	<u>Notice of policy</u>
<u>When household is selected for verification of eligibility for free or reduced-price meals</u>	42 USC 1758; 7 CFR 245.6a	AR 3553	<u>Need to submit verification information; any subsequent change in benefits; appeals</u>
<u>When student is homeless or unaccompanied minor</u>	42 USC 11432; Education Code 48852.5	AR 6173	<u>Educational and related opportunities; transportation services; placement decision and right to appeal</u>
<u>When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30</u>	34 CFR 99.34	AR 5125	<u>Right to review records</u>
<u>When district receives federal funding assistance for nutrition program</u>	USDA FNS Instruction 113-1	BP 3555	<u>Rights and responsibilities, nondiscrimination policy, complaint procedures</u>

IV. Special Education Notices

<u>Prior to conducting initial evaluation</u>	Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415(d); 34 CFR 300.502, 300.503	BP 6159.1 AR 6159.1 AR 6164.4	<u>Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards</u>
<u>Before functional behavioral assessment begins</u>	Education Code 56321	AR 6159.4	<u>Notification and consent</u>
<u>24 hours before IEP when district intending to record</u>	Education Code 56341.1	AR 6159	<u>Intention to audio-record IEP meeting</u>
<u>Early enough to ensure opportunity for parent/guardian to attend IEP meeting</u>	Education Code 56341.5; 34 CFR 300.322	AR 6159	<u>Time, purpose, location, who will attend, participation of others with special knowledge, transition statements if appropriate</u>
<u>When parent/guardian orally requests review of IEP</u>	Education Code 56343.5	AR 6159	<u>Need for written request</u>

<u>When to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
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IV. Special Education Notices (continued)

<u>Within one school day of emergency intervention or serious property damage</u>	Education Code 56521.1	AR 6159.4	Emergency intervention
<u>Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services</u>	20 USC 1415(c); 34 CFR 300.300, 300.503	AR 6159 AR 6159.1	Prior written notice
<u>Upon filing of state complaint</u>	20 USC 1415(d); 34 CFR 300.504	AR 6159.1	Procedural safeguards notice
<u>When disciplinary measures are taken or change in placement</u>	20 USC 1415(k); 34 CFR 300.530	AR 5144.2	Decision and procedural safeguards notice
<u>Upon requesting a due process hearing</u>	20 USC 1415(k); 34 CFR 300.508	AR 6159.1	Student's name, address, school, description of problem, proposed resolution
<u>Eligibility for services under Section 504</u>	34 CFR 104.32, 104.36	AR 6164.6	District responsibilities, district actions, procedural safeguards

V. Classroom Notices

<u>In each classroom in each school</u>	Education Code 8235.5, 35186	AR 1312.4 E 1312.4	Complaints subject to Williams uniform complaint procedures
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I. Annually

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 234.7

Board Policy/Administrative Regulation #: See BP 0410

Subject: Right to a free public year 234.7 education regardless of immigration status or religious beliefs

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 310

Board Policy/Administrative Regulation #: See BP 6142.2, See AR 6174

~~Subject: Information on the district's language acquisition program~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 17611.5, 17612, 48980.3~~

~~Board Policy/Administrative Regulation #: See AR 3514.2~~

~~Subject: Use of pesticide product, active ingredients, Internet address to access information, and, if district uses certain pesticides, integrated pest management plan~~

~~When to Notify: Annually by February 1~~

~~Education or Other Legal Code: Education Code 35256, 35258~~

~~Board Policy/Administrative Regulation #: See BP 0510~~

~~Subject: School Accountability Report Card provided~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 35291, 48980~~

~~Board Policy/Administrative Regulation #: See AR 5144, See AR 5144.1~~

~~Subject: District and site discipline rules~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 44050~~

~~Board Policy/Administrative Regulation #: See BP 4119.21, See BP 4219.21, See BP 4319.21~~

~~Subject: Code of conduct addressing employee interactions with students~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 46010.1~~

~~Board Policy/Administrative Regulation #: See AR 5113~~

~~Subject: Absence for confidential medical services~~

~~When to Notify: Beginning of each school year, if district has adopted policy on involuntary transfer of students convicted of certain crimes when victim is enrolled at same school~~

~~Education or Other Legal Code: Education Code 48929, 48980~~

~~Board Policy/Administrative Regulation #: See BP 5116.2~~

~~Subject: District policy authorizing transfer~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 48980~~

~~Board Policy/Administrative Regulation #: See BP 6111~~

~~Subject: Schedule of minimum days and student free staff development days~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 48980, 231.5; 5 CCR 4917~~

~~Board Policy/Administrative Regulation #: See AR 5145.7~~

~~Subject: Copy of sexual harassment policy as related to students~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 48980, 32255-32255.6~~

~~Board Policy/Administrative Regulation #: See AR 5145.8~~

~~Subject: Right to refrain from harmful or destructive use of animals~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 48980, 35160.5, 46600 46611, 48204, 48301, 48350-48361~~

~~Board Policy/Administrative Regulation #: See BP 5111.1, See AR 5116.1, See AR 5117~~

~~Subject: All statutory attendance options, available local attendance options, options for meeting residency, form for changing attendance, appeals process~~

~~When to Notify: Beginning of each school year, if Board allows such absence~~

~~Education or Other Legal Code: Education Code 48980, 46014~~

~~Board Policy/Administrative Regulation #: See AR 5113~~

~~Subject: Absence for religious exercise or purposes~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 48980, 48205~~

~~Board Policy/Administrative Regulation #: See AR 5113, See BP 6154~~

~~Subject: Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 48980, 48206.3, 48207, 48208~~

~~Board Policy/Administrative Regulation #: See AR 6183~~

~~Subject: Availability of home/hospital instruction for students with temporary disabilities~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 48980, 49403~~

~~Board Policy/Administrative Regulation #: See BP 5141.31~~

~~Subject: School immunization program~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 48980, 49423, 49480~~

~~Board Policy/Administrative Regulation #: See AR 5141.21~~

~~Subject: Administration of prescribed medication~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 48980, 49451; 20 USC 1232h~~

~~Board Policy/Administrative Regulation #: See AR 5141.3~~

~~Subject: Right to refuse consent to physical examination~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 48980, 49471, 49472~~

~~Board Policy/Administrative Regulation #: See BP 5143~~

~~Subject: Availability of insurance~~

~~When to Notify: Annually~~

~~Education or Other Legal Code: 49013; 5 CCR 4622~~

~~Board Policy/Administrative Regulation #: See AR 1312.3~~

~~Subject: Uniform complaint procedures, available appeals, civil law remedies~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 49063~~

~~Board Policy/Administrative Regulation #: See AR 5125, See AR 5125.3~~

~~Subject: Challenge, review and expunging of records~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7~~

~~Board Policy/Administrative Regulation #: See AR 5125~~

~~Subject: Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine legitimate educational interest, course prospectus availability~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37~~

~~Board Policy/Administrative Regulation #: See AR 5125.1~~

~~Subject: Release of directory information~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5~~

~~Board Policy/Administrative Regulation #: See AR 3553~~

~~Subject: Eligibility and application process for free and reduced price meals~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 51513, 20 USC 1232h~~

~~Board Policy/Administrative Regulation #: See AR 5022, See BP 6162.8~~

~~Subject: Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities; inspection rights and procedures~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 56301~~

~~Board Policy/Administrative Regulation #: See BP 6164.4~~

~~Subject: Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Education Code 58501, 48980~~

~~Board Policy/Administrative Regulation #: See AR 6181~~

~~Subject: Alternative schools~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: Health and Safety Code 104855~~

~~Board Policy/Administrative Regulation #: See AR 5141.6~~

~~Subject: Availability of dental fluoride treatment; opportunity to accept or deny treatment~~

~~When/Whom to Notify: Annually~~

~~Education or Other Legal Code: 5 CCR 852; Education Code 60615~~

~~Board Policy/Administrative Regulation #: See AR 6162.51~~

~~Subject: Student's participation in state assessments; option to request exemption from testing~~

~~When to Notify: Beginning of each school year, if district receives Title I funds~~

~~Education or Other Legal Code: 20 USC 6312; 34 CFR 200.48~~

~~Board Policy/Administrative Regulation #: See BP 4112.2, See AR 4222~~

~~Subject: Right to request information re: professional qualifications of child's teacher and paraprofessional~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: 34 CFR 104.8, 106.9~~

~~Board Policy/Administrative Regulation #: See BP 0410, See BP 6178~~

~~Subject: Nondiscrimination~~

~~When to Notify: Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals~~

~~Education or Other Legal Code: 40 CFR 763.84, 40 CFR 763.93~~

~~Board Policy/Administrative Regulation #: See AR 3514~~

~~Subject: Availability of asbestos management plan; any inspections, response actions or post response actions planned or in progress~~

~~When to Notify: Beginning of each school year~~

~~Education or Other Legal Code: USDA SP-23-2017~~

~~Board Policy/Administrative Regulation #: See AR 3551~~

~~Subject: District policy on meal payments~~

~~H. At Specific Times During the Student's Academic Career~~

~~When to Notify: Beginning in grade 7, at least once prior to course selection and career counseling~~

~~Education or Other Legal Code: Education Code 221.5; 48980~~

~~Board Policy/Administrative Regulation #: See BP 6164.2~~

~~Subject: Course selection and career counseling~~

~~When to Notify: Upon a student's enrollment~~

~~Education or Other Legal Code: Education Code 310~~

~~Board Policy/Administrative Regulation #: See BP 6142.2, See AR 6174~~

~~Subject: Information on the district's language acquisition programs~~

~~When to Notify: When child first enrolls in a public school, if the school offers a fingerprinting program~~

~~Education or Other Legal Code: Education Code 32390, 48980~~

~~Board Policy/Administrative Regulation #: See AR 5142.1~~

~~Subject: Fingerprinting program~~

~~When/Whom to Notify: When participating in driver training courses under the jurisdiction of the district~~

~~Education or Other Legal Code: Education Code 35211~~

~~Board Policy/Administrative Regulation #: None~~

~~Subject: Civil liability, insurance coverage~~

~~When to Notify: Upon registration in K-6, if students have not previously been transported~~

~~Education or Other Legal Code: Education Code 39831.5~~

~~Board Policy/Administrative Regulation #: See AR 3543~~

~~Subject: School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops~~

~~When to Notify: Beginning of each school year for high school students, if high school is open campus~~

~~Education or Other Legal Code: Education Code 44808.5, 48980~~

~~Board Policy/Administrative Regulation #: See AR 5112.5~~

~~Subject: Open campus~~

~~When to Notify: Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement~~

~~Education or Other Legal Code: Education Code 48980, 51225.3~~

~~Board Policy/Administrative Regulation #: See AR 6146.1~~

~~Subject: How each school graduation requirement does or does not satisfy college entrance a-g course criteria; districts CTE courses that satisfy a-g course criteria~~

~~When to Notify: Upon a student's enrollment~~

~~Education or Other Legal Code: Education Code 49063~~

~~Board Policy/Administrative Regulation #: See AR 5125, See AR 5125.3~~

~~Subject: Specified rights related to student records~~

~~When to Notify: When students enter grade 7~~

~~Education or Other Legal Code: Education Code 49452.7~~

~~Board Policy/Administrative Regulation #: See AR 5141.3~~

~~Subject: Specified information on type-2 diabetes~~

~~When to Notify: When in kindergarten, or first grade if not previously enrolled in public school~~

~~Education or Other Legal Code: Education Code 49452.8~~

~~Board Policy/Administrative Regulation #: See AR 5141.32~~

~~Subject: Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights~~

~~When to Notify: Beginning of each school year for students in grades 9-12~~

~~Education or Other Legal Code: Education Code 51229, 48980~~

~~Board Policy/Administrative Regulation #: See AR 6143~~

~~Subject: College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors~~

~~When to Notify: Beginning of each school year for students in grades 7-12, or at time of enrollment if after beginning of year~~

~~Education or Other Legal Code: Education Code 51938, 48980~~

~~Board Policy/Administrative Regulation #: See AR 6142.1~~

~~Subject: Sexual health and HIV prevention education; right to view A/V materials, whether taught by district staff or outside consultants, right to request specific Education Code sections, right to excuse~~

~~When to Notify: Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, within 20 working days of start of next school year~~

~~Education or Other Legal Code: Education Code 60641; 5 CCR 863~~

~~Board Policy/Administrative Regulation #: See AR 6162.51~~

~~Subject: Results of tests; test purpose, individual score and intended use~~

~~When/Whom to Notify: By October 15 for students in grade 12~~

~~Education or Other Legal Code: Education Code 69432.9~~

~~Board Policy/Administrative Regulation #: See AR 5121, See AR 5125~~

~~Subject: Forwarding of student's grade point average to Cal Grant program; timeline to opt-out~~

~~When to Notify: When child is enrolled in kindergarten~~

~~Education or Other Legal Code: Health and Safety Code 124100, 124105~~

~~Board Policy/Administrative Regulation #: See AR 5141.32~~

~~Subject: Health screening examination~~

~~When to Notify: To students in grades 11-12, early enough to enable registration for fall test~~

~~Education or Other Legal Code: 5 CCR 11523~~

~~Board Policy/Administrative Regulation #: See AR 6146.2~~

~~Subject: Notice of proficiency examination provided under Education Code 48412~~

~~When to Notify: To secondary students, if district receives Title I funds~~

~~Education or Other Legal Code: 20 USC 7908~~

~~Board Policy/Administrative Regulation #: See AR 5125.1~~

~~Subject: Request that district not release name, address, phone number of child to military recruiters without prior written consent~~

~~III. When Special Circumstances Occur~~

~~When to Notify: In the event of a breach of security of district records, security of district records,~~

~~Education or Other Legal Code: Civil Code 1798.29~~

~~Board Policy/Administrative Regulation #: See BP 3580~~

~~Subject: Types of records affected, date of breach, description of incident, contact information for credit reporting agencies~~

~~When to Notify: Upon receipt of a complaint alleging discrimination~~

~~Education or Other Legal Code: Education Code 262.3~~

~~Board Policy/Administrative Regulation #: See AR 1312.3~~

~~Subject: Civil law remedies available to complainants~~

~~When to Notify: When determining whether an English learner should be reclassified as fluent English proficient~~

~~Education or Other Legal Code: Education Code 313; 5 CCR 11303~~

~~Board Policy/Administrative Regulation #: See AR 6174~~

~~Subject: Description of reclassification process, opportunity for parent/guardian to participate~~

~~When to Notify: When Student is identified as English learner and district receives Titles I or Title III funds for English learner programs, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year~~

~~Education or Other Legal Code: Education Code 313.2, 440; 20 USC 6312~~

~~Board Policy/Administrative Regulation #: See AR 6174~~

~~Subject: Reason for classification, level of English proficiency, identification as long term English learner, description of program(s), option to decline program or choose alternate, option to remove student from program at any time, exit requirements of program~~

~~When to Notify: When homeless or foster youth applies for enrollment in before/after school program~~

~~Education or Other Legal Code: Education Code 8483~~

~~Board Policy/Administrative Regulation #: See AR 5178.2~~

~~Subject: Right to priority enrollment how to request priority enrollment~~

~~When to Notify: Before high school student attends specialized secondary program on a university campus~~

~~Education or Other Legal Code: Education Code 17288~~

~~Board Policy/Administrative Regulation #: None~~

~~Subject: University campus buildings may not meet Education Code requirements for structural safety~~

~~When to Notify: At least 72 hours before use of pesticide product not included in annual list~~

~~Education or Other Legal Code: Education Code 17612~~

~~Board Policy/Administrative Regulation #: See AR 3514.2~~

~~Subject: Intended use of pesticide product~~

~~When to Notify: To members of athletic teams~~

~~Education or Other Legal Code: Education Code 32221.5~~

~~Board Policy/Administrative Regulation #: See AR 5143~~

~~Subject: Offer of insurance; no cost and low cost program options~~

~~When to Notify: Annually to parents/guardians of student athletes before participation in competition~~

~~Education or Other Legal Code: Education Code 33479.3~~

~~Board Policy/Administrative Regulation #: See AR 6145.2~~

~~Subject: Information on sudden cardiac arrest~~

~~When to Notify: If school has lost its WASC accreditation status~~

~~Education or Other Legal Code: Education Code 35178.4~~

~~Board Policy/Administrative Regulation #: See BP 6190~~

~~Subject: Loss of status, potential consequences~~

~~When/Whom to Notify: When district has contracted for electronic products or services that disseminate advertising~~

~~Education or Other Legal Code: Education Code 35182.5~~

~~Board Policy/Administrative Regulation #: BP 3312~~

~~Subject: Advertising will be used in the classroom or learning center~~

~~When to Notify: At least six months before implementing a schoolwide uniform policy~~

~~Education or Other Legal Code: Education Code 35183~~

~~Board Policy/Administrative Regulation #: See AR 5132~~

~~Subject: Dress code policy requiring schoolwide uniform~~

~~When to Notify: Before implementing a year round schedule~~

~~Education or Other Legal Code: Education Code 37616~~

~~Board Policy/Administrative Regulation #: See BP 6117~~

~~Subject: Public hearing on year round schedule~~

~~When to Notify: When interdistrict transfer is requested and not approved or denied within 30 days~~

~~Education or Other Legal Code: Education Code 46601~~

~~Board Policy/Administrative Regulation #: See AR 5117~~

~~Subject: Appeal process~~

~~When to Notify: Before early entry to kindergarten, if offered~~

~~Education or Other Legal Code: Education Code 48000~~

~~Board Policy/Administrative Regulation #: See AR 5111~~

~~Subject: Effects, advantages and disadvantages of early entry~~

~~When to Notify: When student identified as being at risk of retention~~

~~Education or Other Legal Code: Education Code 48070.5~~

~~Board Policy/Administrative Regulation #: See AR 5123~~

~~Subject: Student at risk of retention~~

~~When to Notify: When student excluded due to quarantine, contagious or infectious disease, danger to safety or health~~

~~Education or Other Legal Code: Education Code 48213~~

~~Board Policy/Administrative Regulation #: See AR 5112.2, See BP 5141.33~~

~~Subject: Student has been excluded from school~~

~~When to Notify: Before already admitted student is excluded for lack of immunization~~

~~Education or Other Legal Code: Education Code 48216; 17 CCR 6040~~

~~Board Policy/Administrative Regulation #: See AR 5141.31~~

~~Subject: Need to submit evidence of immunization or exemption within 10 school days; referral to medical care~~

~~When to Notify: When a student is classified as truant~~

~~Education or Other Legal Code: Education Code 48260.5, 48262~~

~~Board Policy/Administrative Regulation #: See AR 5113.1~~

~~Subject: Truancy, parental obligation, availability of alternative programs, student consequences, need for conference~~

~~When to Notify: When a truant is referred to a SARB or probation department~~

~~Education or Other Legal Code: Education Code 48263~~

~~Board Policy/Administrative Regulation #: See AR 5113.1~~

~~Subject: Name and address of SARB or probation department and reason for referral~~

~~When to Notify: When a school is identified on the state's Open Enrollment List~~

~~Education or Other Legal Code: Education Code 48354; 5 CCR 4702~~

~~Board Policy/Administrative Regulation #: See AR 5118~~

~~Subject: Student's option to transfer to another school~~

~~When to Notify: Within 60 days of receiving application for transfer out of open enrollment school~~

~~Education or Other Legal Code: Education Code 48357; 5 CCR 4702~~

~~Board Policy/Administrative Regulation #: See AR 5118~~

~~Subject: Whether student's transfer application is accepted or rejected; reasons for rejection~~

~~When/Whom to Notify: When student requests to voluntarily transfer to continuation school~~

~~Education or Other Legal Code: Education Code 48432.3~~

~~Board Policy/Administrative Regulation #: See AR 6184~~

~~Subject: Copy of district policy and regulation on continuation education~~

~~When to Notify: Prior to involuntary transfer to continuation school~~

~~Education or Other Legal Code: Education Code 48432.5~~

~~Board Policy/Administrative Regulation #: See AR 6184~~

~~Subject: Right to require meeting prior to involuntary transfer to continuation school~~

~~When/Whom to Notify: To person holding educational rights, prior to recommending placement of foster youth outside school of origin~~

~~Education or Other Legal Code: Education Code 48853.5~~

~~Board Policy/Administrative Regulation #: See AR 6173.1~~

~~Subject: Basis for the placement recommendation~~

~~When to Notify: When student is removed from class and teacher requires parental attendance at school~~

~~Education or Other Legal Code: Education Code 48900.1~~

~~Board Policy/Administrative Regulation #: See AR 5144.1~~

~~Subject: Parental attendance required; timeline for attendance~~

~~When to Notify: Prior to withholding grades, diplomas, or transcripts~~

~~Education or Other Legal Code: Education Code 48904~~

~~Board Policy/Administrative Regulation #: See AR 5125.2~~

~~Subject: Damaged school property~~

~~When to Notify: When withholding grades, diplomas or transcripts from transferring student~~

~~Education or Other Legal Code: Education Code 48904.3~~

~~Board Policy/Administrative Regulation #: See AR 5125.2~~

~~Subject: Next school will continue withholding grades, diplomas or transcripts~~

~~When to Notify: When student is released to peace officer~~

~~Education or Other Legal Code: Education Code 48906~~

~~Board Policy/Administrative Regulation #: See BP 5145.11~~

~~Subject: Release of student to peace officer for the purpose of removing minor from school, unless taken into custody as victim of suspected child abuse~~

~~When to Notify: At time of suspension~~

~~Education or Other Legal Code: Education Code 48911~~

~~Board Policy/Administrative Regulation #: See BP 5144.1, See AR 5144.1~~

~~Subject: Notice of suspension~~

~~When to Notify: When original period of suspension is extended~~

~~Education or Other Legal Code: Education Code 48911~~

~~Board Policy/Administrative Regulation #: See AR 5144.1~~

~~Subject: Extension of suspension~~

~~When to Notify: At the time a student is assigned to a supervised suspension classroom~~

~~Education or Other Legal Code: Education Code 48911.1~~

~~Board Policy/Administrative Regulation #: See AR 5144.1~~

~~Subject: The student's assignment to a supervised suspension classroom~~

~~When to Notify: Before holding a closed session re: suspension~~

~~Education or Other Legal Code: Education Code 48912~~

~~Board Policy/Administrative Regulation #: See AR 5144.1~~

~~Subject: Intent to hold a closed session re: suspension~~

~~When to Notify: When student expelled from another district for certain acts seeks admission~~

~~Education or Other Legal Code: Education Code 48915.1, 48918~~

~~Board Policy/Administrative Regulation #: See BP 5119~~

~~Subject: Hearing re: possible danger presented by expelled student~~

~~When to Notify: When readmission is denied~~

~~Education or Other Legal Code: Education Code 48916~~

~~Board Policy/Administrative Regulation #: See AR 5144.1~~

~~Subject: Reasons for denial; determination of assigned program~~

~~When to Notify: When expulsion occurs~~

~~Education or Other Legal Code: Education Code 48916~~

~~Board Policy/Administrative Regulation #: See AR 5144.1~~

~~Subject: Readmission procedures~~

~~When to Notify: At least 10 calendar days before expulsion hearing~~

~~Education or Other Legal Code: Education Code 48918~~

~~Board Policy/Administrative Regulation #: See AR 5144.1~~

~~Subject: Notice of expulsion hearing~~

~~When to Notify: When expulsion or suspension of expulsion occurs~~

~~Education or Other Legal Code: Education Code 48918~~

~~Board Policy/Administrative Regulation #: See AR 5144.1~~

~~Subject: Decision to expel; right to appeal to county board; obligation to inform new district of status~~

~~When to Notify: Before involuntary transfer of student convicted of certain crime when victim is enrolled at same school~~

~~Education or Other Legal Code: Education Code 48929, 48980~~

~~Board Policy/Administrative Regulation #: See BP 5116.2~~

~~Subject: Right to request a meeting with principal or designee~~

~~When to Notify: One month before the scheduled minimum day~~

~~Education or Other Legal Code: Education Code 48980~~

~~Board Policy/Administrative Regulation #: See BP 6111~~

~~Subject: When minimum days are scheduled after the beginning of the school year~~

~~When to Notify: When parents/guardians request guidelines for filing complaint of child abuse at a school site~~

~~Education or Other Legal Code: Education Code 48987~~

~~Board Policy/Administrative Regulation #: See AR 5141.4~~

~~Subject: Guidelines for filing complaint of child abuse at a school site with local child protective agencies~~

~~When to Notify: When student in danger of failing a course~~

~~Education or Other Legal Code: Education Code 49067~~

~~Board Policy/Administrative Regulation #: See AR 5121~~

~~Subject: Student in danger of failing a course~~

~~When to Notify: When student transfers from another district or private school~~

~~Education or Other Legal Code: Education Code 49068~~

~~Board Policy/Administrative Regulation #: See AR 5125~~

~~Subject: Right to receive copy of student's record and to challenge its content~~

~~When/Whom to Notify: When parent/guardian's challenge of student record is denied and parent/guardian appeals~~

~~Education or Other Legal Code: Education Code 49070~~

~~Board Policy/Administrative Regulation #: See AR 5125.3~~

~~Subject: If board sustains allegations, the correction of destruction of record; if denied, right to submit written objection~~

~~When/Whom to Notify: When district is considering program to gather safety related information from students' social media activity~~

~~Education or Other Legal Code: Education Code 49073.6~~

~~Board Policy/Administrative Regulation #: See BP 5125~~

~~Subject: Opportunity for input on proposed program~~

~~When/Whom to Notify: When district adopts program to gather information from students' social media activity, and annually thereafter~~

~~Education or Other Legal Code: Education Code 49073.6~~

~~Board Policy/Administrative Regulation #: AR 5125~~

~~Subject: Information is being gathered, access to records, process for removal or corrections, destruction of records~~

~~When to Notify: Within 24 hours of release of information to a judge or probation officer~~

~~Education or Other Legal Code: Education Code 49076~~

~~Board Policy/Administrative Regulation #: See AR 5125~~

~~Subject: Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition~~

~~When to Notify: Before release of information pursuant to court order or subpoena~~

~~Education or Other Legal Code: Education Code 49077~~

~~Board Policy/Administrative Regulation #: See AR 5125~~

~~Subject: Release of information pursuant to court order or subpoena~~

~~When to Notify: When screening results in suspicion that student has scoliosis~~

~~Education or Other Legal Code: Education Code 49452.5~~

~~Board Policy/Administrative Regulation #: See AR 5141.3~~

~~Subject: Scoliosis screening~~

~~When to Notify: When test results in discovery of visual or hearing defects~~

~~Education or Other Legal Code: Education Code 49456; 17 CCR 2951~~

~~Board Policy/Administrative Regulation #: See AR 5141.3~~

~~Subject: Vision or hearing test results~~

~~When to Notify: Within 10 days of negative balance in meal account~~

~~Education or Other Legal Code: Education Code 49557.5~~

~~Board Policy/Administrative Regulation #: See AR 3551~~

~~Subject: Negative balance in meal account; encouragement to apply for free or reduced price meals~~

~~When to Notify: Annually to parents/guardians of student athletes before their first practice or competition~~

~~Education or Other Legal Code: Education Code 49475~~

~~Board Policy/Administrative Regulation #: See AR 6145.2~~

~~Subject: Information on concussions and head injuries~~

~~When/Whom to Notify: Within 30 days of foster youth, homeless youth, former juvenile court school student, or child of military family being transferred between high schools~~

~~Education or Other Legal Code: Educational Code 51225.1~~

~~Board Policy/Administrative Regulation #: See BP 6146.1, See AR 6173, See AR 6173.1, AR 6173.3~~

~~Subject: Exemption from local graduation requirements, effect on college admission, option for fifth year of high school~~

~~When to Notify: Before any test/survey questioning personal beliefs~~

~~Education or Other Legal Code: Education Code 51513~~

~~Board Policy/Administrative Regulation #: See AR 5022~~

~~Subject: Permission for test, survey questioning personal beliefs~~

~~When to Notify: At least 14 days before HIV prevention or sexual health instruction, if arrangement made for guest speaker after beginning of school year~~

~~Education or Other Legal Code: Education Code 51938~~

~~Board Policy/Administrative Regulation #: See AR 6142.1~~

~~Subject: Instruction in HIV prevention or sexual health by guest speaker or outside consultant~~

~~When to Notify: Prior to administering survey regarding health risks and behaviors to students in 7-12~~

~~Education or Other Legal Code: Education Code 51938~~

~~Board Policy/Administrative Regulation #: See AR 5022~~

~~Subject: Notice that the survey will be administered~~

~~When to Notify: Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency~~

~~Education or Other Legal Code: Education Code 52164.1, 52164.3; 5 CCR 11511.5~~

~~Board Policy/Administrative Regulation #: See AR 6174~~

~~Subject: Results of state test of English proficiency~~

~~When to Notify: When migrant education program is established~~

~~Education or Other Legal Code: Education Code 54444.2~~

~~Board Policy/Administrative Regulation #: See BP 6175, See AR 6175~~

~~Subject: Parent advisory council membership composition~~

~~When to Notify: When child participates in licensed child care and development program~~

~~Education or Other Legal Code: Health and Safety Code 1596.857~~

~~Board Policy/Administrative Regulation #: See AR 5148~~

~~Subject: Parent/guardian right to enter facility~~

~~When/Whom to Notify: When district receives Tobacco Use Prevention Education Funds~~

~~Education or Other Legal Code: Health and Safety Code 104420~~

~~Board Policy/Administrative Regulation #: See AR 3513.3~~

~~Subject: The district's tobacco-free schools policy and enforcement procedures~~

~~When to Notify: When testing by community water system finds presence of lead exceeding specified level~~

~~Education or Other Legal Code: Health and Safety Code 116277~~

~~Board Policy/Administrative Regulation #: See AR 3514~~

~~Subject: Elevated lead level at school~~

~~When to Notify: When sharing student immunization information with an immunization system~~

~~Education or Other Legal Code: Health and Safety Code 120440~~

~~Board Policy/Administrative Regulation #: See AR 5125~~

~~Subject: Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share~~

~~When/Whom to Notify: At least 14 days prior to sex offender coming on campus as volunteer~~

~~Education or Other Legal Code: Penal Code 626.81~~

~~Board Policy/Administrative Regulation #: See AR 1240, See BP 1250~~

~~Subject: Dates and times permission granted; obtaining information from law enforcement~~

~~When to Notify: When hearing is requested by person asked to leave school premises~~

~~Education or Other Legal Code: Penal Code 627.5~~

~~Board Policy/Administrative Regulation #: See AR 3515.2~~

~~Subject: Notice of hearing~~

~~When/Whom to Notify: When responding to complaint re: discrimination, special education, or noncompliance with law~~

~~Education or Other Legal Code: 5 CCR 4631~~

~~Board Policy/Administrative Regulation #: See AR 1312.3~~

~~Subject: Findings, disposition of complaint, any corrective actions, appeal rights and procedures~~

~~When to Notify: When child participates in licensed child care and development program~~

~~Education or Other Legal Code: 5 CCR 18066~~

~~Board Policy/Administrative Regulation #: See AR 5148~~

~~Subject: Policies re: excused and unexcused absences~~

~~When to Notify: Within 30 days of application for subsidized child care or preschool services~~

~~Education or Other Legal Code: 5 CCR 18094, 18118~~

~~Board Policy/Administrative Regulation #: See AR 5148, See AR 5148.3~~

~~Subject: Policies re: Approval or denial of services~~

~~When to Notify: Upon recertification or update of application for child care or preschool services~~

~~Education or Other Legal Code: 5 CCR 18095, 18119~~

~~Board Policy/Administrative Regulation #: See AR 5148, See AR 5148.3~~

~~Subject: Policies re: Any change in service, such as in fees, amount of service, termination of service~~

~~When to Notify: Upon child's enrollment in child care program~~

~~Education or Other Legal Code: 5 CCR 18114~~

~~Board Policy/Administrative Regulation #: See AR 5148~~

~~Subject: Policies re: Policy on fee collection~~

~~When to Notify: When payment of child care fees is seven days late~~

~~Education or Other Legal Code: 5 CCR 18114~~

~~Board Policy/Administrative Regulation #: See AR 5148~~

~~Subject: Policies re: Notice of delinquent fees~~

~~When to Notify: When district substantively changes policy on student privacy rights~~

~~Education or Other Legal Code: 20 USC 1232h~~

~~Board Policy/Administrative Regulation #: See AR 5022~~

~~Subject: Notice of any substantive change in policy or regulation~~

~~When to Notify: For districts receiving Title I funds, when a child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet state certification requirements for the grade level/subject taught~~

~~Education or Other Legal Code: 20 USC 6312~~

~~Board Policy/Administrative Regulation #: See AR 4112.24~~

~~Subject: Timely notice to parent/guardian of child's assignment~~

~~When to Notify: For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners~~

~~Education or Other Legal Code: 20 USC 6312~~

~~Board Policy/Administrative Regulation #: See AR 6174~~

~~Subject: Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose another program~~

~~When to Notify: For schools receiving Title I funds, upon development of parent involvement policy~~

~~Education or Other Legal Code: 20 USC 6318~~

~~Board Policy/Administrative Regulation #: See AR 6020~~

~~Subject: Notice of policy~~

~~When to Notify: When household is selected for verification of eligibility for free or reduced price meals~~

~~Education or Other Legal Code: 42 USC 1758; 7 CFR 245.6a~~

~~Board Policy/Administrative Regulation #: See AR 3553~~

~~Subject: Need to submit verification information; any subsequent change in benefits; appeals~~

~~When/Whom to Notify: When student is homeless or unaccompanied minor~~

~~Education or Other Legal Code: 42 USC 11432; Education Code 48852.5~~

~~Board Policy/Administrative Regulation #: See AR 6173~~

~~Subject: Educational and related opportunities; transportation services; placement decision and right to appeal~~

~~When to Notify: When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30~~

~~Education or Other Legal Code: 34 CFR 99.34~~

~~Board Policy/Administrative Regulation #: See AR 5125~~

~~Subject: Right to review records~~

~~When to Notify: When district receives federal funding assistance for nutrition program~~

~~Education or Other Legal Code: USDA FNS Instruction 113-1~~

~~Board Policy/Administrative Regulation #: See BP 3555~~

~~Subject: Rights and responsibilities, nondiscrimination policy, complaint procedures~~

IV. Special Education Notices

~~When to Notify: Prior to conducting initial evaluation~~

~~Education or Other Legal Code: Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415 (d); 34 CFR 300.502, 300.503~~

~~Board Policy/Administrative Regulation #: See BP 6159.1, See AR 6159.1, See AR 6164.4~~

~~Subject: Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards~~

~~When/Whom to Notify: Before functional behavioral assessment begins~~

~~Education or Other Legal Code: Education Code 56321~~

~~Board Policy/Administrative Regulation #: See AR 6159~~

~~Subject: Notification and consent~~

~~When to Notify: 24 hours before IEP when district intending to record~~

~~Education or Other Legal Code: Education Code 56341.1~~

~~Board Policy/Administrative Regulation #: See AR 6159~~

~~Subject: Intention to audio record IEP meeting~~

~~When to Notify: Early enough to ensure opportunity for parent to attend IEP meeting~~

~~Education or Other Legal Code: Education Code 56341.5; 34 CFR 300.322~~

~~Board Policy/Administrative Regulation #: See AR 6159~~

~~Subject: Time, purpose, location, who will attend, participation of others with special knowledge, transition statements if appropriate~~

~~When to Notify: When parent/guardian orally requests review of IEP~~

~~Education or Other Legal Code: Education Code 56343.5~~

~~Board Policy/Administrative Regulation #: See AR 6159~~

~~Subject: Need for written request~~

~~When to Notify: Within one school day of emergency intervention or serious property damage~~

~~Education or Other Legal Code: Education Code 56521.1~~

~~Board Policy/Administrative Regulation #: See AR 6159.4~~

~~Subject: Emergency intervention~~

~~When to Notify: Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services~~

~~Education or Other Legal Code: 20 USC 1415(e); 34 CFR 300.300, 300.503~~

~~Board Policy/Administrative Regulation #: See AR 6159, See AR 6159.1~~

~~Subject: Prior written notice~~

~~When/Whom to Notify: Upon filing of state complaint~~

~~Education or Other Legal Code: 20 USC 1415(d), 34 CFR 300.504~~

~~Board Policy/Administrative Regulation #: See AR 6159.1~~

~~Subject: Procedural safeguards notice~~

~~When/Whom to Notify: When disciplinary measures are taken or change in placement~~

~~Education or Other Legal Code: 20 USC 1415(k); 34 CFR 300.530~~

~~Board Policy/Administrative Regulation #: See AR 5144.2~~

~~Subject: Decision and procedural safeguards notice~~

~~When to Notify: Upon requesting a due process hearing~~

~~Education or Other Legal Code: 20 USC 1415(k); 34 CFR 300.508~~

~~Board Policy/Administrative Regulation #: See AR 6159.1~~

~~Subject: Child's name, address, school, description of problem, proposed resolution~~

~~When to Notify: Eligibility for services under Section 504~~

~~Education or Other Legal Code: 34 CFR 104.32, 104.36~~

~~Board Policy/Administrative Regulation #: See AR 6164.6~~

~~Subject: District responsibilities, district actions, procedural safeguards~~

~~V. Classroom Notices~~

~~When to Notify: In each classroom in each school~~

~~Education or Other Legal Code: Education Code 35186~~

~~Board Policy/Administrative Regulation #: See AR/E 1312.4~~

~~Subject: Complaints re: sufficiency of instructional materials, teacher vacancy and misassignment, maintenance of facilities, right of students who did not pass the exit exam to receive intensive instruction after grade 12~~

Exhibit WILLITS UNIFIED SCHOOL DISTRICT

version: June 6, 2018 Willits, California

revised: June 19, 2019

Parental Notifications

Cautionary Notice: Government Code [17581.5](#) releases districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2017 (AB 97, Ch. 14, Statutes of 2017) extends the suspension of these requirements through the 2018-19 fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

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

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

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

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 44050	BP 4119.21 4219.21 4319.21	Code of conduct addressing employee interactions with students
Beginning of each school year	Education Code 46010.1	AR 5113	Absence for confidential medical services
Beginning of each school year, if district has adopted policy on involuntary transfer of students convicted of certain crimes when victim is enrolled at same school	Education Code 48929, 48980	BP 5116.2	District policy authorizing transfer
Beginning of each school year	Education Code 48980	BP 6111	Schedule of minimum days and student-free staff development days
Beginning of each school year	Education Code 48980, 231.5; 5 CCR 4917	AR 5145.7	Copy of sexual harassment policy as related to students
Beginning of each school year	Education Code 48980, 32255-32255.6	AR 5145.8	Right to refrain from harmful or destructive use of animals
Beginning of each school year	Education Code 48980, 35160.5, 46600-46611, 48204, 48301, 48350-48361	BP 5111.1 AR 5116.1 AR 5117	All statutory attendance options, available local attendance options, options for meeting residency, form for changing attendance, appeals process
Beginning of each school year, if Board allows such absence	Education Code 48980, 46014	AR 5113	Absence for religious exercises or purposes
Beginning of each school year	Education Code 48980, 48205	AR 5113 BP 6154	Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205

When to Notify	Other Legal Code	Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 48980, 48206.3, 48207, 48208	AR 6183	Availability of home/hospital instruction for students with temporary disabilities
Beginning of each school year	Education Code 48980, 49403	BP 5141.31	School immunization program
Beginning of each school year	Education Code 48980, 49423, 49480	AR 5141.21	Administration of prescribed medication
Beginning of each school year	Education Code 48980, 49451; 20 USC 1232h	AR 5141.3	Right to refuse consent to physical examination
Beginning of each school year	Education Code 48980, 49471, 49472	BP 5143	Availability of insurance
Beginning of each school year	Education Code 49013; 5 CCR 4622	AR 1312.3	Uniform complaint procedures, available appeals, civil law remedies
Beginning of each school year	Education Code 49063	AR 5125 AR 5125.3	Challenge, review, and expunging of records
Beginning of each school year	Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7	AR 5125	Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria to determine legitimate educational interest, course prospectus availability
Beginning of each school year	Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37	AR 5125.1	Release of directory information
Beginning of each school year and at least one more time during school year using specified methods	Education Code 49428	None	How to access mental health services at school and/or in community

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 49520, 48980; 42 USC 1758; 7 CFR 245.5	AR 3553	Eligibility and application process for free and reduced-price meals
Beginning of each school year	Education Code 51513; 20 USC 1232h	AR 5022 BP 6162.8	Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities; inspection rights and procedures
Beginning of each school year	Education Code 56301	BP 6164.4	Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment
Beginning of each school year	Education Code 58501, 48980	AR 6181	Alternative schools
Beginning of each school year	Health and Safety Code 104855	AR 5141.6	Availability of dental fluoride treatment; opportunity to accept or deny treatment
Annually	5 CCR 852; Education Code 60615	AR 6162.51	Student's participation in state assessments; option to request exemption from testing
Beginning of each school year, if district receives Title I funds	20 USC 6312; 34 CFR 200.48	BP 4112.2 AR 4222	Right to request information re: professional qualifications of child's teacher and paraprofessional
Beginning of each school year	34 CFR 104.8, 106.9	BP 0410 BP 6178	Nondiscrimination
Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	USDA SP-23-2017	AR 3551	District policy on meal payments
II. At Specific Times During the Student's Academic Career			
Beginning in grade 7, at least once prior to course selection and career counseling	Education Code 221.5, 48980	BP 6164.2	Course selection and career counseling
Upon a student's enrollment	Education Code 310	BP 6142.2 AR 6174	Information on the district's language acquisition programs
When child first enrolls in a public school, if school offers a fingerprinting program	Education Code 32390, 48980	AR 5142.1	Fingerprinting program
When participating in driver training courses under the jurisdiction of the district	Education Code 35211	None	Civil liability, insurance coverage
Upon registration in K-6, if students have not previously been transported	Education Code 39831.5	AR 3543	School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops
Beginning of each school year for high school students, if high school is open campus	Education Code 44808.5, 48980	BP 5112.5	Open campus
Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement	Education Code 48980, 51225.3	AR 6146.1	How each graduation requirement does or does not satisfy college entrance a-g course criteria; district CTE courses that satisfy a-g criteria
Upon a student's enrollment	Education Code 49063	AR 5125 AR 5125.3	Specified rights related to student records
When students enter grade 7	Education Code 49452.7	AR 5141.3	Specified information on type 2 diabetes

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. At Specific Times During the Student's Academic Career (continued)			
When in kindergarten, or first grade if not previously enrolled in public school	Education Code 49452.8	AR 5141.32	Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights
Beginning of each school year for students in grades 9-12	Education Code 51229, 48980	AR 6143	College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors
Beginning of each school year for students in grades 7-12, or at time of enrollment if after beginning of year	Education Code 51938, 48980	AR 6142.1	Sexual health and HIV prevention education, right to view A/V materials, whether taught by district staff or outside consultants, right to request specific Education Code sections, right to excuse
Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, within 20 working days of start of next school year	Education Code 60641; 5 CCR 863	AR 6162.51	Results of tests; test purpose, individual score and intended use
By October 15 for students in grade 12	Education Code 69432.9	AR 5121 AR 5125	Forwarding of student's grade point average to Cal Grant program; timeline to opt out
When child is enrolled or reenrolled in a licensed child care center or preschool	Health and Safety Code 1596.7996	AR 5148	Information on risks and effects of lead exposure, blood lead testing
When child is enrolled in kindergarten	Health and Safety Code 124100, 124105	AR 5141.32	Health screening examination
To students in grades 11-12, early enough to enable registration for fall test	5 CCR 11523	AR 6146.2	Notice of proficiency examination provided under Education Code 48412

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. At Specific Times During the Student's Academic Career (continued)			
To secondary students, if district receives Title I funds	20 USC 7908	AR 5125.1	Request that district not release name, address, phone number of child to military recruiters without prior written consent
III. When Special Circumstances Occur			
In the event of a breach of security of district records, to affected persons	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, contact information for credit reporting agencies
Upon receipt of a complaint alleging discrimination	Education Code 262.3	AR 1312.3	Civil law remedies available to complainants
When determining whether an English learner should be reclassified as fluent English proficient	Education Code 313; 5 CCR 11303	AR 6174	Description of reclassification process, opportunity for parent/guardian to participate
When student is identified as English learner and district receives Title I or Title III funds for English learner programs, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year	Education Code 313.2, 440; 20 USC 6312	AR 6174	Reason for classification, level of English proficiency, identification as long-term English learner, description of program(s), option to decline program or choose alternate, option to remove student from program at any time, exit requirements of program
When homeless or foster youth applies for enrollment in before/after school program	Education Code 8483	AR 5148.2	Right to priority enrollment; how to request priority enrollment
Before high school student attends specialized secondary program on a university campus	Education Code 17288	None	University campus buildings may not meet Education Code requirements for structural safety
At least 72 hours before use of pesticide product not included in annual list	Education Code 17612	AR 3514.2	Intended use of pesticide product
To members of athletic teams	Education Code 32221.5	AR 5143	Offer of insurance; no-cost and low-cost program options

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Annually to parents/guardians of student athletes before they participate in competition	Education Code 33479.3	AR 6145.2	Information on sudden cardiac arrest
If school has lost its WASC accreditation status	Education Code 35178.4	BP 6190	Loss of status, potential consequences
When district has contracted for electronic products or services that disseminate advertising	Education Code 35182.5	BP 3312	Advertising will be used in the classroom or learning center
At least six months before implementing uniform policy	Education Code 35183	AR 5132	Dress code policy requiring schoolwide uniform
Before implementing a year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round schedule
When interdistrict transfer is requested and not approved or denied within 30 days	Education Code 46601	AR 5117	Appeal process
Before early entry to kindergarten, if offered	Education Code 48000	AR 5111	Effects, advantages and disadvantages of early entry
When student identified as being at risk of retention	Education Code 48070.5	AR 5123	Student at risk of retention
When student excluded due to quarantine, contagious or infectious disease, danger to safety or health	Education Code 48213	AR 5112.2 BP 5141.33	Student has been excluded from school
Before already admitted student is excluded for lack of immunization	Education Code 48216; 17 CCR 6040	AR 5141.31	Need to submit evidence of immunization or exemption within 10 school days; referral to medical care
When a student is classified as truant	Education Code 48260.5, 48262	AR 5113.1	Truancy, parental obligation, availability of alternative programs, student consequences, need for conference

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When a truant is referred to a SARB or probation department	Education Code 48263	AR 5113.1	Name and address of SARB or probation department and reason for referral
When student requests to voluntarily transfer to continuation school	Education Code 48432.3	AR 6184	Copy of district policy and regulation on continuation education
Prior to involuntary transfer to continuation school	Education Code 48432.5	AR 6184	Right to request meeting prior to involuntary transfer to continuation school
To person holding educational rights, prior to recommending placement of foster youth outside school of origin	Education Code 48853.5	AR 6173.1	Basis for the placement recommendation
When student is removed from class and teacher requires parental attendance at school	Education Code 48900.1	AR 5144.4	Parental attendance required; timeline for attendance
Prior to withholding grades, diplomas, or transcripts	Education Code 48904	AR 5125.2	Damaged school property
When withholding grades, diplomas or transcripts from transferring student	Education Code 48904.3	AR 5125.2	Next school will continue withholding grades, diplomas, or transcripts
When student is released to peace officer	Education Code 48906	BP 5145.11	Release of student to peace officer for the purpose of removing minor from school, unless taken into custody as victim of suspected child abuse
At time of suspension	Education Code 48911	BP 5144.1 AR 5144.1	Notice of suspension
When original period of suspension is extended	Education Code 48911	AR 5144.1	Extension of suspension
At the time a student is assigned to a supervised suspension classroom	Education Code 48911.1	AR 5144.1	The student's assignment to a supervised suspension classroom
Before holding a closed session re: suspension	Education Code 48912	AR 5144.1	Intent to hold a closed session re: suspension

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When student expelled from another district for certain acts seeks admission	Education Code 48915.1, 48918	BP 5119	Hearing re: possible danger presented by expelled student
When readmission is denied	Education Code 48916	AR 5144.1	Reasons for denial; determination of assigned program
When expulsion occurs	Education Code 48916	AR 5144.1	Readmission procedures
At least 10 calendar days before expulsion hearing	Education Code 48918	AR 5144.1	Notice of expulsion hearing
When expulsion or suspension of expulsion occurs	Education Code 48918	AR 5144.1	Decision to expel; right to appeal to county board; obligation to inform new district of status
Before involuntary transfer of student convicted of certain crime when victim is enrolled at same school	Education Code 48929, 48980	BP 5116.2	Right to request a meeting with principal or designee
One month before the scheduled minimum day	Education Code 48980	BP 6111	When minimum days are scheduled after beginning of the school year
When parents/guardians request guidelines for filing complaint of child abuse at a school site	Education Code 48987	AR 5141.4	Guidelines for filing complaint of child abuse at a school site with local child protective agencies
When student in danger of failing a course	Education Code 49067	AR 5121	Student in danger of failing a course
When student transfers from another district or private school	Education Code 49068	AR 5125	Right to receive copy of student's record and to challenge its content
When parent/guardian's challenge of student record is denied and parent/guardian appeals	Education Code 49070	AR 5125.3	If board sustains allegations, the correction or destruction of record; if denied, right to submit written objection

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When district is considering program to gather safety-related information from students' social media activity	Education Code 49073.6	BP 5125	Opportunity for input on proposed program
When district adopts program to gather information from students' social media activity, and annually thereafter	Education Code 49073.6	AR 5125	Information is being gathered, access to records, process for removal or corrections, destruction of records
Within 24 hours of release of information to a judge or probation officer	Education Code 49076	AR 5125	Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition
Before release of information pursuant to court order or subpoena	Education Code 49077	AR 5125	Release of information pursuant to court order or subpoena
When screening results in suspicion that student has scoliosis	Education Code 49452.5	AR 5141.3	Scoliosis screening
When test results in discovery of visual or hearing defects	Education Code 49456; 17 CCR 2951	AR 5141.3	Vision or hearing test results
Within 10 days of negative balance in meal account	Education Code 49557.5	AR 3551	Negative balance in meal account; encouragement to apply for free or reduced-price meals
Annually to parents/guardians of student athletes before their first practice or competition	Education Code 49475	AR 6145.2	Information on concussions and head injuries
Within 30 days of foster youth, homeless youth, former juvenile court school student, child of military family, or migrant student being transferred after second year of high school, or immigrant student enrolled in newcomer program in grades 11-12	Education Code 51225.1	BP 6146.1 AR 6173 AR 6173.1 AR 6173.3 AR 6175	Exemption from local graduation requirements, effect on college admission, option for fifth year of high school

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

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

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
For schools receiving Title I funds, upon development of parent involvement policy	20 USC 6318	AR 6020	Notice of policy
When household is selected for verification of eligibility for free or reduced-price meals	42 USC 1758; 7 CFR 245.6a	AR 3553	Need to submit verification information; any subsequent change in benefits; appeals
When student is homeless or unaccompanied minor	42 USC 11432; Education Code 48852.5	AR 6173	Educational and related opportunities; transportation services; placement decision and right to appeal
When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30	34 CFR 99.34	AR 5125	Right to review records
When district receives federal funding assistance for nutrition program	USDA FNS Instruction 113-1	BP 3555	Rights and responsibilities, nondiscrimination policy, complaint procedures
IV. Special Education Notices			
Prior to conducting initial evaluation	Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415(d); 34 CFR 300.502, 300.503	BP 6159.1 AR 6159.1 AR 6164.4	Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards
Before functional behavioral assessment begins	Education Code 56321	AR 6159.4	Notification and consent
24 hours before IEP when district intending to record	Education Code 56341.1	AR 6159	Intention to audio-record IEP meeting
Early enough to ensure opportunity for parent/guardian to attend IEP meeting	Education Code 56341.5; 34 CFR 300.322	AR 6159	Time, purpose, location, who will attend, participation of others with special knowledge, transition statements if appropriate
When parent/guardian orally requests review of IEP	Education Code 56343.5	AR 6159	Need for written request

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
IV. Special Education Notices (continued)			
Within one school day of emergency intervention or serious property damage	Education Code 56521.1	AR 6159.4	Emergency intervention
Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services	20 USC 1415(c); 34 CFR 300.300, 300.503	AR 6159 AR 6159.1	Prior written notice
Upon filing of state complaint	20 USC 1415(d); 34 CFR 300.504	AR 6159.1	Procedural safeguards notice
When disciplinary measures are taken or change in placement	20 USC 1415(k); 34 CFR 300.530	AR 5144.2	Decision and procedural safeguards notice
Upon requesting a due process hearing	20 USC 1415(k); 34 CFR 300.508	AR 6159.1	Student's name, address, school, description of problem, proposed resolution
Eligibility for services under Section 504	34 CFR 104.32, 104.36	AR 6164.6	District responsibilities, district actions, procedural safeguards
V. Classroom Notices			
In each classroom in each school	Education Code 8235.5, 35186	AR 1312.4 E 1312.4	Complaints subject to Williams uniform complaint procedures

Exhibit WILLITS UNIFIED SCHOOL DISTRICT

version: June 6, 2018 Willits, California

revised: June 19, 2019

WILLITS UNIFIED SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE

TO: Board of Trustees
FROM: Mark Westerburg, Superintendent
DATE: June 12, 2019
RE: Board Policy Revision- AR 5148 - Child Care and Development

Priority:
Communication

Objective:
To conduct a first read of the revised policy

Background:
(AR revised)
Regulation updated to reflect **NEW LAW (AB 605)** which establishes a new child care center license and requires all centers to be licensed by January 1, 2024. Section on "Eligibility and Enrollment" updated to reflect **NEW LAW (AB 2626)** which raises the income eligibility threshold for subsidized services from 70 to 85 percent of the state median income and provides that a family that establishes eligibility for services, regardless of the basis of eligibility, is generally entitled to receive services for at least 12 months before being recertified for eligibility. Regulation also reflects **NEW LAW (AB 2370)** which requires licensed child care programs to provide parents/guardians with information regarding lead exposure and blood testing.

Funding/Source:
None

Recommendation:
Administration recommends the board conduct a first read of the revised policy

Child Care And Development

Licensing

All district child care and development services shall be licensed by the California Department of Social Services, unless exempted pursuant to Health and Safety Code 1596.792 or 22 CCR 101158.

The license shall be posted in a prominent, publicly accessible location in the facility. (Health and Safety Code 1596.8555)

Licensed child care centers shall be subject to the requirements of Health and Safety Code 1596.70-1597.21, 22 CCR 101151-101239.2, and, when applicable, 22 CCR 101451-101539.

Program Components

The district's child care and development program shall include the following components:

1. The use of a developmental profile reflecting each child's physical, cognitive, social, and emotional development to plan and conduct developmentally and age appropriate activities (Education Code 8203.5; 5 CCR 18272)

Program staff shall complete the "Desired Results Developmental Profile," available from the California Department of Education (CDE), for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages. (Education Code 8203.5; 5 CCR 18270.5, 18272)

2. An educational program that complies with 5 CCR 18273, including the provision of services that are developmentally, linguistically, and culturally appropriate and inclusive of children with special needs

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6159 - Individualized Education Program)

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

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

(cf. 6174 - Education for English Language Learners)

3. A staff development program which complies with 5 CCR 18274

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. [4331](#) - Staff Development)

4. Parent/guardian involvement and education that complies with 5 CCR [18275](#) and ~~include involves~~ ~~parents/guardians through~~ an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress

(cf. [6020](#) - Parent Involvement)

5. A health and social services component that complies with 5 CCR [18276](#) and includes referrals to appropriate community agencies as needed

~~(cf. [1020](#) - Youth Services)~~

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

(cf. [5141](#) - Health Care and Emergencies)

(cf. [5141.23](#) - Asthma Management)

(cf. [5141.6](#) - School Health Services)

6. A community involvement component that complies with 5 CCR [18277](#)

7. A nutrition component that ensures children in the program are provided nutritious meals, beverages, and snacks that meet state and federal standards and have access to drinking water throughout the day, including meal times (Health and Safety Code [1596.808](#); 5 CCR [18278](#); 42 USC [1766](#))

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

(cf. [5030](#) - Student Wellness)

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

~~89. Programs that promote age-appropriate structured and unstructured opportunities for physical activity and that limit the amount of time spent in sedentary activities to an appropriate level~~

98. An annual plan for program evaluation which conforms with the state's "Desired Results for Children and Families" system and includes, but is not limited to, a self-evaluation, parent survey, and environment rating scale using forms provided by the CDE (5 CCR [18270.5](#), [18279](#), [18280](#))

(cf. [0500](#) - Accountability)

~~9. Programs that promote age-appropriate structured and unstructured opportunities for physical activity and that limit the amount of time spent in sedentary activities to an appropriate level~~

Staffing

The district's child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in 5 CCR [18290-18292](#) based on the ages of the children served.

Any person employed at a district child care center and any volunteer who provides care and supervision to children at such a center shall be immunized against influenza, pertussis, and measles. If a person meets all other requirements for employment or volunteering, as applicable, but needs additional time to obtain and provide ~~his/her~~ immunization records, ~~they person~~ may be employed or volunteer conditionally for a maximum of 30 days upon signing and submitting a written statement attesting that ~~they he/she~~ ~~have~~s been immunized as required. In addition, ~~each~~ employees and volunteers shall receive an influenza vaccination between August 1 and December 1 of each year. A person shall be exempt from these requirements only under any of the following circumstances: (Health and Safety Code [1596.7995](#))

1. The person submits a written statement from a licensed physician declaring either that immunization is not safe because of the person's physical condition or medical circumstances or that the person has evidence of current immunity to influenza, pertussis, and measles.
2. In the case of the influenza vaccine, the person submits a written declaration ~~declining that he/she has declined~~ the vaccination.
3. In the case of the influenza vaccine required during the first year of employment or volunteering, the vaccine is not timely because the person was hired after December 1 of the previous year and before August 1 of the current year.

(cf. [1240](#) - Volunteer Assistance)

(cf. [4112.4](#) - Health Examinations)

Documentation of the required immunizations or exemptions from immunization shall be maintained in the employee's personnel file. (Health and Safety Code [1596.7995](#))

(cf. [4112.6/4212.6/4312.6](#) - Personnel Files)

In addition to the above immunization requirements, teachers employed in a child care center shall present evidence of a current tuberculosis clearance and meet other requirements specified in Health and Safety Code [1597.055](#). (Health and Safety Code [1597.055](#))

Eligibility and Enrollment

The district's subsidized child care and development services may be available to infants and children through 12 years of age and to individuals with disabilities through 21 years of age in accordance with their individualized education program and Education Code [8208](#). (Education Code [8208](#), [8263.4](#); 5 CCR [18089](#), [18407](#), [18422](#))

Eligible families shall be those who document both an eligibility basis and a need for care, as follows: (Education Code [8263](#))

1. The family is eligible for subsidized services on the basis of being a current aid recipient, income eligible, or homeless and/or the family's children are recipients of protective services or have been identified as being or at risk of being abused, neglected, or exploited.

2. The family has a need for child care based on either of the following:

a. The unavailability of the parents/guardians to care for and supervise their children for some portion of the day because they are participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English Language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated

b. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services, as being or at risk of being neglected, abused, or exploited, or as being homeless

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR [18106](#))

First priority for enrollment shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code [8263](#))

Second priority for enrollment shall be given to families who are income eligible, as defined in Education Code [8263.1](#). Families with the lowest gross monthly income in relation to family size shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with disabilities shall be admitted first or, if there is no child with disabilities, the family that has been on the waiting list for the longest time shall be admitted first. (Education Code [8263](#), [8263.1](#))

The district shall allow eligible children 11-12 years of age to combine enrollment in a before-school or after-school program with subsidized child care services during the time that the before-school or after-school program does not operate. Children 11-12 years of age, except for children with disabilities, shall be eligible for subsidized child care services only for the portion of care needed that is not available in a before-school or after-school program. (Education Code [8263.4](#))

After all children eligible for subsidized services have been enrolled, the district may enroll children in accordance with the priorities established by the Governing Board of Trustees.

The district's decision to approve or deny services shall be communicated to the parent/guardian through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR [18094](#), [18118](#))

(cf. [5145.6](#) - Parental Notifications)

Upon establishing eligibility ofr services, a family shall be eligible for and shall receive services for not less than 12 months before having the family's eligibility on the basis of income shall report any increases in income that exceed the threshold for ongoing eligibility shall be recertified at that time. At any time a family may voluntarily report income or other changes, which shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of eligibility before recertification. (Education Code [8263](#))

~~The Subsequently,~~ the Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR [18095](#), [18119](#))

1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified
2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing
3. An indication by the parent/guardian that ~~the service is no~~ ~~he/she no~~-longer ~~wanted~~~~wants the service~~
4. The death of a parent/guardian or child
5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

The Superintendent or designee shall establish and maintain a basic data file for each family receiving child care and development services containing the completed and signed application for services, documentation used to determine the child's eligibility and need, and copies of all Notices of Action. (5 CCR [18081](#), [18095](#))

Fees and Charges

Except when offering a program that is prohibited by law from charging any fees, the Superintendent or designee may charge fees for services according to the fee schedule established by the Superintendent of Public Instruction, the actual cost of services, or the maximum daily/hourly rate specified in the contract, whichever is least. (Education Code [8250](#), [8263](#), [8273](#), [8273.1](#), [8273.2](#), [8447](#); 5 CCR 18078, 18108-18110)

However, no fee shall be charged to a family that is receiving CalWORKS cash aid, an income-eligible family whose child is enrolled in a part-day California State Preschool Program, or a family whose income level, in relation to family size, is less than the first entry in the fee schedule. (Education Code [8273.1](#); 5 CCR [18110](#))

In addition, any family receiving child care on the basis of having a child who is a recipient of child protective services, or having a certification by a county child welfare agency that child care services continue to be necessary, may be exempt from these fees for up to 12 months. ~~Any family whose child is receiving child care on the basis of being at risk of abuse, neglect, or exploitation may be exempt from these fees for up to three months, unless the family becomes eligible based on receipt of child protective services or certification of need by a county child welfare agency. The cumulative period of exemption for these purposes shall not exceed 12 months. (Education Code 8273.1)~~

Fees shall be assessed at initial enrollment and reassessed when a family is recertified or experiences a change in status. Fees shall be considered delinquent after seven days from the date that fees are due. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of the delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy

of the district's regulations regarding fee collection at the time of initial enrollment into the program. (Education Code [8273](#); 5 CCR [18082](#), [18114](#), [18115](#))

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers. This process shall also be used to determine whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code [8273.3](#))

Disenrollment

When necessary due to a reduction in state reimbursements, families shall be disenrolled from subsidized child care and development services in the following order: (Education Code [8263.3](#))

1. Families with the highest income in relation to family size shall be disenrolled first.
2. If two or more families have the same income ranking, children without disabilities who have been enrolled in child care services the longest shall be disenrolled first. After all children without disabilities have been disenrolled, children with disabilities shall be disenrolled, with those who have been enrolled in child care services the longest being disenrolled first.
3. Families whose children are receiving child protective services or are at risk of neglect, abuse, or exploitation, regardless of family income, shall be disenrolled last.

Health Examination

A physical examination and evaluation, including age-appropriate immunization, shall be required prior to or within ~~six weeks~~ 30 days of enrollment. (Education Code [8263](#))

(cf. 5141.3 – Health Examination)

(cf. 5141.31 – Immunizations)

The requirement for a physical examination and evaluation may be waived if a parent/guardian submits a letter stating that such examination is contrary to his/her religious beliefs. (Education Code [8263](#))

However, a child may be exempted from the immunization requirements only if: (Education Code [8263](#); Health and Safety Code [120335](#))

1. A licensed physician indicates that immunization is not safe due to the physical condition or medical circumstances of the child.
2. The parent/guardian submitted a letter or affidavit prior to January 1, 2016 stating that such examination is contrary to his/her personal beliefs. An exemption from immunization granted for personal beliefs is effective only until the next grade span (i.e., birth through preschool, grades K-6, and grades 7-12).

If there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child shall be temporarily excluded from the child care and development program until it is determined that the child is not suffering from that contagious or infectious disease. (Education Code 8263)

(cf. 5141.22 - Infectious Diseases)

When a child enrolls or reenrolls in a licensed child care program, the center shall provide the child's parent/guardian with written information on the risks and effects of lead exposure, blood lead testing recommendations and requirements, and options for obtaining blood lead testing, including any state or federally funded programs that offer free or discounted tests. (Health and Safety Code 1596.7996)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence, and signature of parent/guardian or district representative. (5 CCR 18065, 18066)

Absences shall be excused for the following reasons:

1. Illness or quarantine of the child or of the parent/guardian (Education Code 8208)
2. Family emergency (Education Code 8208)

A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.

3. Time spent with a parent/guardian or other relative as required by a court of law (Education Code 8208)
4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child (Education Code 8208)

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of child protective services or are at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR 18066)

Any absence due to a reason other than any of those stated above, or without the required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the program

coordinator or site supervisor shall notify the parents/guardians. Children who continue to have excessive unexcused absences may be removed from the program at the discretion of the program coordinator in order to accommodate other families on the waiting list for admission.

Parents/guardians shall be notified of the policies and procedures related to excused and unexcused absences for child care and development services. (5 CCR [18066](#))

Rights of Parents/Guardians

At the time a child is accepted into a licensed child care and development center, the child's parent/guardian or authorized representative shall be notified of ~~the his/her~~ rights as specified in 22 CCR [101218.1](#), including, but not limited to, the right to enter and inspect the child care facility and the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption. (Health and Safety Code [1596.857](#); 22 CCR [101218.1](#))

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to noncustodial parents/guardians when so requested by the responsible parent/guardian. (Health and Safety Code [1596.857](#))

In addition, if a parent/guardian disagrees with any district action to deny his/her child's eligibility for subsidized child care services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, ~~the parent/guardian he/she~~ may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR [18120](#))

The hearing shall be conducted in accordance with the procedures specified in 5 CCR [18120](#) by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, he/she may, within 14 calendar days, appeal the decision to the CDE. (5 CCR [18120-18122](#))

Records

The Superintendent or designee shall maintain records of enrollment, attendance, types of families served, income received from all families participating in the district's child care and development program, and any other records required by the CDE.

(cf. [3580](#) - District Records)

(cf. [5125](#) - Student Records)

Regulation WILLITS UNIFIED SCHOOL DISTRICT

approved: March 1, 2017 Willits, California

revised: June 19, 2019

Child Care And Development

Licensing

All district child care and development services shall be licensed by the California Department of Social Services, unless exempted pursuant to Health and Safety Code 1596.792 or 22 CCR 101158.

The license shall be posted in a prominent, publicly accessible location in the facility. (Health and Safety Code 1596.8555)

Licensed child care centers shall be subject to the requirements of Health and Safety Code 1596.70-1597.21, 22 CCR 101151-101239.2, and, when applicable, 22 CCR 101451-101539.

Program Components

The district's child care and development program shall include the following components:

1. The use of a developmental profile reflecting each child's physical, cognitive, social, and emotional development to plan and conduct developmentally and age appropriate activities (Education Code 8203.5; 5 CCR 18272)

Program staff shall complete the "Desired Results Developmental Profile," available from the California Department of Education (CDE), for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages. (Education Code 8203.5; 5 CCR 18270.5, 18272)

2. An educational program that complies with 5 CCR 18273, including the provision of services that are developmentally, linguistically, and culturally appropriate and inclusive of children with special needs

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6159 - Individualized Education Program)

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

(cf. 6174 - Education for English Language Learners)

3. A staff development program which complies with 5 CCR 18274

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

4. Parent/guardian involvement and education that complies with 5 CCR [18275](#) and include an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress

(cf. [6020](#) - Parent Involvement)

5. A health and social services component that complies with 5 CCR [18276](#) and includes referrals to appropriate community agencies as needed

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

(cf. [5141](#) - Health Care and Emergencies)

(cf. 5141.23 - Asthma Management)

(cf. [5141.6](#) - School Health Services)

6. A community involvement component that complies with 5 CCR [18277](#)

7. A nutrition component that ensures children in the program are provided nutritious meals, beverages, and snacks that meet state and federal standards and have access to drinking water throughout the day, including meal times (Health and Safety Code [1596.808](#); 5 CCR [18278](#); 42 USC [1766](#))

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

(cf. [5030](#) - Student Wellness)

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

8. Programs that promote age-appropriate structured and unstructured opportunities for physical activity and that limit the amount of time spent in sedentary activities to an appropriate level⁹. An annual plan for program evaluation which conforms with the state's "Desired Results for Children and Families" system and includes, but is not limited to, a self-evaluation, parent survey, and environment rating scale using forms provided by the CDE (5 CCR [18270.5](#), [18279](#), [18280](#))

(cf. [0500](#) - Accountability)

Staffing

The district's child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in 5 CCR [18290-18292](#) based on the ages of the children served.

Any person employed at a district child care center and any volunteer who provides care and supervision to children at such a center shall be immunized against influenza, pertussis, and measles. If a person meets all other requirements for employment or volunteering, as applicable, but needs additional time to obtain and provide immunization records, they may be employed or volunteer conditionally for a maximum of 30 days upon signing and submitting a written statement attesting that they have been immunized as required. In addition, employees and volunteers shall receive an influenza vaccination

between August 1 and December 1 of each year. A person shall be exempt from these requirements only under any of the following circumstances: (Health and Safety Code [1596.7995](#))

1. The person submits a written statement from a licensed physician declaring either that immunization is not safe because of the person's physical condition or medical circumstances or that the person has evidence of current immunity to influenza, pertussis, and measles.
2. In the case of the influenza vaccine, the person submits a written declaration declining the vaccination.
3. In the case of the influenza vaccine required during the first year of employment or volunteering, the vaccine is not timely because the person was hired after December 1 of the previous year and before August 1 of the current year.

(cf. [1240](#) - Volunteer Assistance)

(cf. [4112.4](#) - Health Examinations)

Documentation of the required immunizations or exemptions from immunization shall be maintained in the employee's personnel file. (Health and Safety Code [1596.7995](#))

(cf. [4112.6/4212.6/4312.6](#) - Personnel Files)

In addition to the above immunization requirements, teachers employed in a child care center shall present evidence of a current tuberculosis clearance and meet other requirements specified in Health and Safety Code [1597.055](#). (Health and Safety Code [1597.055](#))

Eligibility and Enrollment

The district's subsidized child care and development services may be available to infants and children through 12 years of age and to individuals with disabilities through 21 years of age in accordance with their individualized education program and Education Code [8208](#). (Education Code [8208](#), [8263.4](#); 5 CCR [18089](#), [18407](#), [18422](#))

Eligible families shall be those who document both an eligibility basis and a need for care, as follows: (Education Code [8263](#))

1. The family is eligible for subsidized services on the basis of being a current aid recipient, income eligible, or homeless and/or the family's children are recipients of protective services or have been identified as being or at risk of being abused, neglected, or exploited.
2. The family has a need for child care based on either of the following:
 - a. The unavailability of the parents/guardians to care for and supervise their children for some portion of the day because they are participating in vocational training leading directly to a recognized trade, paraprofession, or profession; are engaged in an educational program for English Language learners or to attain a high school diploma or general educational development certificate; are employed or seeking employment; are seeking permanent housing for family stability; or are incapacitated

b. The child is identified by a legal, medical, or social services agency, the district liaison for homeless students, a Head Start program, or an emergency or transitional shelter as being a recipient of protective services, as being or at risk of being neglected, abused, or exploited, or as being homeless

The Superintendent or designee shall consult the county's centralized eligibility list, when available, or shall maintain a district waiting list in accordance with admission priorities. As vacancies occur, applicants shall be contacted in order of their priority. (5 CCR [18106](#))

First priority for enrollment shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located. (Education Code [8263](#))

Second priority for enrollment shall be given to families who are income eligible, as defined in Education Code [8263.1](#). Families with the lowest gross monthly income in relation to family size shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with disabilities shall be admitted first or, if there is no child with disabilities, the family that has been on the waiting list for the longest time shall be admitted first. (Education Code [8263](#), [8263.1](#))

The district shall allow eligible children 11-12 years of age to combine enrollment in a before-school or after-school program with subsidized child care services during the time that the before-school or after-school program does not operate. Children 11-12 years of age, except for children with disabilities, shall be eligible for subsidized child care services only for the portion of care needed that is not available in a before-school or after-school program. (Education Code [8263.4](#))

After all children eligible for subsidized services have been enrolled, the district may enroll children in accordance with the priorities established by the Governing Board.

The district's decision to approve or deny services shall be communicated to the parent/guardian through a written Notice of Action mailed or delivered within 30 days from the date the application is signed by the parent/guardian. (5 CCR [18094](#), [18118](#))

(cf. [5145.6](#) - Parental Notifications)

Upon establishing eligibility ofr services, a family shall be eligible for and shall receive services for not less than 12 months before having the family's eligibility on the basis of income shall report any increases in income that exceed the threshold for ongoing eligibility shall be recertified at that time. At any time a family may voluntarily report income or other changes, which shall be used, as applicable, to reduce the family's fees, increase the family's services, or extend the period of eligibility before recertification. (Education Code [8263](#))

The Superintendent or designee shall mail or deliver a Notice of Action to a parent/guardian at least 14 calendar days before any intended change in services, including, but not limited to, an increase or decrease in fees, an increase or decrease in the amount of services, or termination of services, due to any of the following circumstances: (5 CCR [18095](#), [18119](#))

1. A determination during recertification or update of the application that the need or eligibility requirements are no longer being met or the fee or amount of service needs to be modified

2. Failure of the parent/guardian to document the family's need or eligibility after the district requested such documentation in writing

3. An indication by the parent/guardian that the service is no longer wanted
4. The death of a parent/guardian or child

5. The conclusion of a limited-term agreement, provided that the parent/guardian has been informed in writing of the date that the services would terminate

The Superintendent or designee shall establish and maintain a basic data file for each family receiving child care and development services containing the completed and signed application for services, documentation used to determine the child's eligibility and need, and copies of all Notices of Action. (5 CCR [18081](#), [18095](#))

Fees and Charges

Except when offering a program that is prohibited by law from charging any fees, the Superintendent or designee may charge fees for services according to the fee schedule established by the Superintendent of Public Instruction, the actual cost of services, or the maximum daily/hourly rate specified in the contract, whichever is least. (Education Code [8250](#), [8263](#), [8273](#), [8273.1](#), [8273.2](#), [8447](#); 5 CCR 18078, 18108-18110)

However, no fee shall be charged to a family that is receiving CalWORKS cash aid, an income-eligible family whose child is enrolled in a part-day California State Preschool Program, or a family whose income level, in relation to family size, is less than the first entry in the fee schedule. (Education Code [8273.1](#); 5 CCR [18110](#))

In addition, any family receiving child care on the basis of having a child who is a recipient of child protective services, or having a certification by a county child welfare agency that child care services continue to be necessary, may be exempt from these fees for up to 12 months.

Fees shall be assessed at initial enrollment and reassessed when a family is recertified or experiences a change in status. Fees shall be considered delinquent after seven days from the date that fees are due. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of the delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of the district's regulations regarding fee collection at the time of initial enrollment into the program. (Education Code [8273](#); 5 CCR [18082](#), [18114](#), [18115](#))

The Superintendent or designee shall establish a process that involves parents/guardians in determining whether to require parents/guardians to provide diapers. This process shall also be used to determine whether and how much to charge parents/guardians for field trip expenses, within the limit specified in law. A child shall not be denied participation in a field trip due to the parent/guardian's inability or refusal to pay the fee, and no adverse action shall be taken against a parent/guardian for that inability or refusal. (Education Code [8273.3](#))

Disenrollment

When necessary due to a reduction in state reimbursements, families shall be disenrolled from subsidized child care and development services in the following order: (Education Code [8263.3](#))

1. Families with the highest income in relation to family size shall be disenrolled first.
2. If two or more families have the same income ranking, children without disabilities who have been enrolled in child care services the longest shall be disenrolled first. After all children without disabilities have been disenrolled, children with disabilities shall be disenrolled, with those who have been enrolled in child care services the longest being disenrolled first.
3. Families whose children are receiving child protective services or are at risk of neglect, abuse, or exploitation, regardless of family income, shall be disenrolled last.

Health Examination

A physical examination and evaluation, including age-appropriate immunization, shall be required prior to or within six weeks of enrollment. (Education Code [8263](#))

(cf. 5141.3 – Health Examination)

(cf. 5141.31 – Immunizations)

The requirement for a physical examination and evaluation may be waived if a parent/guardian submits a letter stating that such examination is contrary to his/her religious beliefs. (Education Code [8263](#))

However, a child may be exempted from the immunization requirements only if: (Education Code [8263](#); Health and Safety Code [120335](#))

1. A licensed physician indicates that immunization is not safe due to the physical condition or medical circumstances of the child.
2. The parent/guardian submitted a letter or affidavit prior to January 1, 2016 stating that such examination is contrary to his/her personal beliefs. An exemption from immunization granted for personal beliefs is effective only until the next grade span (i.e., birth through preschool, grades K-6, and grades 7-12).

If there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child shall be temporarily excluded from the child care and development program until it is determined that the child is not suffering from that contagious or infectious disease. (Education Code [8263](#))

(cf. [5141.22](#) - Infectious Diseases)

When a child enrolls or reenrolls in a licensed child care program, the center shall provide the child's parent/guardian with written information on the risks and effects of lead exposure, blood lead testing recommendations and requirements, and options for obtaining blood lead testing, including any state or federally funded programs that offer free or discounted tests. (Health and Safety Code [1596.7996](#))

Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of

absence, specific reason for absence, and signature of parent/guardian or district representative. (5 CCR [18065](#), [18066](#))

Absences shall be excused for the following reasons:

1. Illness or quarantine of the child or of the parent/guardian (Education Code [8208](#))
2. Family emergency (Education Code [8208](#))

A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.

3. Time spent with a parent/guardian or other relative as required by a court of law (Education Code [8208](#))
4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child (Education Code [8208](#))

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of child protective services or are at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period. (5 CCR [18066](#))

Any absence due to a reason other than any of those stated above, or without the required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the program coordinator or site supervisor shall notify the parents/guardians. Children who continue to have excessive unexcused absences may be removed from the program at the discretion of the program coordinator in order to accommodate other families on the waiting list for admission.

Parents/guardians shall be notified of the policies and procedures related to excused and unexcused absences for child care and development services. (5 CCR [18066](#))

Rights of Parents/Guardians

At the time a child is accepted into a licensed child care and development center, the child's parent/guardian or authorized representative shall be notified of the rights as specified in 22 CCR [101218.1](#), including, but not limited to, the right to enter and inspect the child care facility and the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption. (Health and Safety Code [1596.857](#); 22 CCR [101218.1](#))

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to noncustodial parents/guardians when so requested by the responsible parent/guardian. (Health and Safety Code [1596.857](#))

In addition, if a parent/guardian disagrees with any district action to deny his/her child's eligibility for subsidized child care services, disenroll the child due to a funding shortage, increase or decrease fees, increase or decrease the amount of services, terminate services, or otherwise change the level of services, the parent/guardian may file a request for a hearing with the Superintendent or designee within 14 calendar days of the date the Notice of Action was received. Within 10 calendar days of receiving the request for a hearing, the Superintendent or designee shall notify the parent/guardian of the time and place of the hearing, which, to the extent possible, shall be convenient for the parent/guardian. (5 CCR [18120](#))

The hearing shall be conducted in accordance with the procedures specified in 5 CCR [18120](#) by a district administrator who is at a staff level higher in authority than the staff person who made the contested decision. Within 10 calendar days after the hearing, the district administrator shall mail or deliver a written decision to the parent/guardian. If the parent/guardian disagrees with the written decision, he/she may, within 14 calendar days, appeal the decision to the CDE. (5 CCR [18120-18122](#))

Records

The Superintendent or designee shall maintain records of enrollment, attendance, types of families served, income received from all families participating in the district's child care and development program, and any other records required by the CDE.

(cf. [3580](#) - District Records)

(cf. [5125](#) - Student Records)

Regulation WILLITS UNIFIED SCHOOL DISTRICT

approved: March 1, 2017 Willits, California

revised: June 19, 2019

**WILLITS UNIFIED SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE**

TO: Board of Trustees
FROM: Mark Westerburg, Superintendent
DATE: June 12, 2019
RE: Board Policy Revision- BB/E 9323.2 - Actions by the Board

Priority:

Communication

Objective:

To conduct a first read of the revised policy

Background:

(BB/E(1)/E(2) revised)

Bylaw updated to reference the timelines by which a civil action may be filed to determine the applicability of the Brown Act to past board actions, and to clarify the circumstances under which a board action cannot be invalidated. Exhibit 1 updated to consolidate several items related to siting a community day school on an existing school site, add board action to respond to an emergency facilities condition without giving notice for bids to let contracts (requiring two-thirds vote for three-member boards, or four-fifths vote for five-member and seven-member boards), and reflect **NEW LAW (AB 2249)** which amends the threshold requirements for public works projects bid pursuant to the Uniform Public Construction Cost Accounting Act. Section on "Actions Requiring a Unanimous Vote of the Board" updated to further explain the ability to authorize the use of day labor or force account and/or waive the competitive bid process when the board determines that an emergency exists. Exhibit 2 contains minor revision for clarity.

Funding/Source:

None

Recommendation:

Administration recommends the board conduct a first read of the revised policy

Actions By The Board

The Governing Board ~~of Trustees~~ shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164)

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9012 - Board Member Electronic Communications)

(cf. 9200 - Limits of Board Member Authority)

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the Board members to make a positive or negative decision
3. A vote by a majority of the Board members when sitting as the Board upon a motion, proposal, resolution, order, or ordinance

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

(cf. 9324 - Minutes and Recordings)

Action on Non-Agenda Items

After publicly identifying the item, the Board may take action on a subject not appearing on the posted meeting agenda under any of the following conditions: (Government Code 54954.2)

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5
2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the district's attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier

(cf. 9320 - Meetings and Notices)

(cf. [9322](#) - Agenda/Meeting Materials)

Challenging Board Actions

The district attorney's office or any interested person may file an action in court for the purpose of: ([Government Code 54960, 54960.2](#)) ~~to~~

1. ~~Stopping~~ or preventing the Board's violation or ~~threatened~~ ~~of~~ violations of the Brown Act; ~~to~~
2. ~~Determining~~ the applicability of the Brown Act to ongoing or future threatened Board actions; ~~to~~
3. ~~Determining~~ the applicability of the Brown Act to a past action of the Board that is not specified in Government Code 54960.1, provided that:
 - a. Within nine month of the alleged violation, a cease and desis letter is submitted to the Board, clearly describing the past Board action and the nature of the alleged violation.
 - b. The time for the Board to respond has expired and the Boad has not provided an unconditional commitment to cease and desist from and not repeat the past action alleged to have violated the Brown Act.
 - c. The actions is brought within the time required by Government Code 54960.2.
4. Determining the validity, under ~~state California~~ or federal law, of any Board rule or action to penalize any of its members or otherwise discourage their ~~member's~~ expression, ~~or to~~
5. Ceompelling the Board to audio record its closed sessions because of a court's finding of the Board's ~~its~~ violation of any applicable Government Code provision. (~~Government Code 54960~~)

The district attorney or any interested person may file an action in court to nullify a Board action which is present a demand that the Board cure and correct a Board action which he/she allegeds to be is in violation of law regarding any of the following: ([Government Code 54960.1](#))

1. Open meeting and teleconferencing ([Government Code 54953](#))
2. Agenda posting ([Government Code 54954.2](#))
3. Closed session item descriptions ([Government Code 54954.5](#))
4. New or increased tax assessments ([Government Code 54954.6](#))
5. Special meetings ([Government Code 54956](#))
6. Emergency meetings ([Government Code 54956.5](#))

Prior to bringing any action to nullify a Board action, the district attorney or other interested person shall present aAny demand to "cure and correct" thean alleged violation. The demand shall clearly describe the challenged action and the nature of the alleged violation and shall be presented to the Board in writing within 90 days of the date when the action was taken. If the alleged violation concerns action taken in an

open session but in violation of Government Code [54954.2](#) (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code [54960.1](#))

Within 30 days of receiving the demand, the Board shall do one of the following: (Government Code [54960.1](#))

1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct.
2. Determine not to cure or correct the alleged violation and inform the demanding party in writing of its decision to not cure or correct.
3. Take no action. If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the challenged action.

~~In addition, the district attorney's office or any interested party may file an action in court to determine the applicability of the Brown Act to any past Board action not specified in Government Code [54960.1](#), if the following conditions are met: (Government Code [54960.2](#))~~

~~1. Within nine months of the alleged violation, a cease and desist letter is submitted to the Board, clearly describing the past Board action and the nature of the alleged violation.~~

~~2. The time for the Board to respond has expired and the Board has not provided an unconditional commitment to cease and desist from and not repeat the past action alleged to have violated the Brown Act.~~

Legal Reference:

EDUCATION CODE

15266 School construction bonds

17466 Declaration of intent to sell or lease real property

17481 Lease of property with residence for nondistrict purposes

~~17510-17512¹ Leasing for production of gas, rResolution requiring unanimous vote ~~of all members constituting board~~~~

17546 Private sale of personal property

17556-17561 Dedication of real property

~~17582-17583 District deferred maintenance fund~~

35140-35149 Meetings

35160-35178.4 Powers and duties

48660-48661 Community day schools, establishment and restrictions

CODE OF CIVIL PROCEDURE

425.16 Special motion to strike in connection with a public issue

1245.240 Eminent domain vote requirements

1245.245 Eminent domain, resolution adopting different use

GOVERNMENT CODE

53090-53097.5 Regulation of local agencies by counties and cities

53724 Parcel tax resolution requirements

53790-53792 Exceeding the budget

53820-53833 Temporary borrowing

53850-53858 Temporary borrowing

54950-54963 The Ralph M. Brown Act, especially:

54952.6 Action taken, definition

54953 Meetings to be open and public; attendance; secret ballots

54960-54960.5 Actions to prevent violations

65352.2 Coordination with planning agency

PUBLIC CONTRACT CODE

3400 Bid specifications

20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder

20113 Emergencies, award of contracts without bids

20114 Repairs, maintenance, and improvements to district facilities by day labor or force accounts

22034 Uniform Public Construction Cost Accounting Act informal bidding ordinance

22035 Repair or replacement of facilities in case of emergency

22050 Emergency contracting procedures

COURT DECISIONS

Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313

McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310

Bell v. Vista Unified School District (2002) 82 Cal.App.4th 672

Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 201409

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Local Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, 2nd Edition, rev. July 2010~~2007~~

WEB SITES

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

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

Institute of Local Government: <http://www.ca-ilg.org>

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

Bylaw WILLITS UNIFIED SCHOOL DISTRICT

adopted: August 7, 2013 Willits, California

revised: June 19, 2019

Actions By The Board

The Governing Board shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code [35164](#))

(cf. [9000](#) - Role of the Board)

(cf. [9005](#) - Governance Standards)

(cf. [9012](#) - Board Member Electronic Communications)

(cf. [9200](#) - Limits of Board Member Authority)

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The Board shall not take action by secret ballot, whether preliminary or final. (Government Code [54953](#))

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code [35145](#))

(cf. [9324](#) - Minutes and Recordings)

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After publicly identifying the item, the Board may take action on a subject not appearing on the posted meeting agenda under any of the following conditions: (Government Code [54954.2](#))

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code [54956.5](#)
2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the district's attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier

(cf. [9320](#) - Meetings and Notices)

(cf. [9322](#) - Agenda/Meeting Materials)

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The district attorney's office or any interested person may file an action in court for the purpose of: (Government Code [54960](#), 54960.2)

1. Stopping or preventing the Board's violation or threatened violation of the Brown Act
2. Determining the applicability of the Brown Act to ongoing or future threatened Board actions
3. Determining the applicability of the Brown Act to a past action of the Board that is not specified in Government Code 54960.1, provided that:
 - a. Within nine months of the alleged violation, a cease and desist letter is submitted to the Board, clearly describing the past Board action and the nature of the alleged violation.
 - b. The time for the Board to respond has expired and the Board has not provided an unconditional commitment to cease and desist from and not repeat the past action alleged to have violated the Brown Act.
 - c. The action is brought within the time required by Government Code 54960.2.
4. Determining the validity, under state or federal law, of any Board rule or action to penalize any of its members or otherwise discourage their expression
5. Compelling the Board to audio record its closed sessions because of a court's finding of the Board's violation of any applicable Government Code provision.

The district attorney or any interested person may file an action in court to nullify a Board action which is alleged to be in violation of law regarding any of the following: (Government Code [54960.1](#))

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open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)

Within 30 days of receiving the demand, the Board shall do one of the following: (Government Code 54960.1)

1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct.
2. Determine not to cure or correct the alleged violation and inform the demanding party in writing of its decision to not cure or correct.
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35160-35178.4 Powers and duties

48660-48661 Community day schools, establishment and restrictions

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425.16 Special motion to strike in connection with a public issue

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20114 Repairs, maintenance, and improvements to district facilities by day labor or force accounts

22034 *Uniform Public Construction Cost Accounting Act informal bidding ordinance*

22035 *Repair or replacement of facilities in case of emergency*

22050 *Emergency contracting procedures*

COURT DECISIONS

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Bylaw WILLITS UNIFIED SCHOOL DISTRICT

adopted: August 7, 2013 Willits, California

revised: June 19, 2019

Actions By The Board

ACTIONS REQUIRING A SUPER MAJORITY VOTE

Actions Requiring a Two-Thirds Vote of the Board:

1. Resolution declaring the Governing Board's intention to sell or lease real property (Education Code 17466)

(cf. 3280 - Sale or Lease of District-Owned Real Property)

2. Resolution declaring the Board's intent to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556 (Education Code 17557)

3. Resolution authorizing and directing the Board president, or any other presiding officer, secretary, or member, to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 17559)

4. Lease, for up to three months, of school property which has a residence on it and which cannot be developed for district purposes because funds are unavailable (Education Code 17481)

5. Request for temporary borrowing of funds needed for immediate requirements of the district to pay district obligations incurred before the receipt of district income for the fiscal year sufficient to meet the payment(s) (Government Code 53821)

6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, action to render city or county zoning ordinances inapplicable to a proposed use of the property by the district (Government Code 53094)

(cf. 7131 - Relations with Local Agencies)

(cf. 7150 - Site Selection and Development)

(cf. 7160 - Charter School Facilities)

7. When the district is organized to serve only grades K-8, action to establish a community day school for any of grades K-8 (Education Code 48660)

(cf. 6185 - Community Day School)

8. When the district is organized to serve only grades K-8, has an average daily attendance (ADA) of 2,500 or less, or desires to operate a community day school to serve any of grades K-6 (and no higher grades) and seeks to situate a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)

9. Resolution of intent to issue general obligation bonds with the approval of 55 percent of the voters of the district (Education Code 15266)

(cf. 7214 - General Obligation Bonds)

10. Resolution of intent to issue bonds within a school facilities improvement district with the approval of 55 percent of the voters of the school facilities improvement district (Education Code 15266)

(cf. 7213 - School Facilities Improvement Districts)

11. Resolution to place a parcel tax on the ballot (Government Code 53724)

12. Resolution of necessity to proceed with an eminent domain action and, if the Board subsequently desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)

13. When the district has a three-member Board, action to respond to an emergency facilities condition without giving notice for bids to let contracts, including the repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the delegation of authority to the Superintendent or designee to take such action, and the determination during a regular Board meeting of the need to continue the action (Public Contract Code 22035, 22050)

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting:

1. Determination that there is a need to take immediate action and that the need for action came to the district's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)

2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

Actions Requiring a Four-Fifths Vote of the Board:

1. Expenditure and transfer of necessary funds and use of district property or personnel to meet a national or local emergency created by war, military, naval, or air attack, or sabotage, or to provide for adequate national or local defense (Government Code 53790-53792)

(cf. 3110 - Transfer of Funds)

2. Resolution for district borrowing based on issuance of notes, tax anticipation warrants, or other evidences of indebtedness, in an amount up to 50 percent of the district's estimated income and revenue for the fiscal year or the portion not yet collected at the time of the borrowing (Government Code 53822, 53824)
3. Resolution for district borrowing, between July 15 and August 30 of any fiscal year, of up to 25 percent of the estimated income and revenue to be received by the district during that fiscal year from apportionments based on ADA for the preceding school year (Government Code 53823-53824)
4. Declaration of an emergency in order to authorize the district to include a particular brand name or product in a bid specification (Public Contract Code 3400)

(cf. 3311 - Bids)

5. When the district has a five-member or seven-member Board, action to respond to an emergency facilities condition without giving notice for bids to let contracts, including the repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the delegation of authority to the Superintendent or designee to take such action, and the determination during a regular Board meeting of the need to continue the action (Public Contract Code 22035, 22050)
6. Resolution to award a contract for a public works project at \$212,500 or less to the lowest responsible bidder, when the district is using the informal process authorized under the Uniform Public Construction Cost Accounting Act for projects of \$200,000 or less, all bids received are in excess of \$200,000, and the Board determines that the district's cost estimate was reasonable (Public Contract Code 22034)

(cf. 3311.1 - Uniform Public Construction Cost Accounting Procedures)

Actions Requiring a Unanimous Vote of the Board:

1. Resolution authorizing and prescribing the terms of a lease of district property for extraction and taking of gas not associated with oil (Education Code 17510-17511)
2. Authorization of the use of day labor or force account, or waiver of the competitive bid process pursuant to Public Contract Code 20111, when the Board determines that an emergency exists requiring the repair, alteration, work, or improvement to any facility to permit the continuance of existing classes or to avoid danger to life or property, and upon approval of the County Superintendent of Schools (Public Contract Code 20113)

Action Requiring a Unanimous Vote of the Board Members Present at the Meeting:

1. Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500. Disposal of surplus property or donation to a charitable organization requires the unanimous vote of the Board members present to establish that the value of such property would not defray the cost of arranging its sale. (Education Code 17546)

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

Unconditional Commitment Letter

To: (Name of district attorney or any interested person)

The Governing Board ~~of Trustees~~ of Willits Unified School District has received your cease and desist letter dated (date) alleging that the following described past action taken by the Board violates the Ralph M. Brown Act: (Describe alleged past action as set forth in the cease and desist letter.)

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the Board hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action described above. The Board may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address(es) you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, a notice will be delivered to you by the same means as this commitment, or by mail to an address that you have designated in writing, and you will have the right to commence legal action pursuant to Government Code 54960(a).

Sincerely,

(Name)

(Title of Board President or other designee)

Exhibit WILLITS UNIFIED SCHOOL DISTRICT

version: August 7, 2013 Willits, California

revised: September 5, 2018

revised: June 19, 2019

Actions By The Board

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3. Resolution authorizing and directing the Board president, or any other presiding officer, secretary, or member, to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 17559)
4. Lease, for up to three months, of school property which has a residence on it and which cannot be developed for district purposes because funds are unavailable (Education Code 17481)
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6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, action to render city or county zoning ordinances inapplicable to a proposed use of the property by the district (Government Code 53094)

(cf. 7131 - Relations with Local Agencies)

(cf. 7150 - Site Selection and Development)

(cf. 7160 - Charter School Facilities)

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(cf. 6185 - Community Day School)

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(cf. 7214 - General Obligation Bonds)

10. Resolution of intent to issue bonds within a school facilities improvement district with the approval of 55 percent of the voters of the school facilities improvement district (Education Code 15266)

(cf. 7213 - School Facilities Improvement Districts)

11. Resolution to place a parcel tax on the ballot (Government Code 53724)

12. Resolution of necessity to proceed with an eminent domain action and, if the Board subsequently desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)

13. When the district has a three-member Board, action to respond to an emergency facilities condition without giving notice for bids to let contracts, including the repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the delegation of authority to the Superintendent or designee to take such action, and the determination during a regular Board meeting of the need to continue the action (Public Contract Code 22035, 22050)

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting:

1. Determination that there is a need to take immediate action and that the need for action came to the district's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)
2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)

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(cf. 3110 - Transfer of Funds)

2. Resolution for district borrowing based on issuance of notes, tax anticipation warrants, or other evidences of indebtedness, in an amount up to 50 percent of the district's estimated income and revenue for the fiscal year or the portion not yet collected at the time of the borrowing (Government Code 53822, 53824)
3. Resolution for district borrowing, between July 15 and August 30 of any fiscal year, of up to 25 percent of the estimated income and revenue to be received by the district during that fiscal year from apportionments based on ADA for the preceding school year (Government Code 53823-53824)
4. Declaration of an emergency in order to authorize the district to include a particular brand name or product in a bid specification (Public Contract Code 3400)

(cf. 3311 - Bids)

5. When the district has a five-member or seven-member Board, action to respond to an emergency facilities condition without giving notice for bids to let contracts, including the repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the delegation of authority to the Superintendent or designee to take such action, and the determination during a regular Board meeting of the need to continue the action (Public Contract Code 22035, 22050)
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(cf. 3311.1 - Uniform Public Construction Cost Accounting Procedures)

Actions Requiring a Unanimous Vote of the Board:

1. Resolution authorizing and prescribing the terms of a lease of district property for extraction and taking of gas not associated with oil (Education Code 17510-17511)
2. Authorization of the use of day labor or force account, or waiver of the competitive bid process pursuant to Public Contract Code 20111, when the Board determines that an emergency exists requiring the repair, alteration, work, or improvement to any facility to permit the continuance of existing classes or to avoid danger to life or property, and upon approval of the County Superintendent of Schools (Public Contract Code 20113)

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In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the Board hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action described above. The Board may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address(es) you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, a notice will be delivered to you by the same means as this commitment, or by mail to an address that you have designated in writing, and you will have the right to commence legal action pursuant to Government Code 54960(a).

Sincerely,

(Name)

(Title of Board President or other designee)

Exhibit WILLITS UNIFIED SCHOOL DISTRICT

version: August 7, 2013 Willits, California

revised: September 5, 2018

revised: June 19, 2019