

Board Policies

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Board Policy Update Guide
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BP or AR	BP 0410	March 1, 2012
Title	Nondiscrimination in District Programs and Activities	
Description	Policy updated to reflect NEW LAW (AB 887 and SB 559) which expands the prohibited bases of discrimination to include genetic information, gender expression, and gender identity. Policy also reflects federal regulations which (1) require newly constructed district facilities to comply, starting March 15, 2012, with the 2010 Americans with Disabilities Act Standards for Accessible Designs and (2) require districts to permit an individual with a disability to be accompanied by a service animal on district premises when, without the animal's assistance, the individual with a disability will not be able to access or participate in a district program or activity.	
BP or AR	BP 0450	November 1, 2011
Title	Comprehensive Safety Plan	
Description	Policy updated to reflect NEW LAW (AB 680) which authorizes district administrators rather than school site councils to develop those portions of the comprehensive safety plan that include tactical responses to criminal incidents on school sites that may result in death or serious bodily injury and allows boards to prohibit public disclosure of those strategies. Policy also clarifies that the requirement to annually update the comprehensive safety plan applies to districts selecting Option 1 (school site plans).	
BP or AR	AR 0450	November 1, 2011
Title	Comprehensive Safety Plan	
Description	Regulation updates section on "Content of the Safety Plan" to include examples of indicators that might be used to assess current school safety, reflects NEW LAW (AB 9) which adds requirements related to the district's nondiscrimination policy, reflects NEW LAW (AB 1156) which encourages districts to include bullying policies in their plans, reflects NEW LAW (AB 123) which expands the definition of a "disruption," and adds new optional language re: dating violence and threat assessment strategies	

Board Policy

Nondiscrimination In District Programs And Activities

BP 0410

Philosophy, Goals, Objectives and Comprehensive Plans

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6145.2 - Athletic Competition)

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

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

(cf. 6178 - Career Technical Education)

(cf. 6200 - Adult Education)

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

(cf. 613.2 – Animals at School)

(cf. 7110 – Facilities Master Plan)

(cf. 7111 – Evaluating Existing Buildings)

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

(cf. 6020 - Parent Involvement)

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

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

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

The Superintendent or designee shall also provide information about related complaint procedures.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

In compliance with law, the District's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand, and when required by law, in a the individual's primary language other than English, to the extent practicable.

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

GOVERNMENT CODE

11000 Definitions

11135 Nondiscrimination in programs or activities funded by state

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

54953.2 Brown Act compliance with Americans with Disabilities Act

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

2301-2415 Carl D. Perkins Vocational and Applied Technology Act

6311 State plans

6312 Local education agency plans

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17—Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

Management Resources:

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

Protecting Students from Harassment and Hate Crime, January, 1999

Notice of Non-Discrimination, January, 1999

Nondiscrimination in Employment Practices in Education, August, 1991

WEB SITES

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

<http://www.ed.gov/about/offices/list/ocr/index.html>

CDE: <http://www.cde.ca.gov>

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

~~Pacific Disability and Business Technical Assistance~~ ADA Center:

<http://www.paedbtaeada.pacific.org>

Policy ALBANY UNIFIED SCHOOL DISTRICT

adopted: May 19, 2009 Albany, California

revised:

Board Policy

Nondiscrimination In District Programs And Activities

BP 0410

Philosophy, Goals, Objectives and Comprehensive Plans

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- (cf. 4030 - Nondiscrimination in Employment)
- (cf. 4032 - Reasonable Accommodation)
- (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
- (cf. 5131.2 - Bullying)
- (cf. 5145.3 - Nondiscrimination/Harassment)
- (cf. 5145.7 - Sexual Harassment)
- (cf. 5146 - Married/Pregnant/Parenting Students)
- (cf. 6145.2 - Athletic Competition)
- (cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
- (cf. 6164.6 - Identification and Education Under Section 504)
- (cf. 6178 - Career Technical Education)
- (cf. 6200 - Adult Education)

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

- (cf. 613.2 - Animals at School)
- (cf. 7110 - Facilities Master Plan)
- (cf. 7111 - Evaluating Existing Buildings)

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

- (cf. 6020 - Parent Involvement)

Individuals with disabilities shall notify the Superintendent or principal if they have a disability

that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program or meeting.

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

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

The Superintendent or designee shall also provide information about related complaint procedures.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

The District's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand, and when required by law, in a language other than English.

(cf. 5145.6 - Parental Notifications)

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12900-12996 Fair Employment and Housing Act
54953.2 Brown Act compliance with Americans with Disabilities Act

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422.55 Definition of hate crime
422.6 Interference with constitutional right or privilege

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4900-4965 Nondiscrimination in elementary and secondary education programs UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act
 1681-1688 Discrimination based on sex or blindness, Title IX
 2301-2415 Carl D. Perkins Vocational and Applied Technology Act
 6311 State plans
 6312 Local education agency plans
 UNITED STATES CODE, TITLE 29
 794 Section 504 of the Rehabilitation Act of 1973
 UNITED STATES CODE, TITLE 42
 2000d-2000d-7 Title VI, Civil Rights Act of 1964
 2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
 2000h-2000h-6 Title IX
 12101-12213 Americans with Disabilities Act
 CODE OF FEDERAL REGULATIONS, TITLE 28
 35.101-35.190 Americans with Disabilities Act
 36.303 Auxiliary aids and services
 CODE OF FEDERAL REGULATIONS, TITLE 34
 100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI
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 106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:
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Management Resources:

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

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Nondiscrimination in Employment Practices in Education, August, 1991

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<http://www.ed.gov/about/offices/list/ocr/index.html>

CDE: <http://www.cde.ca.gov>

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

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

Policy ALBANY UNIFIED SCHOOL DISTRICT

adopted: May 19, 2009 Albany, California

revised:

Albany USD

Board Policy Comprehensive Safety Plan

BP 0450

Philosophy, Goals, Objectives and Comprehensive Plans

The Board of Education recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for student conduct, responsible behavior, and respect for others.

(cf. 0510 - School Accountability Report Card)

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

The school site council at each District school shall develop a comprehensive school safety plan relevant to the needs and resources of that particular school. (Education Code 32281)

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

The school safety plan shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the site.

Each school shall review and update its safety plan by March 1 of each year. New school campuses shall develop a safety plan within one year of initiating operations. (Education Code 32286)

Each school shall forward the safety plan to the Board for approval. (Education Code 32288)

The Board shall review the comprehensive Districtwide and/or school safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation.

The Board shall approve the plan(s) at a regularly scheduled meeting.

Tactical Response Plan

Notwithstanding the process described above, any portion of a comprehensive safety plan that includes tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to be taken to safeguard students and staff, secure the affected

school premises, and apprehend the criminal perpetrator(s), shall be developed by District administrators in accordance with Education Code 32281. In developing such strategies, District administrators shall consult with law enforcement officials and with a representative of an employee bargaining unit, if he/she chooses to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

(cf. 9322 - Agenda/Meeting Materials)

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents shall not be publicly disclosed.

(cf. 1340 - Access to District Records)

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

(cf. 1312.3 - Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of sex discrimination

32260-32262 Interagency School Safety Demonstration Act of 1985

32270 School safety cadre

32280-32289 School safety plans

32290 Safety devices

35147 School site councils and advisory committees

35183 School dress code; uniforms

35291 Rules

35291.5 School-adopted discipline rules

35294.10-35294.15 School Safety and Violence Prevention Act

41510-41514 School Safety Consolidated Competitive Grant Program

48900-48927 Suspension and expulsion

48950 Speech and other communication

49079 Notification to teacher; student who has committed acts constituting grounds for suspension or expulsion

67381 Violent crime

PENAL CODE

422.55 Definition of hate crime

626.8 Disruptions

11164-11174.3 Child Abuse and Neglect Reporting Act

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

CODE OF REGULATIONS, TITLE 5

11992-11993 Definition, persistently dangerous schools

11987-11987.7 School Community Violence Prevention Program requirements

UNITED STATES CODE, TITLE 20

7101-7165 Safe and Drug Free Schools and Communities, especially:

~~7114 Application for local educational agencies~~

7912 Transfers from persistently dangerous schools

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Management Resources:

CSBA PUBLICATIONS

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

October 2011

Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief,

October 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2010

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

2010

~~9111—A Manual for Schools and the Media During a Campus Crisis, 2001~~

~~Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999~~

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007

Early Warning, Timely Response: A Guide to Safe Schools, August 1998

U.S. SECRET SERVICE AND U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating

Safe School Climates, 2002

WEB SITES

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

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

California Emergency Management Agency: <http://www.calema.ca.gov>

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

California Seismic Safety Commission: <http://www.seismic.ca.gov>

Center for Effective Collaboration and Practice: <http://cecp.air.org>

Federal Bureau of Investigation: <http://www.fbi.gov>

National Alliance for Safe Schools: <http://www.safeschools.org>

National Center for Crisis Management: <http://www.schoolcrisisresponse.com>

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

U.S. Department of Education, Office of Safe and Drug-Free Schools:
<http://www.ed.gov/about/offices/list/osedfs/index.html>

U.S. Secret Service, National Threat Assessment Center:
http://www.secretservice.gov/ntac_ssi.shtml

Policy ALBANY UNIFIED SCHOOL DISTRICT

adopted: May 19, 2009 Albany, California

Revised:

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UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

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Safe Schools: A Planning Guide for Action, 2002

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Federal Bureau of Investigation: <http://www.fbi.gov>

National Alliance for Safe Schools: <http://www.safeschools.org>

National Center for Crisis Management: <http://www.schoolcrisisresponse.com>

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

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

U.S. Secret Service, National Threat Assessment Center:

http://www.secretservice.gov/ntac_ssi.shtml

Policy ALBANY UNIFIED SCHOOL DISTRICT
adopted: May 19, 2009 Albany, California
Revised:

Revised

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Albany USD
Administrative Regulation
Comprehensive Safety Plan

AR 0450
Philosophy, Goals, Objectives and Comprehensive Plans

Development and Review of Comprehensive School Safety Plan

The school site council shall consult with local law enforcement in writing and developing the comprehensive school safety plan. When practical, the school site council also shall consult with other school site councils and safety committees. (Education Code 32281, 32282)

The school site council may delegate the responsibility for developing a comprehensive safety plan to a school safety planning committee. This committee shall be composed of the following members: (Education Code 32281)

1. The principal or designee
2. One teacher who is a representative of the recognized certificated employee organization
3. One parent/guardian whose child attends the school
4. One classified employee who is a representative of the recognized classified employee organization
5. Other members, if desired

(cf. 1220 - Citizen Advisory Committees)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

Before adopting its comprehensive safety plan, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the plan. (Education Code 32288)

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting: (Education Code 32288)

1. The local mayor
2. A representative of the local school employee organization
3. A representative of each parent organization at the school, including the parent teacher

association and parent teacher clubs

(cf. 1230 - School-Connected Organizations)

4. A representative of each teacher organization at the school

(cf. 4140/4240/4340 - Bargaining Units)

5. A representative of the school's student body government

6. All persons who have indicated that they want to be notified

In addition, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting: (Education Code 32288)

1. Representatives of local religious organizations

2. Local civic leaders

3. Local business organizations

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

Content of the Safety Plan

The Districtwide and/or school site safety plan shall include an assessment of the current status of school crime committed on campus(es) and at school-related functions. (Education Code 32282)

The plan also shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety. The plan shall include the development of all of the following: (Education Code 32282)

1. Child abuse reporting procedures consistent with Penal Code 11164

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Routine and emergency disaster procedures including, but not limited to:

a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act

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

(cf. 6159 - Individualized Education Program)

b. An earthquake emergency procedure system in accordance with Education Code 32282

(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 3516.3 - Earthquake Emergency Procedure System)

c. A procedure to allow a public agency, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

(cf. 1330 - Use of School Facilities)
(cf. 3516.1 - Fire Drills and Fires)
(cf. 3516.2 - Bomb Threats)
(cf. 3516.5 - Emergency Schedules)
(cf. 3543 - Transportation Safety and Emergencies)

3. Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations

(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079

(cf. 4158/4258/4358 - Employee Security)

5. A discrimination, ~~and~~ harassment, intimidation, and bullying policy consistent with the prohibition against discrimination pursuant to Education Code 200-262.4

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

6. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related apparel"

(cf. 5132 - Dress and Grooming)

7. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school

(cf. 5142 - Safety)

8. A safe and orderly school environment conducive to learning

(cf. 5137 - Positive School Climate)

9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5

(cf. 5144 - Discipline)

10. Hate crime reporting procedures

(cf. 5145.9 - Hate-Motivated Behavior)

Among the strategies for providing a safe environment, the school safety plan may also include:

1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution

(cf. 5138 - Conflict Resolution/Peer Mediation)

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

2. Disciplinary policies and procedures that contain prevention strategies, such as strategies to prevent bullying, hazing, and cyberbullying, as well as behavioral expectations and consequences for violations

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

(cf. 5131 - Conduct)

(cf. 5136 - Gangs)

3. Curriculum that emphasizes prevention and alternatives to violence, such as multicultural education, character/values education, media analysis skills, conflict resolution, and community service learning, and education related to the prevention of dating violence

(cf. 6141.6 - Multicultural Education)

(cf. 6142.3 - Civic Education)

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

(cf. 6142.8 - Comprehensive Health Education)

4. Parent involvement strategies, including strategies to help ensure parent/guardian support and reinforcement of the school's rules and increase the number of adults on campus

(cf. 1240 - Volunteer Assistance)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

5. Prevention and intervention strategies related to the sale or use of drugs and alcohol which shall reflect expectations for drug-free schools and support for recovering students

(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.61 - Drug Testing)
(cf. 5131.62 - Tobacco)
(cf. 5131.63 - Steroids)

6. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system, and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction

(cf. 1020 - Youth Services)

7. Procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of the school

(cf. 3514.1 - Hazardous Substances)
(cf. 3514.2 - Integrated Pest Management)

8. Procedures for receiving verification from law enforcement that a violent crime has occurred on school grounds and for promptly notifying parents/guardians and employees of that crime

(cf. 5116.1 - Intradistrict Open Enrollment)

9. Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for the closing of campuses to outsiders, surveillance systems, securing the campus perimeter, protecting buildings against vandalism, and providing for a law enforcement presence on campus

(cf. 1250 - Visitors/Outsiders)
(cf. 3515 - Campus Security)
(cf. 3515.3 - District Police/Security Department)
(cf. 3530 - Risk Management/Insurance)
(cf. 5112.5 - Open/Closed Campus)
(cf. 5131.5 - Vandalism, Theft and Graffiti)

10. Crisis prevention and intervention strategies, which may include the following:

a. Identification of possible crises that may occur, determination of necessary tasks that need to be addressed, and development of procedures relative to each crisis, including the involvement of law enforcement and other public safety agencies as appropriate

(cf. 3515.2 - Disruptions)

(cf. 3515.5 - Sex Offender Notification)

(cf. 5131.4 - Student Disturbances)

b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)

bc. Assignment of staff members responsible for each identified task and procedure

ed. Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for students and staff to practice the evacuation plan

de. Coordination of communication to schools, Board of Education members, parents/guardians, and the media

(cf. 1112 - Media Relations)

(cf. 9010 - Public Statements)

ef. Development of a method for the reporting of violent incidents

fg. Development of follow-up procedures that may be required after a crisis has occurred, such as counseling

11. Staff development in violence prevention and intervention techniques, including preparation to implement the elements of the safety plan

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Regulation ALBANY UNIFIED SCHOOL DISTRICT

approved/revised: May 19, 2009 Albany, California

revised:

Albany USD

Administrative Regulation

Comprehensive Safety Plan

AR 0450

Philosophy, Goals, Objectives and Comprehensive Plans

Development and Review of Comprehensive School Safety Plan

The school site council shall consult with local law enforcement in writing and developing the comprehensive school safety plan. When practical, the school site council also shall consult with other school site councils and safety committees. (Education Code 32281, 32282)

The school site council may delegate the responsibility for developing a comprehensive safety plan to a school safety planning committee. This committee shall be composed of the following members: (Education Code 32281)

1. The principal or designee
2. One teacher who is a representative of the recognized certificated employee organization
3. One parent/guardian whose child attends the school
4. One classified employee who is a representative of the recognized classified employee organization
5. Other members, if desired

(cf. 1220 - Citizen Advisory Committees)

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

Before adopting its comprehensive safety plan, the school site council or school safety planning committee shall hold a public meeting at the school in order to allow members of the public the opportunity to express an opinion about the plan. (Education Code 32288)

The school site council or safety planning committee shall notify, in writing, the following persons and entities of the public meeting: (Education Code 32288)

1. The local mayor
2. A representative of the local school employee organization
3. A representative of each parent organization at the school, including the parent teacher

association and parent teacher clubs

(cf. 1230 - School-Connected Organizations)

4. A representative of each teacher organization at the school

(cf. 4140/4240/4340 - Bargaining Units)

5. A representative of the school's student body government

6. All persons who have indicated that they want to be notified

In addition, the school site council or safety planning committee may notify, in writing, the following entities of the public meeting: (Education Code 32288)

1. Representatives of local religious organizations

2. Local civic leaders

3. Local business organizations

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

Content of the Safety Plan

The Districtwide and/or school site safety plan shall include an assessment of the current status of school crime committed on campus(es) and at school-related functions. (Education Code 32282)

The plan also shall identify appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety. The plan shall include the development of all of the following: (Education Code 32282)

1. Child abuse reporting procedures consistent with Penal Code 11164

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Routine and emergency disaster procedures including, but not limited to:

a. Adaptations for students with disabilities in accordance with the Americans with Disabilities Act

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

(cf. 6159 - Individualized Education Program)

b. An earthquake emergency procedure system in accordance with Education Code 32282

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3516.3 - Earthquake Emergency Procedure System)

c. A procedure to allow a public agency, including the American Red Cross, to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

(cf. 1330 - Use of School Facilities)

(cf. 3516.1 - Fire Drills and Fires)

(cf. 3516.2 - Bomb Threats)

(cf. 3516.5 - Emergency Schedules)

(cf. 3543 - Transportation Safety and Emergencies)

3. Policies pursuant to Education Code 48915(d) for students who commit an act listed in Education Code 48915(c) and other school-designated serious acts which would lead to suspension, expulsion, or mandatory expulsion recommendations

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

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

4. Procedures to notify teachers of dangerous students pursuant to Education Code 49079

(cf. 4158/4258/4358 - Employee Security)

5. A discrimination, harassment, intimidation, and bullying policy consistent with the prohibition against discrimination pursuant to Education Code 200-262.4

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

6. If the school has adopted a dress code prohibiting students from wearing "gang-related apparel" pursuant to Education Code 35183, the provisions of that dress code and the definition of "gang-related apparel"

(cf. 5132 - Dress and Grooming)

7. Procedures for safe ingress and egress of students, parents/guardians, and employees to and from school

(cf. 5142 - Safety)

8. A safe and orderly school environment conducive to learning

(cf. 5137 - Positive School Climate)

9. The rules and procedures on school discipline adopted pursuant to Education Code 35291 and 35291.5

(cf. 5144 - Discipline)

10. Hate crime reporting procedures

(cf. 5145.9 - Hate-Motivated Behavior)

Among the strategies for providing a safe environment, the school safety plan may also include:

1. Development of a positive school climate that promotes respect for diversity, personal and social responsibility, effective interpersonal and communication skills, self-esteem, anger management, and conflict resolution

(cf. 5138 - Conflict Resolution/Peer Mediation)

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- (cf. 1240 - Volunteer Assistance)
- (cf. 5020 - Parent Rights and Responsibilities)
- (cf. 6020 - Parent Involvement)

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- (cf. 5131.61 - Drug Testing)
- (cf. 5131.62 - Tobacco)
- (cf. 5131.63 - Steroids)

6. Collaborative relationships among the city, county, community agencies, local law enforcement, the judicial system, and the schools that lead to the development of a set of common goals and community strategies for violence prevention instruction

- (cf. 1020 - Youth Services)

7. Procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of the school

- (cf. 3514.1 - Hazardous Substances)
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- (cf. 5116.1 - Intradistrict Open Enrollment)

9. Assessment of the school's physical environment, including a risk management analysis and development of ground security measures such as procedures for the closing of campuses to outsiders, surveillance systems, securing the campus perimeter, protecting buildings against vandalism, and providing for a law enforcement presence on campus

- (cf. 1250 - Visitors/Outsiders)
- (cf. 3515 - Campus Security)
- (cf. 3515.3 - District Police/Security Department)
- (cf. 3530 - Risk Management/Insurance)
- (cf. 5112.5 - Open/Closed Campus)
- (cf. 5131.5 - Vandalism, Theft and Graffiti)

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 (cf. 3515.5 - Sex Offender Notification)
 (cf. 5131.4 - Student Disturbances)

b. Threat assessment strategies to determine the credibility and seriousness of a threat and provide appropriate interventions for the potential offender(s)

c. Assignment of staff members responsible for each identified task and procedure

d. Development of an evacuation plan based on an assessment of buildings and grounds and opportunities for students and staff to practice the evacuation plan

e. Coordination of communication to schools, Board of Education members, parents/guardians, and the media

(cf. 1112 - Media Relations)
 (cf. 9010 - Public Statements)

f. Development of a method for the reporting of violent incidents

g. Development of follow-up procedures that may be required after a crisis has occurred, such as counseling

11. Staff development in violence prevention and intervention techniques, including preparation to implement the elements of the safety plan

(cf. 4131 - Staff Development)
 (cf. 4231 - Staff Development)
 (cf. 4331 - Staff Development)

Regulation ALBANY UNIFIED SCHOOL DISTRICT
 reviewed: May 19, 2009 Albany, California
 revised:

Board Policy Update Guide 1000s		
BP or AR	BP & AR 1114	July 1, 2011
Title	District Sponsored Social Media	
Description	(BP/AR added) - New policy and regulation address the use of official district-sponsored social media platforms (e.g., Facebook, Twitter, YouTube, LinkedIn, blogs) as tools for communication and collaboration. Policy and regulation also address the open accessibility of social media and the circumstances under which the district may be able to remove posts that are not related to the stated purpose of the site or that are obscene, libelous, or incite students to commit unlawful acts.	
BP or AR	BP 1250	March 1, 2012
Title	Visitors/Outsiders	
Description	(BP revised) Updated policy adds new section regarding the presence on campus of registered sex offenders, including those who are parents/guardians of district students, based on their right to participate in their children's education.	
BP or AR	BP 1312.3	March 1, 2012
Title	Uniform Complaint Procedures	
Description	MANDATED policy updated to reflect NEW LAW (AB 887 and SB 559) which expands the prohibited bases of discrimination subject to uniform complaint procedures (UCP) to include genetic information, gender expression, and gender identity.	
BP or AR	AR/E 1312.3	March 1, 2012
Title	Uniform Complaint Procedures	
Description	MANDATED regulation revised to add, pursuant to the CDE's Federal Program Monitoring procedures, that the annual written notification should include a statement that copies of UCP will be provided free of charge. Regulation also revised to (1) require agreement of all parties (not just the complainant) before proceeding to mediation, and (2) clarify that the requirement that a complainant must wait until after 60 days of filing an appeal with the CDE before he/she pursues a civil law remedy applies only with respect to a complaint of discrimination based on state law. Exhibit updated accordingly.	
BP or AR	AR 1340	November 1, 2011
Title	Access to District Records	
Description	Regulation revised to list instructional materials as records that are accessible to the public under the California Public Records Act. Regulation also updates list of confidential records to include library circulation and patron use records, as added by NEW LAW (SB 445), and records pertaining to the security of the district's information technology system.	

Albany USD

Board Policy

District-Sponsored Social Media

BP 1114

Community Relations

The Governing Board recognizes the value of technology such as social media platforms in promoting community involvement and collaboration. The purpose of any official district social media platform shall be to further the district's vision and mission, support student learning and staff professional development, and enhance communication with students, parents/guardians, staff, and community members.

- (cf. 0000 - Vision)
- (cf. 0440 - District Technology Plan)
- (cf. 1100 - Communication with the Public)
- (cf. 1112 - Media Relations)
- (cf. 1113 - District and School Web Sites)
- (cf. 6020 - Parent Involvement)
- (cf. 6145.5 - Student Organizations and Equal Access)

The Superintendent or designee shall develop content guidelines and protocols for official district social media platforms to ensure the appropriate and responsible use of these resources and compliance with law, Board policy, and regulation.

Guidelines for Content

Official district social media platforms shall be used only for their stated purposes and in a manner consistent with this policy and administrative regulation. By creating these official sites and allowing for public comment, the Board does not intend to create a limited public forum or otherwise guarantee an individual's right to free speech.

- (cf. 5145.2 - Freedom of Speech/Expression)
- (cf. 6145.5 - Student Organizations and Equal Access)

The Superintendent or designee shall ensure that the limited purpose of the official district social media platforms is clearly communicated to users. Each site shall contain a statement that specifies the site's purposes along with a statement that users are expected to use the site only for those purposes. Each site shall also contain a statement that users are personally responsible for

the content of their posts.

Official district social media platforms may not contain content that is obscene, libelous, or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, violation of school rules, or substantial disruption of the school's orderly operation.

(cf. 5131 - Conduct)

Staff or students who post prohibited content shall be subject to discipline in accordance with district policies and administrative regulations.

(cf. 4040 - Employee Use of Technology)
 (cf. 4118 - Suspension/Disciplinary Action)
 (cf. 4119.21/4219.21/4319.21 - Professional Standards)
 (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
 (cf. 5144 - Discipline)
 (cf. 5144.1 - Suspension and Expulsion/Due Process)
 (cf. 6163.4 - Student Use of Technology)

Users of official district social media platforms should be aware of the public nature and accessibility of social media and that information posted may be considered a public record subject to disclosure under the Public Records Act. The Board expects users to conduct themselves in a respectful, courteous, and professional manner.

(cf. 1340 - Access to District Records)
 (cf. 9012 - Board Member Electronic Communications)

Privacy

The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on official district social media platforms.

Board policy pertaining to the posting of student photographs and the privacy of telephone numbers, home addresses, and email addresses, as specified in BP 1113 - District and School Web Sites, shall also apply to official district social media platforms.

(cf. 5125.1 - Release of Directory Information)

Social media and networking sites and other online platforms shall not be used by district employees to transmit confidential information about students, employees, or district operations.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5022 - Student and Family Privacy Rights)
(cf. 5125 - Student Records)

Legal Reference:

EDUCATION CODE

32261 School safety, definitions of bullying and electronic act
35182.5 Contracts for advertising
48900 Grounds for suspension and expulsion
48907 Exercise of free expression; rules and regulations
48950 Speech and other communication
49061 Definitions, directory information
49073 Release of directory information
60048 Commercial brand names, contracts or logos

GOVERNMENT CODE

3307.5 Publishing identity of public safety officers
6250-6270 Public Records Act, especially:
6254.21 Publishing addresses and phone numbers of officials
6254.24 Definition of public safety official
54952.2 Brown Act, definition of meeting

UNITED STATES CODE, TITLE 17

101-1101 Federal copyright law

UNITED STATES CODE, TITLE 20

1232g Federal Family Educational Rights and Privacy Act

UNITED STATES CODE, TITLE 29

157 Employee rights to engage in concerted, protected activity
794 Section 503 of the Rehabilitation Act of 1973; accessibility to federal web sites

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

COURT DECISIONS

Page v. Lexington County School District, (2008, 4th Cir.) 531 F.3d 275
Downs v. Los Angeles Unified School District, (2000) 228 F.3d 1003
Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112
Perry Education Association v. Perry Local Educators' Association, (1983) 460 U.S. 37
Board of Education, Island Trees Union Free School District, et.al. v. Pico, (1982) 457 U.S. 853

NATIONAL LABOR RELATIONS BOARD DECISIONS

18-CA-19081 Sears Holdings, December 4, 2009

Management Resources:

FACEBOOK PUBLICATIONS

Facebook for Educators Guide, 2011

WEB SITES

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

California School Public Relations Association: <http://www.calspra.org>

Facebook in Education: <http://www.facebook.com/education>
Facebook for Educators: <http://facebookforeducators.org>
Facebook, privacy resources: <http://www.facebook.com/fbprivacy>

Issued: 7/11

Adopted:



Albany USD

Board Policy

District-Sponsored Social Media

AR 1114
Community Relations

Definitions

Social media means any online platform for collaboration, interaction, and active participation, including, but not limited to, social networking sites such as Facebook, Twitter, YouTube, LinkedIn, or blogs.

Official district social media platform is a site authorized by the Superintendent or designee. Sites that have not been authorized by the Superintendent or designee but that contain content related to the district or comments on district operations, such as a site created by a parent-teacher organization, booster club, or other school-connected organization or a student's or employee's personal site, are not considered official district social media platforms.

(cf. 1230 - School-Connected Organizations)
(cf. 1260 - Educational Foundations)

Authorization for Official District Social Media Platforms

The Superintendent or designee shall authorize the development of any official district social media platform. Teachers and coaches shall obtain approval from the principal before creating an official classroom or team social media platform.

Guidelines for Content

The Superintendent or designee shall ensure that official district social media platforms provide current information regarding district programs, activities, and operations, consistent with the goals and purposes of this policy and regulation. Official district social media platforms shall contain content that is appropriate for all audiences.

(cf. 0440 - District Technology Plan)
(cf. 0510 - School Accountability Report Card)
(cf. 1100 - Communication with the Public)
(cf. 1112 - Media Relations)
(cf. 1113 - District and School Web Sites)
(cf. 6020 - Parent Involvement)

(cf. 6145.5 - Student Organization and Equal Access)

The Superintendent or designee shall ensure that copyright laws are not violated in the use of material on official district social media platforms.

(cf. 4132/4232/4332 - Publication or Creation of Materials)
(cf. 6162.6 - Use of Copyrighted Materials)

The Superintendent or designee shall ensure that official district social media platforms are regularly monitored. Staff members responsible for monitoring content may remove posts based on viewpoint-neutral considerations, such as lack of relation to the site's purpose or violation of the district's policy, regulation, or content guidelines.

Each official district social media platform shall prominently display:

1. The purpose of the site along with a statement that users are expected to use the site only for those intended purposes.
2. Information on how to use the security settings of the social media platform.
3. A statement that the site is regularly monitored and that any inappropriate post will be promptly removed. Inappropriate posts include those that:
 - a. Are obscene, libelous, or so incite students as to create a clear and present danger of the commission of unlawful acts on school premises, violation of school rules, or substantial disruption of the school's orderly operation
 - b. Are not related to the stated purpose of the site, including, but not limited to, comments of a commercial nature, political activity, and comments that constitute discrimination or harassment

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1160 - Political Processes)
(cf. 1325 - Advertising and Promotion)

4. Protocols for users, including expectations that users will communicate in a respectful, courteous, and professional manner.
5. A statement that users are personally responsible for the content of their posts and that the district is not responsible for the content of external online platforms.

6. A disclaimer that the views and comments expressed on the site are those of the users and do not necessarily reflect the views of the district.
7. A disclaimer that any user's reference to a specific commercial product or service does not imply endorsement or recommendation of that product or service by the district.
8. The individual(s) to contact regarding violation of district guidelines on the use of official district social media platforms.

District employees who participate in official district social media platforms shall adhere to all applicable district policies and procedures, including, but not limited to, professional standards related to interactions with students.

(cf. 4040 - Employee Use of Technology)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)

When appropriate, employees using official district social media platforms shall identify themselves by name and district title and include a disclaimer stating that the views and opinions expressed in their post are theirs alone and do not necessarily represent those of the district or school.

All staff shall receive information about appropriate use of the official district social media platforms.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Issued: 7/11

Reviewed August 8, 2012

Albany USD

Board Policy

Visitors/Outsiders

BP 1250

Community Relations

The Board of Education encourages parents/guardians and interested members of the community to visit the schools and view the educational program.

(cf. 1240 - Volunteer Assistance)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

To ensure the safety of students and staff and to ensure minimum interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be first arranged with the teacher and principal or designee. If a conference is desired, an appointment should be set with the teacher during noninstructional time.

(cf. 6116 - Classroom Interruptions)

To ensure the safety of students and staff and avoid potential disruptions, all visitors shall register immediately upon entering any school building or grounds when school is in session.

(cf. 1112 - Media Relations)

For purposes of school safety and security, the principal or designee may design a visible means of identification for visitors while on school premises.

No electronic listening or recording device may be used by students or visitors in a classroom without the teacher and principal's permission. (Education Code 51512)

(cf. 5144 - Discipline)

The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

- (cf. 1312.1 - Complaints Concerning District Employees)
- (cf. 1312.2 - Complaints Concerning Instructional Materials)
- (cf. 1312.3 - Uniform Complaint Procedures)
- (cf. 1312.4 - Williams Uniform Complaint Procedures)
- (cf. 3515.2 - Disruptions)

Presence of Sex Offender on Campus

Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of a district student, shall request written permission from the principal before entering the school campus or grounds. As necessary, the principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. The principal also shall report to the Superintendent or designee anytime he/she gives such written permission.

Legal Reference:

~~EDUCATION CODE~~

- ~~32210 Willful disturbance of public school or meeting~~
- ~~32211 Threatened disruption or interference with classes; misdemeanor~~
- ~~32212 Classroom interruptions~~
- ~~35160 Authority of governing boards~~
- ~~35292 Visits to schools (board members)~~
- ~~51512 Prohibited use of electronic listening or recording device~~

~~EVIDENCE CODE~~

- ~~1070 Refusal to disclose news source~~

~~LABOR CODE~~

- ~~230.8 Discharge or discrimination for taking time off~~

~~PENAL CODE~~

- ~~626-626.10 Schools~~
- ~~627-627.10 Access to school premises, especially:~~
 - ~~627.1 Definitions~~
 - ~~627.2 Necessity of registration by outsider~~
 - ~~627.7 Misdemeanors; punishment~~

~~ATTORNEY GENERAL OPINIONS~~

- ~~95 Ops. Cal. Atty. Gen. 509 (1996)~~

EDUCATION CODE

- 32210 Willful disturbance of public school or meeting
- 32211 Threatened disruption or interference with classes; misdemeanor
- 32212 Classroom interruptions
- 35160 Authority of governing boards
- 35292 Visits to schools (board members)

49091.10 Parental right to inspect instructional materials and observe school activities

51101 Parent Rights Act of 2002

51512 Prohibited use of electronic listening or recording device

EVIDENCE CODE

1070 Refusal to disclose news source

LABOR CODE

230.8 Discharge or discrimination for taking time off to participate in child's educational activities

PENAL CODE

290 Sex offenders

626-626.10 Schools

626.81 Misdemeanor for registered sex offender to come onto school grounds

627-627.10 Access to school premises, especially:

627.1 Definitions

627.2 Necessity of registration by outsider

627.7 Misdemeanors; punishment

COURT DECISIONS

Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4th 652

ATTORNEY GENERAL OPINIONS

95 Ops.Cal.Atty.Gen. 509 (1996)

Policy ALBANY UNIFIED SCHOOL DISTRICT

adopted: June 3, 2009 Albany, California

Revised:

Albany USD

Board Policy

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The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

- (cf. 1312.1 - Complaints Concerning District Employees)
- (cf. 1312.2 - Complaints Concerning Instructional Materials)
- (cf. 1312.3 - Uniform Complaint Procedures)
- (cf. 1312.4 - Williams Uniform Complaint Procedures)
- (cf. 3515.2 - Disruptions)

Presence of Sex Offender on Campus

Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of a district student, shall request written permission from the principal before entering the school campus or grounds. As necessary, the principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. The principal also shall report to the Superintendent or designee anytime he/she gives such written permission.

Legal Reference:

EDUCATION CODE

- 32210 Willful disturbance of public school or meeting
- 32211 Threatened disruption or interference with classes; misdemeanor
- 32212 Classroom interruptions
- 35160 Authority of governing boards
- 35292 Visits to schools (board members)
- 49091.10 Parental right to inspect instructional materials and observe school activities
- 51101 Parent Rights Act of 2002
- 51512 Prohibited use of electronic listening or recording device

EVIDENCE CODE

- 1070 Refusal to disclose news source

LABOR CODE

- 230.8 Discharge or discrimination for taking time off to participate in child's educational activities

PENAL CODE

- 290 Sex offenders
- 626-626.10 Schools
- 626.81 Misdemeanor for registered sex offender to come onto school grounds
- 627-627.10 Access to school premises, especially:
 - 627.1 Definitions
 - 627.2 Necessity of registration by outsider
 - 627.7 Misdemeanors; punishment

COURT DECISIONS

Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4th 652

ATTORNEY GENERAL OPINIONS

95 Ops.Cal.Atty.Gen. 509 (1996)

Policy ALBANY UNIFIED SCHOOL DISTRICT
adopted: June 3, 2009 Albany, California
Revised:

Revised.com

Albany USD

Board Policy

Uniform Complaint Procedures

BP 1312.3

Community Relations

The Board of Education recognizes that the District is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The District shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination and shall seek to resolve those complaints in accordance with the District's uniform complaint procedures. (5 CCR 4620)

The District shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, gender identity or expression, genetic information or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any District program or activity ~~that receives or benefits from state financial assistance.~~ (5 CCR 4610)

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and career technical and technical training programs, child care and development programs, child nutrition programs, and special education programs, and the development and adoption of the school safety plan. (5 CCR 4610)

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5148 - Child Care and Development)

(cf. 6159 - Individualized Education Program)

(cf. 6171 - Title I Programs)

(cf. 6174 - Education for English Language Learners)

(cf. 6175 - Migrant Education Program)

(cf. 6178 - Career Technical Education)

(cf. 6200 - Adult Education)

Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments shall be investigated pursuant to the District's Williams uniform complaint procedure (AR 1312.4).

(cf. 1312.4 - Williams Uniform Complaint Procedures)

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

The Board acknowledges and respects every individual's right to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee, on a case-by-case basis.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Board prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

Legal Reference:

EDUCATION CODE

- 200-262.4 Prohibition of discrimination
- 8200-8498 Child care and development programs
- 8500-8538 Adult basic education
- 18100-18203 School libraries
- 32289 School safety plan, uniform complaint procedure
- 35186 Williams uniform complaint procedure
- 41500-41513 Categorical education block grants
- 48985 Notices in language other than English
- 49060-49079 Student records

49490-49590 Child nutrition programs
 52160-52178 Bilingual education programs
 52300-52490 Career-technical education
 52500-52616.24 Adult schools
 52800-52870 School-based coordinated programs
 54000-54028 Economic impact aid programs
 54100-54145 Miller-Unruh Basic Reading Act
 54400-54425 Compensatory education programs
 54440-54445 Migrant education
 54460-54529 Compensatory education programs
 56000-56867 Special education programs
 59000-59300 Special schools and centers
 64000-64001 Consolidated application process

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

6301-6577 Title I basic programs

6601-6777 Title II preparing and recruiting high quality teachers and principals

6801-6871 Title III language instruction for limited English proficient and immigrant students

7101-7184 Safe and Drug-Free Schools and Communities Act

7201-7283g Title V promoting informed parental choice and innovative programs

7301-7372 Title V rural and low-income school programs

Management Resources:

WEB SITES

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

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

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

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy ALBANY UNIFIED SCHOOL DISTRICT

adopted: June 3, 2009 Albany, California

revised:

Albany USD

Board Policy

Uniform Complaint Procedures

BP 1312.3
Community Relations

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- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 1312.1 - Complaints Concerning District Employees)
- (cf. 1312.2 - Complaints Concerning Instructional Materials)
- (cf. 3553 - Free and Reduced Price Meals)
- (cf. 4031 - Complaints Concerning Discrimination in Employment)
- (cf. 5141.4 - Child Abuse Prevention and Reporting)
- (cf. 5148 - Child Care and Development)
- (cf. 6159 - Individualized Education Program)
- (cf. 6171 - Title I Programs)
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- (cf. 6175 - Migrant Education Program)
- (cf. 6178 - Career Technical Education)
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Legal Reference:

EDUCATION CODE

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- 54100-54145 Miller-Unruh Basic Reading Act
- 54400-54425 Compensatory education programs
- 54440-54445 Migrant education
- 54460-54529 Compensatory education programs
- 56000-56867 Special education programs
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PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

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UNITED STATES CODE, TITLE 20

6301-6577 Title I basic programs

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6801-6871 Title III language instruction for limited English proficient and immigrant students

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7201-7283g Title V promoting informed parental choice and innovative programs

7301-7372 Title V rural and low-income school programs

Management Resources

WEB SITES

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

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

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

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy ALBANY UNIFIED SCHOOL DISTRICT

adopted: June 3, 2009 Albany, California

revised:

Administrative Regulation

Uniform Complaint Procedures

AR 1312.3

Community Relations

Compliance Officers

The Board of Education designates the following compliance officer to receive and investigate complaints and to ensure District compliance with law:

Superintendent or designee
904 Talbot Avenue 1051 Monroe Street
Albany, CA 94706
510-558-3766

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible.

(cf. 9124 - Attorney)

Notifications

The Superintendent or designee shall annually provide written notification of the District's uniform complaint procedures to students, employees, parents/guardians, the District advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

The Superintendent or designee shall make available copies of the District's uniform complaint procedures free of charge. (5 CCR 4622)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:

- a. The District is primarily responsible for compliance with state and federal laws and regulations
- b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline
- c. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination
- d. The complainant has a right to appeal the District's decision to the CDE by filing a written appeal within 15 days of receiving the District's decision
- e. The appeal to the CDE must include a copy of the complaint filed with the District and a copy of the District's decision

(cf. 5145.6 - Parental Notifications)

Procedures

The following procedures shall be used to address all complaints which allege that the District has violated federal or state laws or regulations governing educational programs or has committed unlawful discrimination.

All complaints shall be investigated and resolved within 60 days of the receipt of the complaint. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Step 1: Filing of Complaint

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the District. (5 CCR 4630)

A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 days. A complaint may be filed only by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. (5 CCR 4630)

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, District staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Step 2: Investigation of Complaint

The compliance officer is encouraged to hold an investigative meeting as soon as possible after receiving the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint. The compliance officer shall collect all documents and ensure that all witnesses with information pertinent to the complaint are interviewed. (5 CCR 4631)

A complainant's refusal to provide the District's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

In accordance with law, the District shall provide the investigator with access to records and/or other information related to the allegation in the complaint. The district's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Step 3: Response

Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the District's investigation and decision, as described in Step #4 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the District's initial receipt the complaint or within the time

period that has been specified in a written agreement with the complainant. (5 CCR 4631)

Step 4: Final Written Decision

The District's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The District's decision shall be written in English and in the language of the complainant whenever feasible or as required by law (Education Code 48985).

The decision shall include:

1. The findings of fact based on the evidence gathered (5 CCR 4631)
2. The conclusion(s) of law (5 CCR 4631)
3. Disposition of the complaint (5 CCR 4631)
4. Rationale for such disposition (5 CCR 4631)
5. Corrective actions, if any are warranted (5 CCR 4631)
6. Notice of the complainant's right to appeal the District's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal (5 CCR 4631)
7. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies (Education Code 262.3)

If a student or an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the student or employee was informed of District expectations. The report shall not give any further information as to the nature of the disciplinary action.

Appeals to the California Department of Education

If dissatisfied with the District's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the District's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the District's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the District's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint

2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the District, if not covered by the decision
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the District's complaint procedures
7. Other relevant information requested by the CDE

The CDE may directly intervene in the complaint without waiting for action by the District when one of the conditions listed in 5 CCR 4650 exists, including cases in which the District has not taken action within 60 days of the date the complaint was filed with the District.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the District's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law, and is applicable only if the District has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

Regulation ALBANY UNIFIED SCHOOL DISTRICT

Reviewed approved: June 3, 2009 Albany, California

Revised: August 14, 2012

Administrative Regulation

Uniform Complaint Procedures

AR 1312.3

Community Relations

Compliance Officers

The Board of Education designates the following compliance officer to receive and investigate complaints and to ensure District compliance with law:

Superintendent or designee
1051 Monroe Street
Albany, CA 94706
510-558-3766

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible.

(cf. 9124 - Attorney)

Notifications

The Superintendent or designee shall annually provide written notification of the District's uniform complaint procedures to students, employees, parents/guardians, the District advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

The Superintendent or designee shall make available copies of the District's uniform complaint procedures free of charge. (5 CCR 4622)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:

- a. The District is primarily responsible for compliance with state and federal laws and regulations
- b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline
- c. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination
- d. The complainant has a right to appeal the District's decision to the CDE by filing a written appeal within 15 days of receiving the District's decision
- e. The appeal to the CDE must include a copy of the complaint filed with the District and a copy of the District's decision
(cf. 5145.6 - Parental Notifications)

Procedures

The following procedures shall be used to address all complaints which allege that the District has violated federal or state laws or regulations governing educational programs or has committed unlawful discrimination.

All complaints shall be investigated and resolved within 60 days of the receipt of the complaint. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Step 1: Filing of Complaint

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the District. (5 CCR 4630)

A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 days. A complaint may be filed only by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. (5 CCR 4630)

The complaint shall be presented to the compliance officer who shall maintain a log of

complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, District staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Step 2: Investigation of Complaint

The compliance officer is encouraged to hold an investigative meeting as soon as possible after receiving the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint. The compliance officer shall collect all documents and ensure that all witnesses with information pertinent to the complaint are interviewed. (5 CCR 4631)

A complainant's refusal to provide the District's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

In accordance with law, the District shall provide the investigator with access to records and/or other information related to the allegation in the complaint. (5 CCR 4631)

Step 3: Response

Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the District's investigation and decision, as described in Step #4 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the District's initial receipt the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

Step 4: Final Written Decision

The District's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The District's decision shall be written in English and in the language of the complainant whenever feasible or as required by law (Education Code 48985).

The decision shall include:

1. The findings of fact based on the evidence gathered (5 CCR 4631)
2. The conclusion(s) of law (5 CCR 4631)
3. Disposition of the complaint (5 CCR 4631)
4. Rationale for such disposition (5 CCR 4631)
5. Corrective actions, if any are warranted (5 CCR 4631)
6. Notice of the complainant's right to appeal the District's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal (5 CCR 4631)
7. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies (Education Code 262.3)

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If dissatisfied with the District's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the District's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the District's decision. (5 CCR 4632)

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3. A summary of the nature and extent of the investigation conducted by the District, if not covered by the decision

4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the District's complaint procedures
7. Other relevant information requested by the CDE

The CDE may directly intervene in the complaint without waiting for action by the District when one of the conditions listed in 5 CCR 4650 exists, including cases in which the District has not taken action within 60 days of the date the complaint was filed with the District.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the District's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law, and is applicable only if the District has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

Regulation: ALBANY UNIFIED SCHOOL DISTRICT
Reviewed: June 3, 2009 Albany, California
Revised: August 14, 2012

Albany USD

Exhibit

Uniform Complaint Procedures

E 1312.3

Community Relations

Exhibit 1

ALBANY UNIFIED SCHOOL DISTRICT

Uniform Complaint Procedures

COMPLAINT FORM

To be filed with: ~~Marla Stephenson~~, Superintendent
 Albany Unified School District
 1051 Monroe Street
 Albany, CA 94706
 510-558-3766
 510-559-6560 fax
 mstephenson@ausdk12.org

I have read the school district policy on Uniform Complaint Procedures and wish to file a complaint regarding a violation of federal or state law or regulations governing the following educational program which is covered under this procedure:-

(State or federally funded educational program in which the alleged violation occurred or other violation covered under the Uniform Complaint Procedure. If this complaint is not subject to the Uniform Complaint Procedure, the school district representative should list below the agency to which the complainant has been referred.)

(Agency to which complainant has been referred if this complaint is not covered by the Uniform Complaint Procedure.)

NATURE OF COMPLAINT

(Describe here the nature of the alleged violation. If this complaint involves the educational service provided to a specific child, please give the name, grade, and school of enrollment. Attach additional page if necessary.)

DATE OF VIOLATION

(Must be within six months of today's date. If not, you will be given information regarding an appeal to the state Superintendent of Public Instruction for an extension of time in which to file the complaint.)

Signed _____ Date _____

(Address and telephone number of person filing complaint)

Complaint received by

(Name and title)

Exhibit ALBANY UNIFIED SCHOOL DISTRICT
version: June 3, 2009 Albany, California
revised: August 14, 2012

Albany USD

Exhibit

Uniform Complaint Procedures

E 1312.3

Community Relations

Exhibit 1

ALBANY UNIFIED SCHOOL DISTRICT Uniform Complaint Procedures COMPLAINT FORM

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Albany, CA 94706
510-558-3766
510-559-6560 fax
mstephenson@ausdk12.org

I have read the school district policy on Uniform Complaint Procedures and wish to file a complaint regarding a violation of federal or state law or regulations governing the following educational program which is covered under this procedure:

(State or federally funded educational program in which the alleged violation occurred or other violation covered under the Uniform Complaint Procedure. If this complaint is not subject to the Uniform Complaint Procedure, the school district representative should list below the agency to which the complainant has been referred.)

(Agency to which complainant has been referred if this complaint is not covered by the Uniform Complaint Procedure.)

NATURE OF COMPLAINT

(Describe here the nature of the alleged violation. If this complaint involves the educational service provided to a specific child, please give the name, grade, and school of enrollment. Attach additional page if necessary.)

DATE OF VIOLATION

(Must be within six months of today's date. If not, you will be given information regarding an appeal to the state Superintendent of Public Instruction for an extension of time in which to file the complaint.)

Signed _____ Date _____

(Address and telephone number of person filing complaint)

Complaint received by _____

(Name and title)

Exhibit ALBANY UNIFIED SCHOOL DISTRICT
version: June 3, 2009 Albany, California
revised: August 14, 2012

RECEIVED

Albany USD

Administrative Regulation

Access To District Records

AR 1340

Community Relations

Definitions

Public records include any writing containing information relating to the conduct of the District's business prepared, owned, used, or retained by the District regardless of physical form or characteristics. (Government Code 6252)

Writing means any handwriting, typewriting, printing, photostating, photographing, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code 6252)

A member of the public includes any person, except a member, agent, officer, or employee of the District or a federal, state, or other local agency acting within the scope of his/her membership, agency, office or employment. Board of Education members shall have the ability to access public records permitted by law in the administration of their duties. Notwithstanding, members of the Board are entitled to access to District public records on the same basis as any other person. (Government Code 6252, 6252.5)

Public Records

Records to which the public shall have access include, but are not limited to:

1. Proposed and approved budgets and annual audit of the District ~~-(Government Code 6252; Education Code 41020, 42103)~~

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

2. Statistical compilations ~~(Government Code 6252)~~

3. Reports and memoranda ~~(Government Code 6252)~~

4. Notices and bulletins ~~(Government Code 6252)~~

5. Minutes of public meetings ~~-(Government Education Code 625235145)~~

(cf. 9324 - Minutes and Recordings)

6. Meeting agendas -(Government Code 6252, 54957.5)

(cf. 9322 - Agenda/Meeting Materials)

7. Official communications between the District and other governmental branches
(~~Government Code 6252~~)

8. School-based program plans -(Education Code 52850)

(cf. 0420.1 - School-Based Program Coordination)

9. Information and data relevant to the evaluation and modification of District plans

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

(cf. 0440 - District Technology Plan)

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

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

10. Initial proposals of exclusive employee representatives and of the District -
(Government Code 3547)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

11. ~~Fort claims~~ Claims filed against the District and records pertaining to pending litigation
~~which predate the filing of the litigation, unless protected by some other provision of law~~
(Government Code 6254.25; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988))

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

12. Statements of economic interests required by the Conflict of Interest Code -(Government
Code 81008)

(cf. 9270 - Conflict of Interest)

13. Contracts of employment and settlement agreements -(Government Code 53262)

(cf. 2121 - Superintendent's Contract)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

(cf. 4141/4241 - Collective Bargaining Agreement)

14. Instructional materials including, but not limited to, textbooks (64 Ops.Cal.Atty.Gen. 186

(1981))

The Superintendent or designee shall ensure that any public record containing personal information is redacted to ensure that such information, including, but not limited to, an employee's home address or social security number, is not disclosed to the public.

Confidential Records

Records to which the general public shall not have access include, but are not limited to:

1. Preliminary drafts, notes, interdistrict or intradistrict memoranda which are not retained by the District in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code 6254)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

2. Records specifically prepared for litigation to which the District is a party or to respond to claims made against the District pursuant to the Tort Claims Act are confidential, until the pending litigation or claim has been finally adjudicated or otherwise settled, or beyond, if unless the records are protected by some other provision of law (Government Code 6254, 6254.25; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988))

3. Personnel records, medical records, student records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy -(Government Code 6254)

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

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

The home addresses and home telephone numbers of employees may be disclosed only as follows: (Government Code 6254.3)

a. To an agent or a family member of the ~~individual to whom the information pertains~~employee

b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties

c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, unless the employee performs law enforcement-related functions or requests in writing that the information not be disclosed

(cf. 4140/4240/4340 - Bargaining Units)

d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to District employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents

(cf. 4154/4254/4354 - Health and Welfare Benefits)

4. Test questions, scoring keys, and other examination data except as provided by law – (Government Code 6254)

(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)

5. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the District relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 6254)

6. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information (Government Code 6254)

7. Library circulation and patron use records of a borrower or patron including, but not limited to, his/her name, address, telephone number, email address, borrowing information, or use of library information resources kept for the purpose of identifying the borrower of items available in the library-(Government Code 6254, 6267)

(cf. 6163.1 - Library Media Centers)

8. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code 6254)

(cf. 9124 - Attorney)

9. Documents prepared by or for the District to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt District operations and that are for distribution or consideration in closed session –(Government Code 6254)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

10. Recall petitions, petitions for special elections to fill Board vacancies, or petitions for the

reorganization of school districts -(Government Code 6253.5)

11. Minutes of Board meetings held in closed session -(Government Code 54957.2)

(cf. 9321 - Closed Session Purposes and Agendas)

12. Computer software developed by the District -(Government Code 6254.9)

13. Information security records, the disclosure of which would reveal vulnerabilities to, or increase potential for an attack on, the District's information technology system (Government Code 6254.19)

~~Written instructional textbooks or other materials which, when providing a copy, would infringe a copyright or would constitute an unreasonable burden on the operation of the district (65 Ops. Cal. Atty. Gen. 186 (1981))~~

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

14. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code 6254, 6255)

(cf. 5141.6 - School Health Services)

15. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes

16. Records for which the District can demonstrate that, based on the particular facts of the case, the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record -(Government Code 6255)

Inspection of Records and Requests for Copies

~~Every~~ Any person may request a copy or inspection of any District record that is open to the public and not exempt from disclosure. (Government Code 6253)

Within 10 days of receiving any request to inspect or copy a District record, the Superintendent or designee shall determine whether the request seeks release of a disclosable public record in the District's possession. The Superintendent or designee shall promptly inform the person making the request of his/her determination and the reasons for the decision. (Government Code 6253)

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual

circumstances include the following, but only to the extent reasonably necessary to properly process the request: (Government Code 6253)

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request
2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request
3. The need for consultation, which shall be conducted with all practicable speed, with another agency (e.g., a state agency or city) having a substantial interest in the determination of the request or among two or more components of the District (e.g., two different school sites) with substantial interest in the request
4. In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 6253)

Public records are open to inspection at all times during District office hours. Any reasonably segregable portion of a record shall be made available for inspection by ~~every~~ any person requesting the record after deletion of the portions that are exempted by law. (Government Code 6253)

Upon request for a copy that reasonably describes an identifiable record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 6253)

The Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication. Written requests to waive the fee shall be submitted to the Superintendent or designee.

If any person requests a public record be provided in an electronic format, the District shall make that record available in any electronic format in which it holds the information. The District shall provide a copy of the electronic record in the format requested as long as the requested format is one that has been used by the District to create copies for its own use or for use by other agencies. (Government Code 6253.9)

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code 6253.9)

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals
2. The request would require data compilation, extraction, or programming to produce the record

Assistance in Identifying Requested Records

If the Superintendent or designee denies a request for disclosable records, he/she shall assist the requester in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following: (Government Code 6253.1)

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified

If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.

2. Describe the information technology and physical location in which the records exist
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

Provisions of the Public Records Act shall not be construed so as to delay access for purposes of inspecting records open to the public. Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code 6253)

Regulation ALBANY UNIFIED SCHOOL DISTRICT
approved/Reviewed: June 3, 2009 Albany, California
Revised: August 14, 2012

Albany USD

Administrative Regulation

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(cf. 2121 - Superintendent's Contract)
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Regulation ALBANY UNIFIED SCHOOL DISTRICT
Reviewed: June 3, 2009 Albany, California
Revised: August 14, 2012

REVIEWED

Board Policy Update Guide 2000s		
BP or AR	BP 2121	November 1, 2011
Title	Superintendent's Contract	
Description	Policy updated to reflect NEW LAW (AB 1344) which prohibits the automatic renewal of the superintendent's contract with a provision for automatic increase that exceeds the cost-of-living adjustment and requires any contract executed or renewed after January 1, 2012 to include a provision requiring the superintendent to reimburse the district for paid leave salary or cash settlement in the event he/she is convicted of a crime involving an abuse of his/her position.	
BP or AR	BP 2140	
Title	Evaluation of the Superintendent	March 1, 2011
Description	(BP revised) - Updated policy broadens evaluation criteria and adds concept of providing opportunities throughout the year for review of the Superintendent's progress toward meeting goals. Policy also clarifies the Board's process for developing the evaluation document to be presented to the Superintendent.	

Albany USD

Board Policy

Superintendent's Contract

BP 2121
Administration

***Note: The following optional policy should be modified to reflect district practice. ***

The Governing Board believes that the Superintendent's employment contract should outline the framework through which the Board and Superintendent are to work together to achieve district goals and objectives. When approving the Superintendent's employment contract, the Board shall consider the need for stability in district administration and shall ensure the best use of district resources.

(cf. 2120 - Superintendent Recruitment and Selection)
(cf. 4312.1 - Contracts)
(cf. 9000 - Role of the Board)

The contract shall be reviewed by the district's legal counsel and shall, at a minimum, include the following:

1. The general duties and responsibilities of the position

(cf. 2110 - Superintendent Responsibilities and Duties)

2. The duration of the contract, which shall be for no more than four years pursuant to Education Code 35031

3. The salary, benefits, and other compensation for the position

(cf. 4154/4254/4354 - Health and Welfare Benefits)

4. The criteria, process, and procedure for evaluation and the conditions for reemployment

(cf. 2140 - Evaluation of the Superintendent)

5. The conditions for termination of the contract including the maximum cash settlement that the Superintendent may receive upon termination of the contract

***Note: Pursuant to Government Code 54957, personnel matters related to the appointment or employment of an employee may appropriately be discussed in closed session. However, pursuant to Government Code 54956, as amended by AB 1344 (Ch. 692, Statutes of 2011), the

Governing Board is prohibited from deliberating on the salary or other compensation of the Superintendent at a special meeting. See BB 9320 - Meetings and Notices and BB 9321 - Closed Session Purposes and Agendas. ***

The Board shall deliberate in the closed session of a regular meeting about the terms of the contract. (Government Code 54956, 54957)

(cf. 9320 - Meetings and Notices)
 (cf. 9321 - Closed Session Purposes and Agendas)
 (cf. 9321.1 - Closed Session Actions and Reports)

Terms of the contract shall remain confidential until the ratification process commences.

(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Board shall ratify the Superintendent's contract in an open meeting, which shall be reflected in the Board's minutes. Copies of the contract shall be available to the public upon request. (Government Code 53262)

(cf. 1340 - Access to District Records)
 (cf. 3580 - District Records)

***Note: The following optional paragraph provides that any extension of the contract be based on Board action rather than automatic "rollover" or "evergreen" provisions. Government Code 3511.2, as added by AB 1344 (Ch. 692, Statutes of 2011), prohibits the automatic renewal of a contract with a provision for automatic increase that exceeds the cost of living adjustment. ***

During an existing contract, the Board may reemploy the Superintendent on mutually agreed upon terms and conditions. However, the Superintendent's contract shall be extended only by Board action subsequent to a satisfactory evaluation of the Superintendent's performance and in accordance with Government Code 3511.2.

Decision not to Reemploy

***Note: Pursuant to Education Code 35031, the Board must notify the Superintendent, as specified in the following optional paragraph, if it decides to not reemploy him/her. If the Board fails to provide the required prior written notice, the Superintendent shall be deemed reemployed for a term of the same length as the one completed, under the same terms and conditions, and with the same compensation. ***

If the Board determines to not reemploy the Superintendent at the expiration of his/her contract, the Board shall provide written notice to him/her at least 45 days in advance of the expiration of the term of the contract. (Education Code 35031)

Termination of Contract

***Note: Pursuant to Government Code 53260, every employee contract must include a provision limiting the maximum cash settlement the employee may receive upon termination of the contract to an amount equal to his/her monthly salary multiplied by the number of months left on the contract. If the unexpired term is greater than 18 months, this maximum is equal to the monthly salary multiplied by 18. Cash settlements may be less than these maximums. The district must make termination agreements available to the public upon request. See AR 4117.5/4217.5/4317.5 - Termination Agreements. ***

The Board may terminate the Superintendent's contract of employment in accordance with law and applicable contract provisions. If the unexpired term of the contract is more than 18 months, the maximum cash settlement shall be no greater than the Superintendent's monthly salary multiplied by 18. The cash settlement shall not include any noncash items other than health benefits, which may be continued for the unexpired term of the contract up to 18 months or until the Superintendent finds other employment, whichever occurs first. (Government Code 53260, 53261)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

However, when the termination of the Superintendent's contract is based upon the Board's belief and subsequent confirmation through an independent audit that the Superintendent has engaged in fraud, misappropriation of funds, or other illegal fiscal practices, the maximum settlement shall be as determined by an administrative law judge but no greater than the Superintendent's monthly salary multiplied by six. (Government Code 53260)

***Note: Pursuant to Government Code 53243-53243.4, as added by AB 1344 (Ch. 692, Statutes of 2011), effective January 1, 2012, any Superintendent contract to be executed or renewed by the Board must contain a provision requiring the Superintendent to reimburse the district in circumstances specified below. ***

In addition, if the Superintendent is convicted of a crime involving an abuse of his/her office or position, he/she shall reimburse the district for payments he/she receives as paid leave salary pending investigation or as cash settlement upon his/her termination, and for any funds expended by the district in his/her defense against a crime involving his/her office or position. (Government Code 53243-53243.4, 53260)

Legal Reference:

EDUCATION CODE

35031 Term of employment

41325-41329.3 Conditions of emergency apportionment

GOVERNMENT CODE

3511.1-3511.2 Local agency executives

53243-53243.4 Abuse of office

53260-53264 Employment contracts

54954 Time and place of regular meetings

54957 Closed session personnel matters
54957.1 Closed session, public report of action taken

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Superintendent Evaluation, 2006

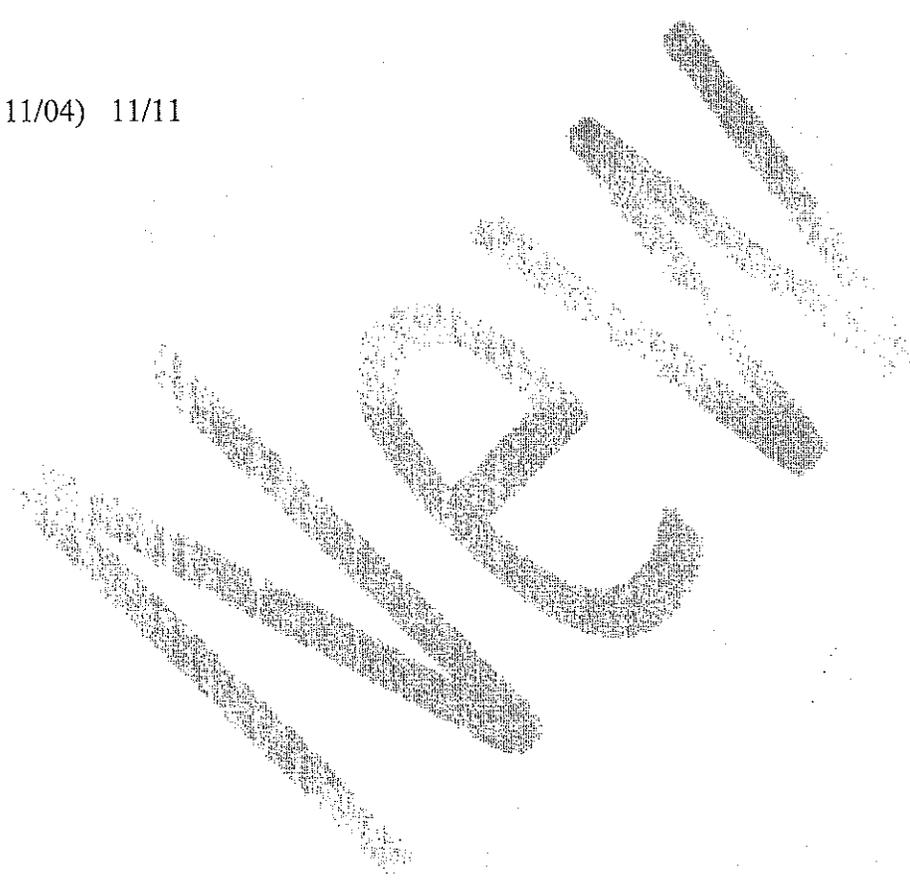
Maximizing School Board Governance: Superintendent Selection and Employment, 2004

WEB SITES

CSBA, Governance Consulting Services: <http://www.csba.org>

Association of California School Administrators: <http://www.acsa.org>

(7/01 11/04) 11/11



Albany USD

Board Policy

Evaluation of The Superintendent

BP 2140

Administration

The Governing Board recognizes that, in order to effectively fulfill its responsibilities for setting direction, ensuring accountability, and providing community leadership for the district, it must adopt measures for holding the Superintendent accountable. At a minimum, the Board shall annually conduct a formal evaluation of the Superintendent's performance to assess his/her effectiveness in leading the district toward established goals. In addition, the evaluation process may include opportunities during the year for review of the Superintendent's progress toward meeting the goals. The evaluation shall be in accordance with the provisions of the Superintendent's contract and any applicable Board policy.

(cf. 0000 - Vision)

(cf. 2121 - Superintendent's Contract)

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

Evaluation criteria shall be agreed upon by the Board and Superintendent prior to the evaluation and shall include, but not be limited to, district goals and success indicators; educational, management, and community leadership skills, and the Superintendent's professional relationship with the Board.

(cf. 2110 - Superintendent Responsibilities and Duties)

(cf. 2111 - Superintendent Governance Standards)

The Board and Superintendent shall jointly determine the evaluation method(s) and schedule that will best serve the district and the structure and format of the instrument to be used.

Prior to the evaluation, the Superintendent shall provide to the Board for its review a report of progress toward district goals, the Superintendent's self-appraisal of accomplishments and performance, and a statement of actions taken to address any Board recommendation from the previous evaluation.

Each Board member shall independently evaluate the Superintendent's performance. Based on these individual evaluations, the Board president shall produce a document that summarizes the individual evaluations. The Board shall then take action on this document and present it to the

Superintendent for his/her response.

The evaluation shall provide commendations in areas of strength and achievement, provide recommendations for improving effectiveness in areas of concern and unsatisfactory performance, and serve as a basis for making decisions about salary increase and/or contract extension.

The Board shall meet in closed session with the Superintendent to discuss the evaluation.
(Government Code 54957)

(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

The Superintendent shall have an opportunity to ask questions, respond verbally and in writing to the evaluation, and present additional evidence of his/her performance or district progress.

After the Board and Superintendent have discussed the evaluation, the Board president and Superintendent shall sign the evaluation and it shall be placed in the Superintendent's personnel file.

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

At the open session after the Superintendent's evaluation or at a subsequent meeting, the Board and Superintendent shall jointly identify performance goals for the next year.

(cf. 9400 - Board Self-Evaluation)

Legal Reference:

GOVERNMENT CODE

53262 Employment contracts, superintendent

54957 Closed session, personnel matters

COURT DECISIONS

Duval v. Board of Trustees, (2001) 93 Cal.App.4th 902

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Superintendent Evaluation, 2006

WEB SITES

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

Association of California School Administrators: <http://www.acsa.org>

(7/01 7/04) 3/11

**Board Policy Update Guide
3000s**

	New	Revised		Date of Gamut Update
BP	X		3515.2	March 1, 2012
Title			Disruptions	
Description			Policy updated to reflect NEW LAW (AB 1390) which requires the principal to inform law enforcement when anyone possesses a firearm or explosive or sells or furnishes a firearm on school grounds, and NEW LAW (AB 870) which prohibits razor blades and box cutters on school grounds or at school activities. Regulation reorganized and expanded to clarify the circumstances under which the principal or designee may direct persons to leave school grounds and to reflect NEW LAW (SB 492) which makes it a misdemeanor for anyone to loiter around a school and enhances penalties for specified loiterers.	
BR	X		3515.2	March 1, 2012
Title			Disruptions	
Description			Regulation updated to reflect NEW LAW (AB 123) which makes it a misdemeanor for a person to willfully or knowingly create a disruption with the intent to threaten the immediate physical safety of any student in grades K-8.	

Albany Unified School District Board Policy

Disruptions

BP 3515.2

Business and Noninstructional Operations

The Governing Board is committed to providing a safe environment for district students, staff, and others while they are on district property or engaged in school activities.

The Superintendent or designee shall remove any individual who, by his/her presence or action, disrupts or threatens to disrupt normal district or school operations, threatens the health or safety of anyone on district property, or causes or threatens to cause damage to district property or to any property on school grounds.

- (cf. 1250 - Visitors/Outsiders)
- (cf. 3515 - Campus Security)
- (cf. 4118 - Suspension/Disciplinary Action)
- (cf. 4158/4258/4358 - Employee Security)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 5131.4 - Student Disturbances)

The Superintendent or designee shall establish a plan describing staff responsibilities and actions to be taken when an individual is causing a disruption. In developing such a plan, the Superintendent or designee shall consult with law enforcement to create guidelines for law enforcement support and intervention in the event of a disruption.

- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 3515.3 - District Police/Security Department)
- (cf. 3516 - Emergencies and Disaster Preparedness Plan)

The Superintendent or designee shall provide training to school staff on how to identify and respond to actions or situations that may constitute a disruption.

- (cf. 4131 - Staff Development)
- (cf. 4231 - Staff Development)
- (cf. 4331 - Staff Development)

Any employee who believes that a disruption may occur shall immediately contact the principal. The principal or designee shall notify law enforcement in accordance with Education Code 48902 and 20 USC 7151 and in other situations, as appropriate.

Safe School Zone

Possession of a firearm within 1000 feet of any district school is prohibited except when authorized by law. (Penal Code 626.9)

Possession of any other unauthorized weapon or dangerous instrument is prohibited on school grounds or buses and at school-related or school-sponsored activities without the written permission of school authorities.

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

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

Legal Reference:

EDUCATION CODE

32210 Willful disturbance of public school or meeting, misdemeanor

32211 Threatened disruption or interference with classes; misdemeanor

35160 Authority of governing boards

44810 Willful interference with classroom conduct

44811 Disruption of classwork or extracurricular activities

48902 Notification of law enforcement authorities

51512 Prohibited use of electronic listening or recording device

PENAL CODE

243.5 Assault or battery on school property

415.5 Disturbance of peace of school

626-626.11 Schools, crimes, especially:

626.7 Failure to leave campus or facility; wrongful return; penalties; notice; exceptions

626.8 Disruptive presence at schools

626.81 Misdemeanor for registered sex offender to come onto school grounds

626.85 Misdemeanor for specified drug offender presence on school grounds

626.9 Gun Free School Zone Act

627-627.10 Access to school premises

653b Loitering about schools or public places

12556 Imitation firearms

UNITED STATES CODE, TITLE 20

7151 Gun-Free Schools Act

COURT DECISIONS

Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4th 652

In Re Joseph F., (2000) 85 Cal.App.4th 975

In Re Jimi A., (1989) 209 Cal.App.3d 482

In Re Oscar R., (1984) 161 Cal. App.3d 770

ATTORNEY GENERAL OPINIONS

79 Ops. Cal. Atty. Gen. 58 (1996)

Management Resources:

CSBA PUBLICATIONS

911! A Manual for Schools and the Media During a Campus Crisis, 2001

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, May 2003

WEB SITES

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

U.S. Department of Education, Emergency Planning:

<http://www.ed.gov/admins/lead/safety/emergencyplan>

(6/96 11/06) 3/10

Albany Unified School District

Administrative Regulation

Disruptions

AR 3515.2

Business and Noninstructional Operations

The principal or designee may direct any person, except a student, school employee, or other person required by his/her employment to be on school grounds, to leave school grounds or school activity if:

1. The principal or designee has reasonable basis for concluding that the person is committing or has entered the campus with the purpose of committing an act which is likely to interfere with the peaceful conduct, discipline, good order, or administration of the school or a school activity, or with the intent of inflicting damage to any person or property. (Education Code 44810, 44811, Penal Code 626.7)
 2. The person fights or challenges another person to a fight, willfully disturbs another person by loud and unreasonable noise, or uses offensive language which could provoke a violent reaction. (Penal Code 415.5)
 3. The person loiters around a school without lawful business for being present or reenters a school within 72 hours after he/she was asked to leave. (Penal Code 653b)
 4. The person is required to register as a sex offender pursuant to Penal Code 290 and does not have a lawful purpose and written permission from the principal or designee to be on school grounds. (Penal Code 626.81)
- (cf. 1250 - Visitors/Outsiders)
(cf. 3515.5 - Sex Offender Notification)
5. The person is a specified drug offender as defined in Penal Code 626.85 and does not have written permission from the principal or designee to be on school grounds. However, such specified drug offender may be on school grounds during any school activity if he/she is a student or the parent/guardian of a student attending the school. (Penal Code 626.85)
 6. The person willfully or knowingly creates a disruption with the intent to threaten the immediate physical safety of any student in grades K-8 while attending, arriving at, or leaving school. (Penal Code 626.8)
 7. The person has otherwise established a continued pattern of unauthorized entry on school grounds. (Penal Code 626.8)

- (cf. 1240 - Volunteer Assistance)
(cf. 3515.3 - District Police/Security Department)
(cf. 4158/4258/4358 - Employee Security)
(cf. 6145.2 - Athletic Competition)

The principal or designee shall allow a parent/guardian who was previously directed to leave school

grounds to reenter for the purpose of retrieving his/her child for disciplinary reasons, medical attention, or family emergencies, or with the principal or designee's prior written permission. (Penal Code 626.7, 626.85)

When directing any person to leave school premises, the principal or designee shall inform the person that he/she may be guilty of a crime if he/she:

1. Fails to leave or remains after being directed to leave. (Penal Code 626.7, 626.8, 626.85)
2. Returns to the campus without following the schools posted registration requirements. (Penal Code 626.7)
3. Returns within seven days after being directed to leave. (Penal Code 626.8, 626.85)

(cf. 0450 - Comprehensive Safety Plan)

Appeal Procedure

Any person who is asked to leave a school building or grounds may appeal to the Superintendent or designee. This appeal shall be made no later than the second school day after the person has departed from the school building or grounds. After reviewing the matter with the principal or designee and the person making the appeal, the Superintendent or designee shall render his/her decision within 24 hours after the appeal is made, and this decision shall be binding. (Education Code 32211)

The decision of the Superintendent or designee may be appealed to the Governing Board. Such an appeal shall be made no later than the second school day after the Superintendent or designee has rendered his/her decision. The Board shall consider and decide the appeal at its next scheduled regular or adjourned regular public meeting. The Board's decision shall be final. (Education Code 32211)

(11/06 3/10) 3/12

	AR 4112.2	July 1, 2011
Title	Certification	
Description	(AR revised) - Updated regulation reflects NEW TITLE 5 REGULATIONS (Register 2010, No. 43) which (1) provide that the Short-Term Staff Permit (STSP) and Provisional Internship Permit (PIP) now include an English learner authorization allowing the holder to provide services in English language development (ELD) or specially designed instruction in English (SDAIE); (2) allow the district to request that the holder of a STSP or PIP be granted a bilingual authorization to provide instruction in primary language development or content instruction delivered in the primary language; and (3) replace the Emergency Bilingual, Crosscultural, Language and Academic Development (BCLAD) Permit with an Emergency Bilingual Authorization Permit. Regulation also revises section on "Verification of Credentials" to reflect use of the Commission on Teacher Credentialing's (CTC) online system to verify credentials, and revises the section on "Basic Skills Proficiency" to clarify that there are multiple ways that teachers can fulfill the requirement to demonstrate basic skills proficiency beyond the California Basic Educational Skills Test	
	AR 4117.11	Nov. 1, 2011
Title	Pre-retirement Part-Time Employment	
Description	MANDATED regulation revised to clarify that, if a district allows certificated employees who are members of the defined benefit program of the California State Teachers' Retirement System to reduce their workload to part time while continuing to receive the same service credit and other benefits as full-time employees, it must afford equal treatment to all certificated employees who meet the eligibility requirements. Regulation also adds requirement for the district and/or employee to make the payment or contribution necessary for the employee to retain a benefit in the same manner as if the employee were employed full time.	
	BP 4030	March 1, 2012
Title	Nondiscrimination in Employment	
Description	Policy updated to reflect new law (SB 559 and AB 887) which expands categories of prohibited discrimination to include genetic information, gender expression, and gender identity. Policy also reflects new court decision which clarifies that a third party may file a suit alleging retaliation for a complaint by another person to whom the third party is related.	
	BP 4312.1	March 1, 2012
Title	Contracts	

Description	Policy updated to reflect new law (AB 1344) which prohibits the Board from calling a special meeting to consider the salary or other compensation of management employees, prohibits automatic renewal of a contract with a provision for automatic increase that exceeds the cost-of-living adjustment, and requires contracts executed or renewed after January 1, 2012, to contain a provision requiring an employee to reimburse the district in the event he/she is convicted of a crime involving abuse of his/her office or position. Policy also adds statement re: Board deliberation of employment contract in closed session.	
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Albany USD with track changes

Administrative Regulation

Preretirement Part-Time Employment

AR 4117.11

Personnel

On a case-by-case basis, the Superintendent or designee may allow any certificated employee who is a member of the defined benefit program of the California State Teachers' Retirement System (STRS) to reduce his/her workload from full time to part time when doing so does not disrupt the educational program and is in the best interests of the district.

~~Any such certificated employee who reduces his/her workload to part time may maintain the retirement and health and welfare benefits that he/she would have received if employed on a full time basis under the following conditions: (Education Code 22713, 44922)~~

Any such certificated employee who is a member of the defined benefit program of the California State Teachers' Retirement System (STRS) may continue to receive the service credits and maintain the retirement and health and welfare benefits that he/she would have received if employed on a full-time basis, provided the following conditions exist: (Education Code 22713, 44922)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

1. The option to reduce the employee's workload shall be exercised at the request of the employee and the agreement to reduce the workload shall be in effect at the beginning of the school year.
2. Prior to the reduction in workload, the employee shall have a minimum of 10 years of credited service, of which the immediately preceding five years were full-time employment.
3. The employee shall not have had a break in service during the five years immediately preceding the reduction in workload. Sabbaticals, other approved leaves of absence, and unpaid absences for personal reasons from full-time employment shall not constitute a break in service. However, any ~~the~~ period of time during which an employee is retired shall constitute a break in service and an employee who reinstates from retirement shall be required to be employed to perform creditable service on a full-time basis for at least five school years preceding the workload reduction if he/she reinstates from retirement.

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

4. The employee shall have reached the age of 55 years prior to the workload reduction.
5. The employee shall not hold a position with a salary above that of a school principal.

6. The reduced workload shall be equal to at least one-half of the time the district requires for full-time employment, in accordance with Education Code 22138.5, pursuant to the employee's contract of employment during his/her last year of full-time employment.

7. The employee shall be paid compensation that is the pro rata share of the creditable compensation he/she would have earned had he/she not reduced his/her workload.

8. For each school year that the employee's workload is reduced, the district and/or employee shall make any payment or contribution necessary for the employee's retention of a benefit to which he/she is entitled if employed full time, in the same manner as if the employee were employed full time.

9. The agreement may be revoked only by mutual consent of the employee and the Superintendent or designee.

However, an employee who has entered into a formalized agreement with the district to have his/her contribution into the defined benefit program picked up by the district may not terminate the agreement to reduce his/her workload except by one of the following:

- a. Terminating his/her service
- b. Retiring from service under the defined benefit program
- c. Continuing to perform creditable service under a new reduced workload arrangement for at least one-half of the time the district requires for full-time employment in accordance with Education Code 22138.5
- d. Returning to full-time employment

10. The period of the reduced workload shall not exceed 5[CA1] years.

Prior to the reduction of an employee's workload, the Superintendent or designee shall verify the employee's eligibility in conjunction with the administrative staff of STRS and/or the Public Employees' Retirement System. (Education Code 22713)

The Superintendent or designee shall maintain the necessary records to separately identify each employee who participates in the reduced workload program. (Education Code 22713)

Legal Reference:

EDUCATION CODE

22119.5 Creditable service, definition

22138.5 Full-time, definition

22713 Part-time employment; reduction of workload from full-time; credit

- 22903 Payment of contributions by employer for tax deferred purposes
- 44922 Regulations; reduction to part-time employment
- 44924 Regulations; prohibition against waiver of benefits

GOVERNMENT CODE

- 21110-21120 Reduced workload, partial service retirement under PERS
- 53201 Health and welfare benefits: election by officers and employees

COURT DECISIONS

- Praiser v. Biggs Unified School District (2001) 87 Cal.App.4th 398
- United Teachers-Los Angeles v. Los Angeles Unified School District (1994) 24 Cal.App.4th 1510

Management Resources:

WEB SITES

- California Public Employees' Retirement System: <http://www.calpers.ca.gov>
- California State Teachers' Retirement System: <http://www.calstrs.com>

Regulation ALBANY UNIFIED SCHOOL DISTRICT
approved: August 2, 2011 Albany, California
Reviewed: August 2012

Albany USD

Administrative Regulation

Preretirement Part-Time Employment

AR 4117.11

Personnel

On a case-by-case basis, the Superintendent or designee may allow any certificated employee who is a member of the defined benefit program of the California State Teachers' Retirement System (STRS) to reduce his/her workload from full time to part time when doing so does not disrupt the educational program and is in the best interests of the district.

Any such certificated employee who is a member of the defined benefit program of the California State Teachers' Retirement System (STRS) may continue to receive the service credits and maintain the retirement and health and welfare benefits that he/she would have received if employed on a full-time basis, provided the following conditions exist: (Education Code 22713, 44922)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

1. The option to reduce the employee's workload shall be exercised at the request of the employee and the agreement to reduce the workload shall be in effect at the beginning of the school year.
2. Prior to the reduction in workload, the employee shall have a minimum of 10 years of credited service, of which the immediately preceding five years were full-time employment.
3. The employee shall not have had a break in service during the five years immediately preceding the reduction in workload. Sabbaticals, other approved leaves of absence, and unpaid absences for personal reasons from full-time employment shall not constitute a break in service. However, any period of time during which an employee is retired shall constitute a break in service and an employee who reinstates from retirement shall be required to be employed to perform creditable service on a full-time basis for at least five school years preceding the workload reduction if he/she reinstates from retirement.
(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)
4. The employee shall have reached the age of 55 years prior to the workload reduction.
5. The employee shall not hold a position with a salary above that of a school principal.
6. The reduced workload shall be equal to at least one-half of the time the district requires for full-time employment, in accordance with Education Code 22138.5, pursuant to the employee's contract of employment during his/her last year of full-time employment.

7. The employee shall be paid compensation that is the pro rata share of the creditable compensation he/she would have earned had he/she not reduced his/her workload.

8. For each school year that the employee's workload is reduced, the district and/or employee shall make any payment or contribution necessary for the employee's retention of a benefit to which he/she is entitled if employed full time, in the same manner as if the employee were employed full time.

9. The agreement may be revoked only by mutual consent of the employee and the Superintendent or designee.

However, an employee who has entered into a formalized agreement with the district to have his/her contribution into the defined benefit program picked up by the district may not terminate the agreement to reduce his/her workload except by one of the following:

- a. Terminating his/her service
 - b. Retiring from service under the defined benefit program
 - c. Continuing to perform creditable service under a new reduced workload arrangement for at least one-half of the time the district requires for full-time employment in accordance with Education Code 22138.5
 - d. Returning to full-time employment
10. The period of the reduced workload shall not exceed 5[CA1] years.

Prior to the reduction of an employee's workload, the Superintendent or designee shall verify the employee's eligibility in conjunction with the administrative staff of STRS and/or the Public Employees' Retirement System. (Education Code 22713)

The Superintendent or designee shall maintain the necessary records to separately identify each employee who participates in the reduced workload program. (Education Code 22713)

Legal Reference:

EDUCATION CODE

22119.5 Creditable service, definition

22138.5 Full-time, definition

22713 Part-time employment; reduction of workload from full-time; credit

22903 Payment of contributions by employer for tax deferred purposes

44922 Regulations; reduction to part-time employment

44924 Regulations; prohibition against waiver of benefits

GOVERNMENT CODE

21110-21120 Reduced workload, partial service retirement under PERS

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COURT DECISIONS

Praiser v. Biggs Unified School District (2001) 87 Cal.App.4th 398

United Teachers-Los Angeles v. Los Angeles Unified School District (1994) 24 Cal.App.4th 1510

Management Resources:

WEB SITES

California Public Employees' Retirement System: <http://www.calpers.ca.gov>

California State Teachers' Retirement System: <http://www.calstrs.com>

Regulation ALBANY UNIFIED SCHOOL DISTRICT

approved: August 2, 2011 Albany, California

Reviewed: August 2012

Copyright

Albany USD with track changes

Administrative Regulation

Certification

AR 4112.2

Personnel

Registration

~~Each person employed by the district for a position requiring certification qualifications shall, within 60 days after beginning employment, register with the district a valid credential issued by the Commission on Teacher Credentialing (CTC) authorizing the person to work in that position. Certificated employees also shall register renewed credentials within 60 days after the renewal. (Education Code 42647, 44332.5, 44857)~~

The Superintendent or designee shall verify that each employee in a position requiring certification qualifications possesses a valid credential or permit issued by the Commission on Teacher Credentialing (CTC). Such verification shall occur not later than 60 days after the commencement of employment or the renewal of a credential. (Education Code 44857)

Basic Skills Proficiency Test

The district shall not initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his/her credential unless that person has passed the California Basic Educational Skills Test (CBEST) in reading, writing, and mathematics or is specifically exempted from the requirement by law. (Education Code 44252, 44252.6, 44830)

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

(cf. 4112.23 - Special Education Staff)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 5148 - Child Care and Development)

(cf. 6178 - Career Technical Education)

(cf. 6178.2 - Regional Occupational Center/Program)

(cf. 6200 - Adult Education)

The district may hire a certificated teacher who has not taken the CBEST a test of basic skills proficiency if he/she has not yet been afforded the opportunity to take the test. The employee shall take the test at the earliest opportunity and may remain employed by the district pending the receipt of his/her test results. (Education Code 44830)

An out-of-state prepared teacher shall ~~complete the CBEST~~ meet the basic skills requirement within one year of being issued a California preliminary credential by the CTC unless he/she has

completed a basic skills proficiency test in another state or is otherwise exempted by law. An out-of-state prepared teacher applying to the CTC for a one-year nonrenewable credential pending completion of the CBEST requirement shall pass the district's basic skills proficiency test which is at least equivalent to the district test required for high school graduation. (Education Code 44252, 44274.2)

- (cf. 6146.1 - High School Graduation Requirements)
- (cf. 6146.2 - Certificate of Proficiency)
- (cf. 6162.5 - High School Exit Examination)

A person holding or applying for a designated subjects special subjects credential which does not require possession of a bachelor's degree shall pass the district proficiency test in lieu of the CBEST. (Education Code 44252, 44830)

Short-Term Staff Permit

The district may request that the CTC issue a short-term staff permit (STSP) to an applicant who meets the qualifications specified in 5 CCR 80021 whenever there is a need to immediately fill a classroom based on an acute staffing need, including, but not limited to, the following circumstances: (5 CCR 80021)

1. Enrollment adjustments require the addition of another teacher.
2. The teacher of record is unable to finish the school year due to approved leave or illness.
3. The applicant needs additional time to complete preservice requirements for enrollment into an approved internship program.

(cf. 4112.21 - Interns)

4. The applicant is unable to enroll in an approved internship program due to timelines or lack of space in the program.
5. A third-year extension of an internship program is unavailable or the applicant has withdrawn from an internship program.

When requesting issuance of an STSP, the district shall submit to the CTC: (5 CCR 80021)

1. Verification that it has conducted a local recruitment for the permit being requested
2. Verification that it has provided the permit holder with orientation to the curriculum and to instruction and classroom management techniques and has assigned a mentor teacher for the term of the permit

(cf. 4131 - Staff Development)

3. Written justification for the permit signed by the Superintendent or designee

The holder of an STSP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021)

Provisional Internship Permit

The district may request that the CTC issue a provisional internship permit (PIP) to an applicant who meets the qualifications specified in 5 CCR 80021.1 whenever a suitable credentialed teacher cannot be found after a diligent search. The district shall verify all of the following: (5 CCR 80021.1, 80026.5)

1. A diligent search has been conducted for a suitable credentialed teacher or suitable qualified intern as evidenced by documentation of the search.

The search shall include, but not be limited to, distributing job announcements, contacting college and university placement centers, and advertising in print or electronic media.

(cf. 4111/4211/4311 - Recruitment and Selection)

2. Orientation, guidance, and assistance shall be provided to the permit holder as specified in 5 CCR 80026.5.

The orientation shall include, but not be limited to, an overview of the curriculum the permit holder is expected to teach and effective instruction and classroom management techniques at the permit holder's assigned level. The Superintendent or designee shall assign an experienced educator to guide and assist each permit holder.

3. The district shall assist the permit holder in developing a personalized plan through a district-selected assessment that would lead to subject-matter competence related to the permit.

4. The district shall assist the permit holder to seek and enroll in subject-matter training, such as workshops or seminars and site-based courses, along with training in test-taking strategies, and shall assist the permit holder in meeting the credential subject-matter competence requirement related to the permit.

5. A notice of intent to employ the applicant in the identified position has been made public.

The district shall submit a copy of the agenda item presented at a public Board of Education meeting which shall state the name of the applicant, the assignment in which the applicant will be employed including the name of the school, subject(s), and grade(s) that he/she will be teaching, and that the applicant will be employed on the basis of a PIP. The district also shall submit a signed statement from the Superintendent or designee that the agenda item was acted upon favorably.

6. The candidate has been apprised of steps to earn a credential and enroll in an internship

program.

The holder of a PIP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021.1)

Visiting Faculty Permits

The district may request that the CTC issue a visiting faculty permit authorizing an individual to teach in departmentalized classes if he/she has at least three years full-time teaching experience at an accredited postsecondary institution, possesses a master's degree in a subject area closely related to the subject he/she proposes to teach, and meets other qualifications specified in law. In such cases, the district shall provide the CTC with both of the following: (Education Code 44300.1)

1. Annual documentation that the district has implemented a process for conducting a diligent search that includes, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, and participating in job fairs in California, but has been unable to recruit a sufficient number of certificated teachers to teach the subject matter that the visiting faculty member proposes to teach
2. The Board-adopted Declaration of Need for Fully Qualified Educators based on the documentation set forth in item #1

Credential Waiver/"Long-Term Substitute" Emergency Permits

If the district is unable to place at a school site a teacher who has completed a teacher preparation program, the district shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

1. A candidate who is qualified to participate in and enrolls in an approved internship program in the region of the district
2. A candidate who is scheduled to complete preliminary credential requirements within six months and who is provided orientation, guidance, and assistance by the district

If an individual who meets the criteria specified in item #1 or 2 above is not available to the district, the district may, as a last resort, request from the CTC a credential waiver or an emergency permit for the assignment of an individual who does not meet those criteria. (Education Code 44225.7; 5 CCR 80023, 80026)

The district may request an emergency permit authorizing resource specialist, Crosscultural, Language and Academic Development (CLAD), Bilingual, Crosscultural, Language and Academic Development (BCLAD), or library media services.

In order to request an emergency permit, the district shall annually submit the Board-approved

Declaration of Need for Fully Qualified Educators on a form provided by the CTC, including certification that the district has made reasonable efforts to recruit a fully prepared teacher for the assignment. (Education Code 44225.7; 5 CCR 80023, 80026)

The Superintendent or designee shall provide any first-time recipient of an emergency teaching permit with an orientation to teaching which shall, to the extent reasonably feasible, occur before he/she begins a teaching assignment. The orientation shall include, but not be limited to, the curriculum the teacher is expected to teach and effective techniques of classroom instruction at the assigned grade-level span. The emergency permit holder also shall receive guidance and assistance from an experienced educator who is a certificated district employee or a certificated retiree from a California district or county office of education and who has completed at least three years of full-time classroom teaching experience. (5 CCR 80026.5)

(cf. 4117.14/4317.14 - Postretirement Employment)

Emergency Substitute Teaching Permits

The district may employ for day-to-day substitute teaching, at any grade level, a person with an emergency substitute permit issued by the CTC with the following restrictions:

1. A person holding an emergency 30-day substitute permit, or any valid teaching or services credential that requires at least a bachelor's degree and completion of the CBEST, shall not serve as a substitute for more than 30 days for any one teacher during the school year. He/she shall not serve as a substitute in a special education classroom for more than 20 days for any one teacher during the school year. (5 CCR 80025, 80025.3, 80025.4)
2. A person with an emergency career substitute teaching permit shall not serve as a substitute for more than 60 days for any one teacher during the school year. (5 CCR 80025.1)
3. A person with an emergency substitute permit for prospective teachers shall not serve as a substitute for more than 30 days for any one teacher during the school year and not more than 90 days total during the school year. (5 CCR 80025.2)
4. A person with an emergency substitute permit for career technical education shall teach only in a program of technical, trade, or vocational education and not serve as a substitute for more than 30 days for any one teacher during the school year. (5 CCR 80025.5)

Before employing a person with an emergency substitute permit pursuant to item #1 or 4 above, the Superintendent or designee shall prepare and keep on file a signed Statement of Need for the school year. The Statement of Need shall describe the situation or circumstances that necessitate the use of a 30-day substitute permit holder and state either that a credentialed person is not available or that the available credentialed person does not meet the district's specified employment criteria. (5 CCR 80025, 80025.5)

P112

Regulation ALBANY UNIFIED SCHOOL DISTRICT
approved: June 3, 2009 Albany, California
Reviewed: August 2012

Albany USD

Administrative Regulation

Certification

AR 4112.2

Personnel

Registration

The Superintendent or designee shall verify that each employee in a position requiring certification qualifications possesses a valid credential or permit issued by the Commission on Teacher Credentialing (CTC). Such verification shall occur not later than 60 days after the commencement of employment or the renewal of a credential. (Education Code 44857)

Basic Skills Proficiency Test

The district shall not initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his/her credential unless that person has passed the California Basic Educational Skills Test (CBEST) in reading, writing, and mathematics or is specifically exempted from the requirement by law. (Education Code 44252, 44252.6, 44830)

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

(cf. 4112.23 - Special Education Staff)

(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 5148 - Child Care and Development)

(cf. 6178 - Career Technical Education)

(cf. 6178.2 - Regional Occupational Center/Program)

(cf. 6200 - Adult Education)

The district may hire a certificated teacher who has not taken a test of basic skills proficiency if he/she has not yet been afforded the opportunity to take the test. The employee shall take the test at the earliest opportunity and may remain employed by the district pending the receipt of his/her test results. (Education Code 44830)

An out-of-state prepared teacher shall meet the basic skills requirement within one year of being issued a California preliminary credential by the CTC unless he/she has completed a basic skills proficiency test in another state or is otherwise exempted by law. An out-of-state prepared teacher applying to the CTC for a one-year nonrenewable credential pending completion of the CBEST requirement shall pass the district's basic skills proficiency test which is at least equivalent to the district test required for high school graduation. (Education Code 44252, 44274.2)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.2 - Certificate of Proficiency)

(cf. 6162.5 - High School Exit Examination)

A person holding or applying for a designated subjects special subjects credential which does not require possession of a bachelor's degree shall pass the district proficiency test in lieu of the CBEST. (Education Code 44252, 44830)

Short-Term Staff Permit

The district may request that the CTC issue a short-term staff permit (STSP) to an applicant who meets the qualifications specified in 5 CCR 80021 whenever there is a need to immediately fill a classroom based on an acute staffing need, including, but not limited to, the following circumstances: (5 CCR 80021)

1. Enrollment adjustments require the addition of another teacher.
2. The teacher of record is unable to finish the school year due to approved leave or illness.
3. The applicant needs additional time to complete preservice requirements for enrollment into an approved internship program.

(cf. 4112.21 - Interns)

4. The applicant is unable to enroll in an approved internship program due to timelines or lack of space in the program.
5. A third-year extension of an internship program is unavailable or the applicant has withdrawn from an internship program.

When requesting issuance of an STSP, the district shall submit to the CTC: (5 CCR 80021)

1. Verification that it has conducted a local recruitment for the permit being requested
2. Verification that it has provided the permit holder with orientation to the curriculum and to instruction and classroom management techniques and has assigned a mentor teacher for the term of the permit

(cf. 4131 - Staff Development)

3. Written justification for the permit signed by the Superintendent or designee

The holder of an STSP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021)

Provisional Internship Permit

The district may request that the CTC issue a provisional internship permit (PIP) to an applicant

who meets the qualifications specified in 5 CCR 80021.1 whenever a suitable credentialed teacher cannot be found after a diligent search. The district shall verify all of the following: (5 CCR 80021.1, 80026.5)

1. A diligent search has been conducted for a suitable credentialed teacher or suitable qualified intern as evidenced by documentation of the search.

The search shall include, but not be limited to, distributing job announcements, contacting college and university placement centers, and advertising in print or electronic media.

(cf. 4111/4211/4311 - Recruitment and Selection)

2. Orientation, guidance, and assistance shall be provided to the permit holder as specified in 5 CCR 80026.5.

The orientation shall include, but not be limited to, an overview of the curriculum the permit holder is expected to teach and effective instruction and classroom management techniques at the permit holder's assigned level. The Superintendent or designee shall assign an experienced educator to guide and assist each permit holder.

3. The district shall assist the permit holder in developing a personalized plan through a district-selected assessment that would lead to subject-matter competence related to the permit.

4. The district shall assist the permit holder to seek and enroll in subject-matter training, such as workshops or seminars and site-based courses, along with training in test-taking strategies, and shall assist the permit holder in meeting the credential subject-matter competence requirement related to the permit.

5. A notice of intent to employ the applicant in the identified position has been made public.

The district shall submit a copy of the agenda item presented at a public Board of Education meeting which shall state the name of the applicant, the assignment in which the applicant will be employed including the name of the school, subject(s), and grade(s) that he/she will be teaching, and that the applicant will be employed on the basis of a PIP. The district also shall submit a signed statement from the Superintendent or designee that the agenda item was acted upon favorably.

6. The candidate has been apprised of steps to earn a credential and enroll in an internship program.

The holder of a PIP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021.1)

Visiting Faculty Permits

The district may request that the CTC issue a visiting faculty permit authorizing an individual to

teach in departmentalized classes if he/she has at least three years full-time teaching experience at an accredited postsecondary institution, possesses a master's degree in a subject area closely related to the subject he/she proposes to teach, and meets other qualifications specified in law. In such cases, the district shall provide the CTC with both of the following: (Education Code 44300.1)

1. Annual documentation that the district has implemented a process for conducting a diligent search that includes, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, and participating in job fairs in California, but has been unable to recruit a sufficient number of certificated teachers to teach the subject matter that the visiting faculty member proposes to teach
2. The Board-adopted Declaration of Need for Fully Qualified Educators based on the documentation set forth in item #1

Credential Waiver/"Long-Term Substitute" Emergency Permits

If the district is unable to place at a school site a teacher who has completed a teacher preparation program, the district shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

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assistance from an experienced educator who is a certificated district employee or a certificated retiree from a California district or county office of education and who has completed at least three years of full-time classroom teaching experience. (5 CCR 80026.5)

(cf. 4117.14/4317.14 - Postretirement Employment)

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3. A person with an emergency substitute permit for prospective teachers shall not serve as a substitute for more than 30 days for any one teacher during the school year and not more than 90 days total during the school year. (5 CCR 80025.2)
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Regulation ALBANY UNIFIED SCHOOL DISTRICT
 approved: June 3, 2009 Albany, California
 Reviewed: August 2012

Albany USD with track changes

Administrative Regulation

Preretirement Part-Time Employment

AR 4117.11

Personnel

On a case-by-case basis, the Superintendent or designee may allow any certificated employee who is a member of the defined benefit program of the California State Teachers' Retirement System (STRS) to reduce his/her workload from full time to part time when doing so does not disrupt the educational program and is in the best interests of the district.

~~Any such certificated employee who reduces his/her workload to part time may maintain the retirement and health and welfare benefits that he/she would have received if employed on a full time basis under the following conditions: (Education Code 22713, 44922)~~

Any such certificated employee who is a member of the defined benefit program of the California State Teachers' Retirement System (STRS) may continue to receive the service credits and maintain the retirement and health and welfare benefits that he/she would have received if employed on a full-time basis, provided the following conditions exist: (Education Code 22713, 44922)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

1. The option to reduce the employee's workload shall be exercised at the request of the employee and the agreement to reduce the workload shall be in effect at the beginning of the school year.
2. Prior to the reduction in workload, the employee shall have a minimum of 10 years of credited service, of which the immediately preceding five years were full-time employment.
3. The employee shall not have had a break in service during the five years immediately preceding the reduction in workload. Sabbaticals, other approved leaves of absence, and unpaid absences for personal reasons from full-time employment shall not constitute a break in service. However, any ~~the~~ period of time during which an employee is retired shall constitute a break in service and an employee who reinstates from retirement shall be required to be employed to perform creditable service on a full-time basis for at least five school years preceding the workload reduction if he/she reinstates from retirement.

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

4. The employee shall have reached the age of 55 years prior to the workload reduction.
5. The employee shall not hold a position with a salary above that of a school principal.

6. The reduced workload shall be equal to at least one-half of the time the district requires for full-time employment, in accordance with Education Code 22138.5, pursuant to the employee's contract of employment during his/her last year of full-time employment.

7. The employee shall be paid compensation that is the pro rata share of the creditable compensation he/she would have earned had he/she not reduced his/her workload.

8. For each school year that the employee's workload is reduced, the district and/or employee shall make any payment or contribution necessary for the employee's retention of a benefit to which he/she is entitled if employed full time, in the same manner as if the employee were employed full time.

89. The agreement may be revoked only by mutual consent of the employee and the Superintendent or designee.

However, an employee who has entered into a formalized agreement with the district to have his/her contribution into the defined benefit program picked up by the district may not terminate the agreement to reduce his/her workload except by one of the following:

- a. Terminating his/her service
- b. Retiring from service under the defined benefit program
- c. Continuing to perform creditable service under a new reduced workload arrangement for at least one-half of the time the district requires for full-time employment in accordance with Education Code 22138.5
- d. Returning to full-time employment

910. The period of the reduced workload shall not exceed 5[CA1] years.

Prior to the reduction of an employee's workload, the Superintendent or designee shall verify the employee's eligibility in conjunction with the administrative staff of STRS and/or the Public Employees' Retirement System. (Education Code 22713)

The Superintendent or designee shall maintain the necessary records to separately identify each employee who participates in the reduced workload program. (Education Code 22713)

Legal Reference:

EDUCATION CODE

22119.5 Creditable service, definition

22138.5 Full-time, definition

22713 Part-time employment; reduction of workload from full-time; credit

- 22903 Payment of contributions by employer for tax deferred purposes
- 44922 Regulations; reduction to part-time employment
- 44924 Regulations; prohibition against waiver of benefits

GOVERNMENT CODE

- 21110-21120 Reduced workload, partial service retirement under PERS
- 53201 Health and welfare benefits: election by officers and employees

COURT DECISIONS

- Praiser v. Biggs Unified School District (2001) 87 Cal.App.4th 398
- United Teachers-Los Angeles v. Los Angeles Unified School District (1994) 24 Cal.App.4th 1510

Management Resources:

WEB SITES

- California Public Employees' Retirement System: <http://www.calpers.ca.gov>
- California State Teachers' Retirement System: <http://www.calstrs.com>

Regulation ALBANY UNIFIED SCHOOL DISTRICT
approved: August 2, 2011 Albany, California
Reviewed: August 2012

Albany USD

Board Policy

Nondiscrimination In Employment

BP 4030
Personnel

The Governing Board desires to provide a positive work environment where employees and job applicants are free from harassment and are assured of equal access and opportunities in accordance with law. The Board prohibits any district employee from harassing or discriminating against any other district employee or job applicant on the basis of the person's actual or perceived race, religion, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, gender identity, gender expression, sex, or sexual orientation.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4032 - Reasonable Accommodation)
(cf. 4033 - Lactation Accommodation)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)
(cf. 4154/4254/4354 - Health and Welfare Benefits)
(cf. 5145.7 - Sexual Harassment)

Prohibited discrimination consists of any adverse employment action, including termination or denial of promotion, job assignment, or training, based on any of the prohibited categories of discrimination listed above. Harassment consists of any unwelcome verbal, physical, or visual conduct that is based on any of the prohibited categories of discrimination listed above and that is so severe and pervasive that it adversely affects an individual's employment opportunities, has the purpose or effect of unreasonably interfering with the individual's work performance, or creates an intimidating, hostile, or offensive work environment.

The Board also prohibits retaliation against any district employee or job applicant who complains, testifies, assists, or in any way participates in the district's complaint procedures instituted pursuant to this policy.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

(cf. 4117.4 - Dismissal)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The following position is designated as Coordinator for Nondiscrimination in Employment:

Human Resources Administrator
1051 Monroe St.
Albany, CA 94706
510-558-3757

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of district policy should, as appropriate, immediately contact his/her supervisor, the Coordinator, or the Superintendent who shall advise the employee or applicant about the district's procedures for filing, investigating, and resolving any such complaint.

Complaints regarding employment discrimination or harassment shall immediately be investigated in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Coordinator or Superintendent as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

Training and Notifications

The Superintendent or designee shall provide training to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the district's policies and regulations regarding discrimination.

(cf. 4131- Staff Development)

(cf. 4231- Staff Development)

(cf. 4331- Staff Development)

The Superintendent or designee shall regularly publicize, within the district and in the community, the district's nondiscrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin, or application form that is used in employee recruitment. (34 CFR 100.6, 106.9)

The district's policy shall be posted in all district schools and offices including staff lounges and student government meeting rooms. (5 CCR 4960)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI Civil Rights Act of 1964, as amended

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

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

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

6101-6107 Age discrimination in federally assisted programs

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.7 Designation of responsible employee for Section 504

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

110.1-110.39 Nondiscrimination on the basis of age

COURT DECISIONS

Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863

Shephard v. Loyola Marymount, (2002) 102 Cal.App.4th 837

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Questions and Answers: Religious Discrimination in the Workplace, 2008

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

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

Notice of Non-Discrimination, August 2010

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

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

U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

(11/03 3/10) 3/12

Approved: August 2012

Albany USD - with track changes

Board Policy

Nondiscrimination In Employment

BP 4030

Personnel

The Board of Education prohibits discrimination against and/or harassment of district employees and job applicants at any district site or activity on the basis of actual or perceived race, religion, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, sex, or sexual orientation.

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

(cf. 4032 - Reasonable Accommodation)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

(cf. 5145.7 - Sexual Harassment)

Prohibited discrimination or harassment consists of unwelcome conduct, whether verbal, physical, or visual, based on any of the prohibited categories of discrimination listed above, that is so severe and pervasive that it adversely affects an individual's employment opportunities or has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile, or offensive work environment.

The Board also prohibits retaliation against any district employee or job applicant who complains, testifies, assists, or in any way participates in the district's complaint procedures instituted pursuant to this policy.

Any district employee who engages or participates in prohibited discrimination or harassment, or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior, shall be in violation of this policy and shall be subject to disciplinary action, up to and including dismissal.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

The Board designates the following position as Coordinator for Nondiscrimination in Employment:

Human Resources Administrator
1051 Monroe St.
Albany, CA 94706

~~(510) 558-3757~~

~~Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of district policy or regulation should immediately contact his/her supervisor, the Coordinator, or the Superintendent who shall advise the employee or applicant about the district's procedures for filing, investigating, and resolving any such complaints.~~

~~Complaints regarding employment discrimination or harassment shall immediately be investigated in accordance with AR 4031—Complaints Concerning Discrimination in Employment.~~

~~(cf. 4031—Complaints Concerning Discrimination in Employment)~~

~~Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to his/her supervisor, the Coordinator, or Superintendent as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.~~

~~Training and Notifications~~

~~The Superintendent or designee shall provide training to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the district's policies and regulations regarding discrimination.~~

~~(cf. 4131—Staff Development)~~

~~(cf. 4231—Staff Development)~~

~~(cf. 4331—Staff Development)~~

~~The Superintendent or designee shall regularly publicize, within the district and in the community, the district's nondiscrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin, or application form that is used in employee recruitment. (34 CFR 100.6, 106.9)~~

~~The district's policy shall be posted in all schools and offices including staff lounges and student government meeting rooms. (5 CCR 4960)~~

~~Legal Reference:~~

~~EDUCATION CODE~~

~~200-262.4—Prohibition of discrimination~~

~~CIVIL CODE~~

~~51.7—Freedom from violence or intimidation~~

~~GOVERNMENT CODE~~

~~11135—Unlawful discrimination~~

~~12900-12996—Fair Employment and Housing Act~~

~~PENAL CODE~~~~422.56—Definitions, hate crimes~~~~CODE OF REGULATIONS, TITLE 2~~~~7287.6 Terms, conditions and privileges of employment~~~~CODE OF REGULATIONS, TITLE 5~~~~4900-4965—Nondiscrimination in elementary and secondary education~~~~UNITED STATES CODE, TITLE 20~~~~1681-1688—Title IX of the Education Amendments of 1972~~~~UNITED STATES CODE, TITLE 29~~~~621-634—Age Discrimination in Employment Act~~~~794—Section 504 of the Rehabilitation Act of 1973~~~~UNITED STATES CODE, TITLE 42~~~~2000d-2000d-7—Title VI, Civil Rights Act of 1964, as amended~~~~2000e-2000e-17—Title VII, Civil Rights Act of 1964, as amended~~~~2000ff-2000ff-11—Genetic Information Nondiscrimination Act of 2008~~~~2000h-2-2000h-6—Title IX of the Civil Rights Act of 1964~~~~12101-12213—Americans with Disabilities Act~~~~CODE OF FEDERAL REGULATIONS, TITLE 28~~~~35.101-35.190—Americans with Disabilities Act~~~~CODE OF FEDERAL REGULATIONS, TITLE 34~~~~100.6—Compliance information~~~~104.7—Designation of responsible employee for Section 504~~~~104.8—Notice~~~~106.8—Designation of responsible employee and adoption of grievance procedures~~~~106.9—Dissemination of policy~~~~COURT DECISIONS~~~~Shephard v. Loyola Marymount, (2002) 102 Cal.App.4th 837~~~~Management Resources:~~~~EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS~~~~Questions and Answers: Religious Discrimination in the Workplace, 2008~~~~Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002~~~~Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999~~~~U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS~~~~Notice of Non-Discrimination, January 1999~~~~WEB SITES~~~~California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>~~~~U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>~~~~U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>~~~~Policy ALBANY UNIFIED SCHOOL DISTRICT~~~~adopted: October 18, 2011 Albany, California~~

Albany USD

Board Policy

Contracts

BP 4312.1

Personnel

The Governing Board recognizes the importance of qualified and competent individuals to lead district programs and to assist the Superintendent in coordinating efforts to achieve district goals and objectives. To that end, the Board may fill certificated administrative and supervisory positions and classified senior management positions on a contract basis.

(cf. 0000 - Vision)

(cf. 2121 - Superintendent's Contract)

(cf. 4111/4211/4311 - Recruitment and Selection)

(cf. 4300 - Administrative and Supervisory Personnel)

(cf. 4313.2 - Demotion/Reassignment)

(cf. 4314 - Transfers)

The Board may offer a continuing contract of up to four years to any deputy, associate, or assistant superintendent; any certificated employee holding a position requiring a supervision or administration credential; or any senior manager of the classified service. (Education Code 35031, 44929.20)

Prior to entering into any such contract, the Board and Superintendent shall consider the financial impact of the contract on the district. The proposed contract shall also be reviewed by legal counsel to ensure that all legally required provisions are included in the contract and to address any potentially adverse obligations to the district.

(cf. 3460 - Financial Reports and Accountability)

The Board shall deliberate in the closed session of a regular meeting about the terms of an employment contract for a deputy, associate, or assistant superintendent; other certificated employee holding a position requiring a supervision or administration credential; or a senior manager of the classified service. (Government Code 54957)

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Any such employment contract shall be ratified by the Board during an open session of a regularly scheduled Board meeting and reflected in the Board's minutes. Copies of the contracts shall be available to the public upon request. (Government Code 53262)

(cf. 1340 - Access to District Records)
(cf. 9322 - Agenda/Meeting Materials)
(cf. 9324 - Minutes and Recordings)

Extension of Contract and Reemployment

A contract shall be extended only by Board action and subsequent to a satisfactory evaluation of the employee's performance. No employment contract shall include a provision for automatic renewal of the contract.

(cf. 4315 - Evaluation/Supervision)

During the term of the contract and with the consent of the employee involved, the Board may reelect or reemploy the employee starting on the next succeeding first day of July and based on terms and conditions mutually agreed upon by the Board and the employee. (Education Code 35031)

If the Board decides not to reelect or reemploy a deputy, associate, or assistant superintendent or a senior manager of the classified service upon the expiration of his/her term, it shall notify the employee in writing 45 days prior to the expiration of the term of the contract. (Education Code 35031)

Termination of Contract

Every employee contract shall include a provision specifying the legal maximum cash settlement that the employee may receive in the event that the Board finds it necessary to terminate the contract prior to its expiration date. (Government Code 53260)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

In addition, all employee contracts shall include a provision that, if the employee is convicted of a crime involving an abuse of his/her office or position, he/she shall fully reimburse the district for payments he/she receives as paid leave salary pending investigation or as cash settlement upon his/her termination and for any funds expended by the district in his/her criminal legal defense. (Government Code 53243-53243.4, 53260)

Legal Reference:

EDUCATION CODE

- 35030 Title of deputy, associate or assistant superintendent for certain positions
- 35031 Term of employment
- 44842 Automatic declining of employment
- 44843 Notice of employment to county superintendent
- 44929.20 Continuing contract
- 44951 Continuation in position unless notified

GOVERNMENT CODE

- 3511.1-3511.2 Local agency executives
- 53243-53243.4 Abuse of office
- 53260-53264 Employment contracts
- 54954 Time and place of regular meetings
- 54956 Brown Act - Open meeting laws; special meetings
- 54957 Closed session, personnel matters

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: The Board's Relationship to District Staff, 2007

WEB SITES

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

Association of California School Administrators: <http://www.acsa.org>

(6/99 7/07) 3/12

Approved: August 2012

Albany USD - with track changes

Board Policy

Contracts

BP 4312.1

Personnel

The Board of Education recognizes the importance of attracting and retaining qualified administrative and supervisory personnel to help the district achieve its goals for student learning. To that end, the Board may employ certificated administrative and supervisory personnel and senior management of the classified staff on a contract basis. Prior to entering into any such contract, the Board and Superintendent shall consider the financial and legal implications of the contract in order to protect the district from any potentially adverse obligations.

(cf. 0000 - Vision)

(cf. 2121 - Superintendent's Contract)

(cf. 3460 - Financial Reports and Accountability)

(cf. 4111/4211/4311 - Recruitment and Selection)

(cf. 4300 - Administrative and Supervisory Personnel)

(cf. 4313.2 - Demotion/Reassignment)

(cf. 4314 - Transfers)

The Board may offer a deputy, associate, or assistant superintendent, or any other person holding a position requiring a supervision or administrative credential, a continuing contract for a period longer than one year but not to exceed four years. (Education Code 35031, 44929.20)

All contracts shall be ratified by the Board during an open session of a Board meeting and reflected in the Board's minutes. Copies of the contracts shall be available to the public upon request. (Education Code 35031; Government Code 53262)

(cf. 1340 - Access to District Records)

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9324 - Minutes and Recordings)

A contract shall be extended only by Board action and subsequent to a satisfactory evaluation of the employee's performance.

(cf. 4315 - Evaluation/Supervision)

During the term of the contract and with the consent of the employee, the Board may reemploy, effective on the next succeeding first day of July, a deputy, associate, or assistant superintendent and reelect/reemploy him/her on those terms and conditions mutually agreed upon by the Board and the employee for a new term to begin on the effective date of the termination of the existing

~~term of employment. (Education Code 35031)~~

~~If the Board decides not to reelect or reemploy a deputy, associate, or assistant superintendent or a senior manager of the classified service upon the expiration of his/her term, it shall notify the employee in writing 45 days prior to the expiration of the term of the contract. (Education Code 35031)~~

~~Employee contracts shall include a provision specifying the legal maximum cash settlement that the employee may receive upon termination of the contract. (Government Code 53260)~~

~~(cf. 4117.5/4217.5/4317.5 - Termination Agreements)~~

~~Legal Reference:~~

~~EDUCATION CODE~~

~~35030 Title of deputy, associate or assistant superintendent for certain positions~~

~~35031 Term of employment~~

~~44842 Automatic declining of employment~~

~~44843 Notice of employment to county superintendent~~

~~44929.20 Continuing contract~~

~~44951 Continuation in position unless notified~~

~~GOVERNMENT CODE~~

~~53260-53264 Employment contracts~~

~~54954 Time and place of regular meetings~~

~~54957 Closed session, personnel matters~~

~~Management Resources:~~

~~CSBA PUBLICATIONS~~

~~Maximizing School Board Governance: The Board's Relationship to District Staff, 2007~~

~~WEB SITES~~

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

~~Association of California School Administrators: <http://www.acsa.org>~~

~~Policy ALBANY UNIFIED SCHOOL DISTRICT~~

~~adopted: June 3, 2009 Albany, California~~

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Board Policy Update Guide
6000s

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BP or AR	BP 6143	November 1, 2012
Title	Courses of Study	
Description	MANDATED policy includes expanded language on the articulation of courses of study across grade levels, and clarifies requirement to offer secondary students a course of study that prepares them to meet the prerequisites for college admission and to attain entry-level employment skills. Material re: notifications to students in grades 9-12 moved to AR.	
BP or AR	AR 6143	November 1, 2012
Title	Courses of Study	
Description	Updated regulation reflects NEW LAW (SB 48) which requires social sciences instruction at the appropriate elementary and secondary grade levels to include a study of the contributions of lesbian, gay, bisexual, and transgender (LGBT) Americans, persons with disabilities, European Americans, and members of other cultural groups to the development of California and the United States. Regulation also reflects NEW LAW (AB 199) which encourages social sciences instruction at secondary grade levels to include the role of Filipinos in World War II. New section on "Certification of College Preparatory Courses" added to address the process of seeking certification of a-g courses by the University of California.	
BP or AR	BP 6145	March 1, 2012
Title	Extracurricular and Cocurricular Activities	
Description	MANDATED policy updated to clarify that no fee may be charged to students for participation in extracurricular and cocurricular activities related to the educational program, unless specifically authorized by law, and that a district policy allowing for waivers of the fee based on financial need does not render the fee constitutional.	
BP or AR	AR 6145	March 1, 2012
Title	Extracurricular and Cocurricular Activities	
Description	Regulation updated to clarify the applicability of legal definitions of extracurricular and cocurricular activities and to add section on "Supervision" reflecting required qualifications of staff and others who work with students in a student activity program.	
BP or AR	BP 6145.2	November 1, 2012
Title	Athletic Competition	

Description	Policy updated to reflect NEW LAW (AB 25) which requires districts to distribute information on concussions and head injuries to student athletes and their parents/guardians and requires that a student athlete who is suspected of sustaining a concussion be immediately removed from the athletic activity and not allowed to return until a health care provider provides written clearance. Policy also reflects (1) NEW COURT DECISION re: liability for failure to provide equivalent athletic opportunities for males and females even if the females did not provide notice of their disadvantageous treatment; (2) NEW LAW (SB 107) which extends the operation of the California Interscholastic Federation (CIF) until 2017; and (3) CIF bylaws related to student eligibility for interscholastic athletic programs, including bylaws limiting eligibility of students in home schooling or home study/independent study programs.	
BP or AR	AR 6145.2	November 1, 2012
Title	Athletic Competition	
Description	Regulation updated to reflect NEW LAW (AB 25) which requires districts to distribute information on concussions and head injuries to student athletes and their parents/guardians and requires that a student athlete who is suspected of sustaining a concussion be immediately removed from the athletic activity and not allowed to return until a health care provider provides written clearance. Updated regulation clarifies requirements related to ensuring that equivalent athletic opportunities are provided to both sexes.	
BP or AR	BP 6161.1	
Title	Selection and Evaluation of Instructional Materials	
Description	Policy updated to reflect NEW LAW (SB 70) which extends flexibility for the use of Instructional Materials Funding Realignment Program funds through the 2014-15 fiscal year.	
BP or AR	AR 6161.1	November 1, 2012
Title	Selection and Evaluation of Instructional Materials	
Description	Updated regulation reflects (1) NEW LAW (SB 70) which prohibits the State Board of Education (SBE) from adopting K-8 instructional materials until the 2015-16 school year; (2) NEW LAW (AB 114) which provides that districts are not required, through the 2014-15 fiscal year, to provide students with instructional materials within 24 months of the SBE's adoption; (3) NEW LAW (SB 140) which requires the California Department of Education to prepare a list of K-8 supplemental instructional materials that are aligned with the Common Core Standards; and (4) NEW LAW (SB 48) which prohibits the use of instructional materials that adversely reflect upon persons based on their religion, sexual orientation, or other specified characteristics and which requires instructional materials to include the role and contributions of LGBT, disabled, and European American individuals.	

Board Policy Update Guide
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BP or AR	E 6161.1 (new)	
Title	Selection and Evaluation of Instructional Materials	
Description	New Exhibit provides current information on Board adopted instructional materials	
BP or AR	BP 6162.51 (new)	
Title	Standardized Testing and Reporting Program	
Description	New policy addressing state academic testing as part of an overall District program to assess and monitor student progress.	
BP or AR	AR 6162.51 (new)	November 1, 2012
Title	Standardized Testing and Reporting Program	
Description	Regulation updated to reflect NEW STATE REGULATIONS (Register 2011, No. 15) which (1) list criteria that should be considered in determining whether a student with disabilities should be assessed using the California Modified Assessment; (2) lengthen the testing window to 25 instructional days, which includes 12 days before and after completion of 85 percent of the school's instructional days; (3) address the handling of exemptions from the testing requirement requested by parents/guardians after testing has begun; (4) make a number of changes related to allowable testing variations; (5) authorize the appointment of a contractor to administer the assessments; and (6) specify the qualifications of test proctors and translators.	
BP or AR	AR 6162.52	November 1, 2009
Title	High School Exit Exam	
Description	Replace AR. Regulation updated to reflect NEW LAW (ABX4 2) which exempts, beginning with the 2009-10 school year, students with disabilities from the requirement to pass the exam as a condition of receiving a diploma. Regulation also revised to reflect NEW TITLE 5 REGULATIONS which (1) clarify that students in grade 12 who have not passed the exam may take the exam up to five times per school year, (2) authorize the district to provide students a testing variation where they are tested in a small group setting, and (3) revise the list of allowable test accommodations.	
BP or AR	BP 6163.1	March 1, 2011
Title	Library Media Centers	
Description	Policy updated to add language on criteria for acceptance of donated library materials.	
BP or AR	AR 6163.2	March 1, 2011
Title	Animals at School	

Description	<p>MANDATED regulation reorganized and revised to reflect NEW FEDERAL REGULATIONS (75 Fed. Reg. 178) which require the district to modify its policy, practices, and procedures to permit an individual with a disability to use a service animal at school, when the work or task performed by the service animal is directly related to the individual's disability. Material moved from BP to AR re: (1) obtaining permission to bring an animal to school and (2) notifying parents/guardians before bringing animal to school for instructional purposes in order to verify student allergies, asthma, or other health condition. Regulation adds new section on "Use of Service Animals by Individuals with Disabilities" which includes the definition of "service animal," and the reasons that a student may be asked to remove his/her service animal from school.</p>	
BP or AR	AR 6173.1	November 1, 2011
Title	Education for Foster Youth	
Description	<p>Regulation updated to reflect NEW LAW (AB 709) which aligns Health and Safety Code with Education Code provisions requiring districts to immediately enroll foster youth even if immunization records normally required for enrollment are not available, and to subsequently work to obtain these records. Regulation also reflects NEW LAW (SB 578) which requires districts to accept coursework satisfactorily completed by a student in foster care while attending another school and to award full or partial credit for such coursework as specified.</p>	

Albany USD

Board Policy

Courses Of Study

BP 6143

Instruction

The Board of Education recognizes that a well-articulated sequence of courses fosters academic progress and provides for the best possible use of instructional time. The District's course of study shall provide students with opportunities to attain the skills, knowledge, and abilities they need to be successful in school, college, and/or the workplace.

(cf. 6141 - Curriculum Development and Evaluation)

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

The Superintendent or designee shall establish processes for ensuring the articulation of courses across grade levels within the District and, ~~as necessary, shall work with representatives of appropriate area districts to ensure articulation of courses between elementary and secondary schools.~~ The sequence of courses shall be designed to ensure that each course provides adequate preparation for the next course in the sequence, avoids significant duplication of content, and allows for reinforcement and progression in the subject matter.

Elementary Grades

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

(cf. 6146.5 - Middle School Promotion Requirements)

Secondary Grades

The District shall offer all otherwise qualified students in secondary grades a course of study that, upon graduation from high school, prepares them to meet the requirements and prerequisites for admission to California public colleges and universities and/or attain entry-level employment skills in business or industry. (Education Code 51228)

The Superintendent or designee shall ensure that all otherwise qualified students have a timely opportunity, within the four years before graduation, to enroll in each course necessary to fulfill the requirements and prerequisites for admission to California public colleges and universities prior to graduation from high school. (Education Code 51228)

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

(cf. 6141.5 - Advanced Placement)

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6162.52 - High School Exit Examination)
(cf. 6178 - Career Technical Education)

In addition, the course of study for high school students shall include instruction in skills and knowledge for adult life and career technical training. (Education Code 51224)

The Superintendent or designee shall develop a process by which courses are submitted to the University of California (UC) for review and certification in order to meet university admission criteria. He/she shall maintain an accurate list of all current District high school courses that have been so certified and shall ensure that the list is provided annually to each student in grades 9-12 and that updated lists are made readily available. (Education Code 66204)

~~At the beginning of each school year, the Superintendent or designee shall provide written notice to parents/guardians of students in grades 9-12 that, to the extent possible, shall not exceed one page in length and that includes all of the following: (Education Code 51229)~~

- ~~1. — A brief explanation of the college admission requirements~~
- ~~2. — A list of the current UC and California State University (CSU) web sites that help students and their families learn about college admission requirements and that list high school courses that have been certified by UC as satisfying the requirements for admission to UC and CSU~~
- ~~3. — A brief description of what career technical education is, as defined by the California Department of Education (CDE)~~
- ~~4. — The Internet address for the portion of the web site of the CDE where students can learn more about career technical education~~
- ~~5. — Information about how students may meet with school counselors to help them choose courses that will meet college admission requirements and/or enroll in career technical education courses~~

~~(cf. 5145.6 - Parental Notifications)
(cf. 6164.2 - Guidance/Counseling Services)~~

Legal Reference:

EDUCATION CODE

- 33319.3 Driver education; CDE materials on road rage
- 33540 Government and civics instruction in interaction with government agencies
- 48980 Parental notifications
- 51202 Instruction in personal and public health and safety

51203 Instruction on alcohol, narcotics and restricted dangerous drugs
 51204 Course of study designed for student's needs
 51204.5 History of California; contributions of men, women and ethnic groups
 51210-51212 Areas of study for grades 1-6
 51220-51229 Course of study for grades 7-12
 51241 Exemption from physical education
 51911-51921 Comprehensive health educational plans
 51930-51939 California Comprehensive Sexual Health and HIV/AIDS Prevention Act
 51940 Curriculum for brain and spinal cord injury prevention
 53278-53280 Supplemental School Counseling Program
 60040-60052 Requirements for instructional materials
 66204 Certification of high school courses as meeting university admission criteria
 HEALTH AND SAFETY CODE
 11032 Definition of dangerous drugs
 CODE OF REGULATIONS, TITLE 5
 10020-10049 Automobile driver education and training
 10060 Physical education program
 UNITED STATES CODE, TITLE 20
 6101-6251 School-to-Work Opportunities Act of 1994

Management Resources:

WEB SITES

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

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

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

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

California State University, Admission Requirements:

http://www.csumentor.edu/planning/high_school

University of California, a-g Course Submissions: http://www.ucop.edu/a-gGuide/ag/course_submissions

University of California, List of Approved a-g

Courses: <http://www.universityofcalifornia.edu/admissions/freshman/requirements>

University of California, Certified Course Lists: <http://doorways.ucop.edu/list>

University of California, College Prep Online Courses and Services: <http://www.ucep.org>

Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: ___ May 19, 2009 Albany, California

Revised: _____

Albany USD

Board Policy

Courses Of Study

BP 6143

Instruction

The Board of Education recognizes that a well-articulated sequence of courses fosters academic progress and provides for the best possible use of instructional time. The District's course of study shall provide students with opportunities to attain the skills, knowledge, and abilities they need to be successful in school, college, and/or the workplace.

(cf. 6141 - Curriculum Development and Evaluation)

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

The Superintendent or designee shall establish processes for ensuring the articulation of courses across grade levels within the District. The sequence of courses shall be designed to ensure that each course provides adequate preparation for the next course in the sequence, avoids significant duplication of content, and allows for reinforcement and progression in the subject matter.

Elementary Grades

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

(cf. 6146.5 - Middle School Promotion Requirements)

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The District shall offer all otherwise qualified students in secondary grades a course of study that, upon graduation from high school, prepares them to meet the requirements and prerequisites for admission to California public colleges and universities and/or attain entry-level employment skills in business or industry. (Education Code 51228)

The Superintendent or designee shall ensure that all otherwise qualified students have a timely opportunity, within the four years before graduation, to enroll in each course necessary to fulfill the requirements and prerequisites for admission to California public colleges and universities prior to graduation from high school. (Education Code 51228)

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

(cf. 6141.5 - Advanced Placement)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

(cf. 6178 - Career Technical Education)

In addition, the course of study for high school students shall include instruction in skills and knowledge for adult life and career technical training. (Education Code 51224)

The Superintendent or designee shall develop a process by which courses are submitted to the University of California (UC) for review and certification in order to meet university admission criteria. He/she shall maintain an accurate list of all current District high school courses that have been so certified and shall ensure that the list is provided annually to each student in grades 9-12 and that updated lists are made readily available. (Education Code 66204)

Legal Reference:

EDUCATION CODE

- 33319.3 Driver education; CDE materials on road rage
- 33540 Government and civics instruction in interaction with government agencies
- 48980 Parental notifications
- 51202 Instruction in personal and public health and safety
- 51203 Instruction on alcohol, narcotics and restricted dangerous drugs
- 51204 Course of study designed for student's needs
- 51204.5 History of California; contributions of men, women and ethnic groups
- 51210-51212 Areas of study for grades 1-6
- 51220-51229 Course of study for grades 7-12
- 51241 Exemption from physical education
- 51911-51921 Comprehensive health educational plans
- 51930-51939 California Comprehensive Sexual Health and HIV/AIDS Prevention Act
- 51940 Curriculum for brain and spinal cord injury prevention
- 53278-53280 Supplemental School Counseling Program
- 60040-60052 Requirements for instructional materials
- 66204 Certification of high school courses as meeting university admission criteria

HEALTH AND SAFETY CODE

11032 Definition of dangerous drugs

CODE OF REGULATIONS, TITLE 5

10020-10049 Automobile driver education and training

10060 Physical education program

UNITED STATES CODE, TITLE 20

6101-6251 School-to-Work Opportunities Act of 1994

Management Resources:

WEB SITES

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

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

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

California Department of Education: [http:// www.cde.ca.gov](http://www.cde.ca.gov)

California State University, Admission Requirements:

http://www.csumentor.edu/planning/high_school

University of California, a-g Course Submissions: http://www.ucop.edu/a-gGuide/ag/course_submissions

University of California, List of Approved a-g

Courses:<http://www.universityofcalifornia.edu/admissions/freshman/requirements>

Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: May 19, 2009 Albany, California

Revised:

REF

Albany USD

Administrative Regulation

Courses Of Study

AR 6143
Instruction

Grades 1-6

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

(cf. 6146.5 - Middle School Promotion Requirements)

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

(cf. 6142.91 - Reading/Language Arts Instruction)

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

(cf. 6142.92 - Mathematics Instruction)

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

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

Instruction shall include the early history of California and a study of the role and contributions of men and women, black Americans, Native Americans-Indians, Mexicans, Asians, Pacific Islanders-people, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and other ethnic and cultural groups to the economic, political, and social development of California and the United States, with particular emphasis on portraying the role of these groups in contemporary society. (Education Code 51204.5, 60040)

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

(cf. 6142.3 - Civic Education)

(cf. 6142.94 - History-Social Science Instruction)

(cf. 6141.6 - Multicultural Education)

b. The development of the American economic system, including the role of the entrepreneur and labor

- c. The relations of persons to their human and natural environments
- d. Eastern and western cultures and civilizations
- e. Contemporary issues
- f. The wise use of natural resources

(cf. 6142.5 - Environmental Education)

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

(cf. 6142.93 - Science Instruction)

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

(cf. 6142.6 - Visual and Performing Arts Education)

6. Health: principles and practices of individual, family, and community health (Education Code 51210, 51210)

The adopted course of study shall provide instruction at the appropriate grade levels and subject areas in: (Education Code 51202)

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

(cf. 6142.8 - Comprehensive Health Education)

b. Fire prevention

c. The protection and conservation of resources, including the necessity for the protection of ~~our~~ the environment

d. Venereal disease

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

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

(cf. 5131.6 - Alcohol and Other Drugs)

- f. Prenatal care
- g. Violence as a public health issue
- 7. Physical education, with emphasis on physical activities conducive to health and vigor of body and mind (Education Code 51210)

(cf. 6142.7 - Physical Education)

- 8. Career awareness exploration

Grades 7-12

Courses of study for grades 7 through 12 shall include the following:

(cf. 6146.1 - High School Graduation Requirements)
 (cf. 6146.5 - Middle School Promotion Requirements)
 (cf. 6162.52 - High School Exit Examination)

- 1. English: knowledge and appreciation of literature, language and composition, and the skills of reading, listening, and speaking (Education Code 51220)

(cf. 6142.91 - Reading/Language Arts Instruction)

- 2. Social sciences: age-appropriate instruction drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology and sociology, with instruction in: (Education Code 51220)

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

(1) Early California history, and the role and contributions of both men and women, black Americans, Native Americans-Indians, Mexicans, Asians, Pacific Islanders, people-European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and other ethnic and cultural groups to the economic, political and social development of California and the nation, with particular emphasis on the role of these groups in contemporary society (Education Code 51204.5)

(2) World War II and the role of Americans and Filipinos in that war

(3) The Vietnam War, including the "Secret War" in Laos and role of Southeast Asians in that war

~~(2) World War II and the American role in that war and the Vietnam War, including the "Secret War" in Laos and role of Southeast Asians in that war~~

b. The American legal system, the operation of the juvenile and adult criminal justice systems, and the rights and duties of citizens under the criminal and civil law and the state and federal constitutions

This course may include participation in a teen court or peer court program. (Education Code 51220.2)

(cf. 5138 - Conflict Resolution/Peer Mediation)

c. The development of the American economic system, including the role of the entrepreneur and labor

d. The relations of persons to their human and natural environments, including the wise use of natural resources (Education Code 51221)

(cf. 6142.5 - Environmental Education)

e. Eastern and western cultures and civilizations

f. Human rights issues, with particular attention to the study of the inhumanity of genocide, slavery, and the Holocaust

g. Contemporary issues

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

(cf. 6142.3 - Civic Education)

(cf. 6142.94 - History-Social Science Instruction)

(cf. 6141.6 - Multicultural Education)

3. Foreign language(s): understanding, speaking, reading, and writing, beginning not later than grade 7 (Education Code 51220)

4. Physical education: with emphasis on physical activities conducive to health and vigor of body and mind, as required by Education Code 51222 (Education Code 51220)

(cf. 6142.7 - Physical Education)

5. Science: physical and biological aspects; emphasis on basic concepts, theories, and processes of scientific investigation and on the place of humans in ecological systems; appropriate applications of the interrelation and interdependence of the sciences (Education Code 51220)

(cf. 6142.93 - Science Instruction)

6. Mathematics: mathematical understandings, operational skills and problem-solving procedures; algebra (Education Code 51220, 51224.5)

(cf. 6142.92 - Mathematics Instruction)

7. Visual and performing arts: dance, music, theatre, and visual arts, with emphasis upon development of aesthetic appreciation and creative expression (Education Code 51220)

(cf. 6142.6 - Visual and Performing Arts Education)

8. Applied arts: consumer and homemaking education, industrial arts, general business education, or general agriculture (Education Code 51220)

9. Career technical/vocational-technical education: in the occupations and in the numbers appropriate to the personnel needs of the state and community served and relevant to the career desires and needs of students (Education Code 51220)

(cf. 6178 - Career Technical Education)

10. HIV/AIDS prevention (Education Code 51934)

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

11. Personal and public safety, accident prevention and health, including instruction in: (Education Code 51202, 51203)

a. Emergency first aid, hemorrhage control, treatment for poisoning, resuscitation techniques, and cardiopulmonary resuscitation when appropriate equipment is available

b. Fire prevention

c. The protection and conservation of resources, including the necessity for the protection of ~~our~~ the environment

d. Venereal disease

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

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 6142.8 - Comprehensive Health Education)

f. Prenatal care

g. Violence as a public health issue

In addition, the course of study for grade 7 and/or 8 may include parenting skills and education that address at least all of the following: (Education Code 51220.5)

1. Child growth and development
2. Parental responsibilities
3. Household budgeting
4. Child abuse and neglect issues
5. Personal hygiene
6. Maintenance of healthy relationships
7. Teen parenting issues
8. Self-esteem

(cf. 5146 - Married/Pregnant/Parenting Students)

High schools may offer automobile driver education that shall include instruction in:

1. Vehicle Code provisions and other relevant state laws (Education Code 51220)
2. Proper acceptance of personal responsibility in traffic (Education Code 51220)
3. Appreciation of the causes, seriousness and consequences of traffic accidents (Education Code 51220)
4. Knowledge and attitudes necessary for the safe operation of motor vehicles (Education Code 51220)
5. The safe operation of motorcycles (Education Code 51220)
6. The dangers involved in consuming alcohol or drugs in connection with the operation of a motor vehicle (Education Code 51220.1)
7. The rights and duties of a motorist pertaining to pedestrians and the rights and duties of pedestrians pertaining to traffic laws and traffic safety (Education Code 51220.4)

Certification of College Preparatory Courses

The Superintendent or designee shall identify courses in history-social science, English,

mathematics, laboratory science, languages other than English, visual and performing arts, career technical education, and college preparatory electives that may qualify for designation as "a-g" college preparatory courses. He/she shall submit course information to the University of California (UC) including, but not necessarily limited to, the course title, subject area, grade level(s), unit value, a brief course description, prerequisites and co-requisites, texts and supplemental instructional materials used in the course, whether the school is seeking designation of the course as an honors course, and whether the course is classified as a career technical education or regional occupational program course. He/she also shall electronically submit updates to UC whenever course content changes or a course will not be offered in a particular year.

Notification to Students in Grades 9-12

At the beginning of each school year, the Superintendent or designee shall provide written notice to parents/guardians of students in grades 9-12 that, to the extent possible, shall not exceed one page in length and that includes all of the following: (Education Code 51229)

1. A brief explanation of the course requirements for admission to UC and the California State University (CSU)
2. A list of the current UC and CSU web sites that help students and their families learn about college admission requirements and that list high school courses that have been certified by UC as satisfying the requirements for admission to UC and CSU
3. A brief description of what career technical education is, as defined by the California Department of Education (CDE)
4. The Internet address for the portion of the CDE web site where students can learn more about career technical education
5. Information about how students may meet with school counselors to help them choose courses that will meet college admission requirements and/or enroll in career technical education courses

(cf. 5145.6 - Parental Notifications)

(cf. 6164.2 - Guidance/Counseling Services)

Regulation ALBANY UNIFIED SCHOOL DISTRICT
 approved/Reviewed: May 19, 2009 Albany, California
 Revised: August 14, 2012

Albany USD

Administrative Regulation

Courses Of Study

AR 6143

Instruction

Grades 1-6

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

(cf. 6146.5 - Middle School Promotion Requirements)

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

(cf. 6142.91 - Reading/Language Arts Instruction)

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

(cf. 6142.92 - Mathematics Instruction)

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

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

Instruction shall include the early history of California and a study of the role and contributions of men and women, black Americans, Native Americans, Mexicans, Asians, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and other ethnic and cultural groups to the economic, political, and social development of California and the United States, with particular emphasis on portraying the role of these groups in contemporary society. (Education Code 51204.5, 60040)

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

(cf. 6142.3 - Civic Education)

(cf. 6142.94 - History-Social Science Instruction)

b. The development of the American economic system, including the role of the entrepreneur and labor

c. The relations of persons to their human and natural environments

- d. Eastern and western cultures and civilizations
- e. Contemporary issues
- f. The wise use of natural resources

(cf. 6142.5 - Environmental Education)

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

(cf. 6142.93 - Science Instruction)

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

(cf. 6142.6 - Visual and Performing Arts Education)

6. Health: principles and practices of individual, family, and community health (Education Code 51210, 51210)

The adopted course of study shall provide instruction at the appropriate grade levels and subject areas in: (Education Code 51202)

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

(cf. 6142.8 - Comprehensive Health Education)

b. Fire prevention

c. The protection and conservation of resources, including the necessity for the protection of the environment

d. Venereal disease

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

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

(cf. 5131.6 - Alcohol and Other Drugs)

f. Prenatal care

g. Violence as a public health issue

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

(cf. 6142.7 - Physical Education)

8. Career awareness exploration

Grades 7-12

Courses of study for grades 7 through 12 shall include the following:

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.5 - Middle School Promotion Requirements)

(cf. 6162.52 - High School Exit Examination)

1. English: knowledge and appreciation of literature, language and composition, and the skills of reading, listening, and speaking (Education Code 51220)

(cf. 6142.91 - Reading/Language Arts Instruction)

2. Social sciences: age-appropriate instruction drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology and sociology, with instruction in: (Education Code 51220)

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

(1) Early California history, and the role and contributions of both men and women, black Americans, Native Americans, Mexicans, Asians, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and other ethnic and cultural groups to the economic, political and social development of California and the nation, with particular emphasis on the role of these groups in contemporary society (Education Code 51204.5)

(2) World War II and the role of Americans and Filipinos in that war

(3) The Vietnam War, including the "Secret War" in Laos and role of Southeast Asians in that war

b. The American legal system, the operation of the juvenile and adult criminal justice systems, and the rights and duties of citizens under the criminal and civil law and the state and federal constitutions

This course may include participation in a teen court or peer court program. (Education Code 51220.2)

(cf. 5138 - Conflict Resolution/Peer Mediation)

c. The development of the American economic system, including the role of the entrepreneur and labor

d. The relations of persons to their human and natural environments, including the wise use of natural resources (Education Code 51221)

(cf. 6142.5 - Environmental Education)

e. Eastern and western cultures and civilizations

f. Human rights issues, with particular attention to the study of the inhumanity of genocide, slavery, and the Holocaust

g. Contemporary issues

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

(cf. 6142.3 - Civic Education)

(cf. 6142.94 - History-Social Science Instruction)

3. Foreign language(s) understanding, speaking, reading, and writing, beginning not later than grade 7 (Education Code 51220)

4. Physical education: with emphasis on physical activities conducive to health and vigor of body and mind, as required by Education Code 51222 (Education Code 51220)

(cf. 6142.7 - Physical Education)

5. Science: physical and biological aspects; emphasis on basic concepts, theories, and processes of scientific investigation and on the place of humans in ecological systems; appropriate applications of the interrelation and interdependence of the sciences (Education Code 51220)

(cf. 6142.93 - Science Instruction)

6. Mathematics: mathematical understandings, operational skills and problem-solving procedures; algebra (Education Code 51220, 51224.5)

(cf. 6142.92 - Mathematics Instruction)

7. Visual and performing arts: dance, music, theatre, and visual arts, with emphasis upon development of aesthetic appreciation and creative expression (Education Code 51220)

(cf. 6142.6 - Visual and Performing Arts Education)

8. Applied arts: consumer and homemaking education, industrial arts, general business education, or general agriculture (Education Code 51220)

9. Career technical/vocational-technical education: in the occupations and in the numbers appropriate to the personnel needs of the state and community served and relevant to the career desires and needs of students (Education Code 51220)

(cf. 6178 - Career Technical Education)

10. HIV/AIDS prevention (Education Code 51934)

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

11. Personal and public safety, accident prevention and health, including instruction in: (Education Code 51202, 51203)

a. Emergency first aid, hemorrhage control, treatment for poisoning, resuscitation techniques, and cardiopulmonary resuscitation when appropriate equipment is available

b. Fire prevention

c. The protection and conservation of resources, including the necessity for the protection of the environment

d. Venereal disease

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

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 6142.8 - Comprehensive Health Education)

f. Prenatal care

g. Violence as a public health issue

In addition, the course of study for grade 7 and/or 8 may include parenting skills and education that address at least all of the following: (Education Code 51220.5)

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5. Information about how students may meet with school counselors to help them choose courses that will meet college admission requirements and/or enroll in career technical education courses

(cf. 5145.6 - Parental Notifications)
(cf. 6164.2 - Guidance/Counseling Services)

Regulation ALBANY UNIFIED SCHOOL DISTRICT
Reviewed: May 19, 2009 Albany, California
Revised: August 14, 2012

Albany USD

Board Policy

Extracurricular And Cocurricular Activities

BP 6145

Instruction

The Board of Education recognizes that extracurricular and cocurricular activities enrich the educational and social development and experiences of students and enhance students' feelings of connectedness with the schools. The District shall encourage and support student participation in extracurricular and cocurricular activities without compromising the integrity and purpose of the educational program.

(cf. 1330 - Use of School Facilities)

(cf. 5137 - Positive School Climate)

(cf. 6145.2 - Athletic Competition)

(cf. 5148.2 - Before/After School Programs)

No extracurricular or cocurricular program or activity shall be provided or conducted separately and no District student's participation in extracurricular and cocurricular activities shall be required or refused based on any actual or perceived characteristic listed as a prohibited category of discrimination in state or federal law the student's sex, gender, sexual orientation, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability. ~~Requirements~~ Prerequisites for student participation in extracurricular and cocurricular activities shall be limited to those that are have been demonstrated to be essential to the success of the activity. (5 CCR 4925)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 6145.5 - Student Organizations and Equal Access)

Any complaint regarding the District's extracurricular and cocurricular programs or activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures.

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

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

~~(cf. 5145.3 - Nondiscrimination/Harassment)~~

~~(cf. 5145.7 - Sexual Harassment)~~

~~(cf. 6145.21 - Victory with Honor)~~

Unless specifically authorized by law No student- no fee shall be charged to students for prohibited from participating participation in extracurricular and cocurricular activities related to

the educational program, including materials or equipment related to the activity. ~~because of inability to pay fees associated with the activity.~~

(cf. 3260 - Fees and Charges)

(cf. 3452 - Student Activity Funds)

Eligibility Requirements

To be eligible to participate in extracurricular and cocurricular activities, students in grades 7 through 12 must demonstrate satisfactory educational progress in the previous grading period including but not limited to: (Education Code 35160.5)

1. Maintenance of a minimum of 2.0 grade point average on a 4.0 scale
2. Maintenance of minimum progress toward meeting high school graduation requirements

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

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

The Superintendent or designee may grant ineligible students a probationary period of not more than one semester. Students granted probationary eligibility must meet the required standards by the end of the probationary period in order to remain eligible for participation. (Education Code 35160.5)

Any decision regarding the eligibility of any child in foster care or a child of an active duty military family for extracurricular or cocurricular activities shall be made by the Superintendent or designee in accordance with Education Code 48850 and 49701.

(cf. 6173.1 - Education for Foster Youth)

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

The Superintendent or designee shall provide the necessary assistance to help ineligible students achieve the academic standards required by law.

(cf. 6164.5 - Student Success Teams)

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6177 - Summer School)

(cf. 6179 - Supplemental Instruction)

The Superintendent or designee may revoke a student's eligibility for participation in extracurricular and cocurricular activities when the student's poor citizenship is serious enough to warrant loss of this privilege.

(cf. 5144 - Discipline)

Student Conduct at Extracurricular/Cocurricular Events

When attending or participating in extracurricular and/or cocurricular activities on or off campus, District students are subject to District policies and regulations relating to student conduct. Students who violate District policies and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of participation in extracurricular or cocurricular activities in accordance with Board policy and administrative regulations. When appropriate, the Superintendent or designee shall notify local law enforcement.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5144 - Discipline)

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

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

Annual Policy Review

The Board shall annually review this policy and implementing regulations.

Legal Reference:

EDUCATION CODE

35145 Public meetings

35160.5 District policy rules and regulations; requirements; matters subject to regulation

35179 Interscholastic athletics; associations or consortia

35181 Students' responsibilities

48850 Participation of foster youth in extracurricular activities and interscholastic sports

48930-48938 Student organizations

49700-49704 Education of children of military families

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

5531 Supervision of extracurricular activities of pupils

UNITED STATES CODE, TITLE 42

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

COURT DECISIONS

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

Management Resources:

CSBA PUBLICATIONS

Student Fees Litigation Update, ELA Advisory, May 20, 2011

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Pupil Fees, Deposits, or Other Charges, Fiscal Management Advisory 11-01, November 9, 2011

CALIFORNIA TASK FORCE REPORT TO THE LEGISLATURE

Compact on Educational Opportunity for Military Children: Preliminary Final Report, March 2009

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance

Certificate (ASCC), July 20, 2010

WEB SITES

California Association of Directors of Activities: <http://www.cadal.org>

California Department of Education, Educational Options Office:

<http://www.cde.ca.gov/ls/pf/me>

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

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

Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: May 19, 2009 Albany, California

Revised: October 18, 2011

Revised: _____

Albany USD

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Extracurricular And Cocurricular Activities

BP 6145

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(cf. 1330 - Use of School Facilities)
 (cf. 5137 - Positive School Climate)
 (cf. 6145.2 - Athletic Competition)
 (cf. 5148.2 - Before/After School Programs)

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(cf. 0410 - Nondiscrimination in District Programs and Activities)
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(cf. 1312.3 - Uniform Complaint Procedures)

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(cf. 3260 - Fees and Charges)
 (cf. 3452 - Student Activity Funds)

Eligibility Requirements

To be eligible to participate in extracurricular and cocurricular activities, students in grades 7

through 12 must demonstrate satisfactory educational progress in the previous grading period including but not limited to: (Education Code 35160.5)

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(cf. 6173.1 - Education for Foster Youth)

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(cf. 6164.5 - Student Success Teams)

(cf. 6176 - Weekend/Saturday Classes)

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(cf. 5131 - Conduct)
 (cf. 5131.1 - Bus Conduct)
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 (cf. 5144.1 - Suspension and Expulsion/Due Process)
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The Board shall annually review this policy and implementing regulations.

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 UNITED STATES CODE, TITLE 42
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 COURT DECISIONS
 Hartzell v. Connell, (1984) 35 Cal. 3d 899

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California Association of Directors of Activities: <http://www.cadal.org>
California Department of Education <http://www.cde.ca.gov>
Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Policy ALBANY UNIFIED SCHOOL DISTRICT
Adopted: May 19, 2009 Albany, California
Revised: October 18, 2011
Revised:

REF

Albany USD

Administrative Regulation

Extracurricular And Cocurricular Activities

AR 6145
Instruction

Definitions

For purposes of applying eligibility criteria for student participation, eExtracurricular and cocurricular activities ~~are those programs that have all of the~~ shall be defined as following followsecharacteristics: (Education Code 35160.5)

1. ~~1.~~ 1. ~~Extracurricular activities are not part of the regular school curriculum, are not graded, do not offer credit, do not take place during classroom time, and have all of the following characteristics:~~

a. ~~The program is supervised or financed by the school D~~district.

b. ~~Students participating in the program represent the school District.~~

2. ~~Students participating in the program represent the school district.~~

3. ~~c.~~ 3. ~~Students exercise some degree of freedom in the selection, planning or control of the program.~~

4. ~~d.~~ 4. ~~The program includes both preparation for performance and performance before an audience or spectators.~~

~~Extracurricular activities are not part of the regular school curriculum, are not graded, do not offer credit and do not take place during classroom time. (Education Code 35160.5)~~

2. ~~Cocurricular activities are programs that may be associated with the curriculum in a regular classroom. (Education Code 35160.5)~~

An activity is not an extracurricular or cocurricular activity if either of the following conditions applies: (Education Code 35160.5)

1. It is a teacher-graded or required program or activity for a course which satisfies the entrance requirements for admission to the California State University or the University of California.

(cf. 6143 - Courses of Study)

2. It is a program that has as its primary goal the improvement of academic or educational achievement of students.

Eligibility Requirements

The grade point average (GPS) used to determine eligibility for extracurricular and cocurricular activities shall be based on grades of the last previous grading period during which the student attended class at least a majority of the time. If a student was not in attendance for all, or a majority of, the grading period due to absences excused by the school for reasons such as serious illness or injury, approved travel, or work, the GPA used to determine eligibility shall be the grading period immediately prior to the excluded grading period(s). (Education Code 35160.5)

When a student becomes ineligible to participate in extracurricular or cocurricular activities in the upcoming school-year grading period, or when he/she is subject to probation, the principal or designee shall provide written notice to the student and his/her parents/guardians. The principal shall also consult with the student's teacher(s) in deciding on a program of remediation to improve the student's academic progress.

(cf. 6164.5 - Student Success Teams)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer School)
(cf. 6179 - Supplemental Instruction)

Supervision

All extracurricular activities conducted under the name or auspices of a District school or any class or organization of the school, regardless of where the activities are held, shall be under the direct supervision of certificated employees. (5 CCR 5531)

Any noncertificated person working with students in a District-sponsored extracurricular student activity program shall possess an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing or shall have cleared a Department of Justice and Federal Bureau of Investigation criminal background check prior to beginning his/her duties, in accordance with BP 4127/4227/4327 - Temporary Athletic Team Coaches. (Education Code 49024)

Regulation ALBANY UNIFIED SCHOOL DISTRICT
approved/Reviewed: May 19, 2009 Albany, California
Revised: August 14, 2012

Albany USD

Administrative Regulation

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- b. Students participating in the program represent the school District.
- c. Students exercise some degree of freedom in the selection, planning or control of the program.
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2. Cocurricular activities are programs that may be associated with the curriculum in a regular classroom.

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All extracurricular activities conducted under the name or auspices of a District school or any class or organization of the school, regardless of where the activities are held, shall be under the direct supervision of certificated employees. (5 CCR 5531)

Any noncertificated person working with students in a District-sponsored extracurricular student activity program shall possess an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing or shall have cleared a Department of Justice and Federal Bureau of Investigation criminal background check prior to beginning his/her duties, in accordance with BP 4127/4227/4327 - Temporary Athletic Team Coaches. (Education Code 49024)

Regulation ALBANY UNIFIED SCHOOL DISTRICT
Reviewed: May 19, 2009 Albany, California
Revised: August 14, 2012

Albany Unified School District

Board Policy

Athletic Competition

BP 6145.2

Instruction

The Board of Education recognizes that the athletic program constitutes an integral component of the educational program and helps to build a positive school climate. The athletic program also promotes the physical, social, and emotional well-being and character development of participating students. The athletic program shall be designed to meet students' interests and abilities and be varied in scope to attract wide participation.

(cf. 3541.1 - Transportation for School-Related Trips)

(cf. 5030 - Student Wellness)

(cf. 5137 - Positive School Climate)

(cf. 6142.7 - Physical Education and Activity)

(cf. 7110 - Facilities Master Plan)

The Board encourages community support for District athletic programs, subject to applicable District policies and regulations governing advertisements and donations.

(cf. 1260 - Educational Foundation)

(cf. 1321 - Solicitation of Funds from and by Students)

(cf. 1325 - Advertising and Promotion)

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

(cf. 3290 - Gifts, Grants and Bequests)

Nondiscrimination and Equivalent Opportunities in the Athletic Program

The District's athletic program shall be free from discrimination and discriminatory practices in accordance with state and federal law. The Superintendent or designee shall ensure that equivalent athletic opportunities are provided for ~~both sexes~~ males and females.

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

Any complaint regarding the District's athletic program shall be filed in accordance with the District's uniform complaint procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Sportsmanship

The Board values the quality and integrity of the athletic program and the ethical well-being and character development of the student athletes. Student athletes, coaches, parents/guardians, spectators, and others are expected to demonstrate good sportsmanship, ethical conduct, and fair play during all athletic competitions. They shall also abide by the core principles of trustworthiness, respect, responsibility, fairness, caring, and good citizenship and the Codes of Conduct, as adopted by the California Interscholastic Federation (CIF), ~~in its publication~~ "Pursuing Victory with Honor."

Students and staff may be subject to disciplinary action for improper conduct.

- (cf. 3515.2 - Disruptions)
- (cf. 4118 - Suspension/Disciplinary Action)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 5131 - Conduct)
- (cf. 5131.4 - Student Disturbances)
- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- ~~(cf. 6145.21 - Victory with Honor)~~

California Interscholastic Federation

The Board maintains membership in the CIF and requires that interscholastic athletic activities be conducted in accordance with Board policy, administrative regulation, and CIF bylaws and rules. The Superintendent or designee shall have responsibility for the District's interscholastic athletic program, while the principal or designee at each participating school shall be responsible for the site-level decisions, as appropriate.

The Board shall annually designate an employee from each high school to serve as a representative to the local CIF league. Appointees shall represent the District in performing all duties required by the CIF league. In making this selection, the Board shall consider the employee's understanding of the District's goals for student learning and interscholastic and extracurricular activities, knowledge of the athletic programs, awareness of the implications of league decisions for the school and the District, and individual interpersonal communication and leadership skills.

The Superintendent or designee shall ensure that the District representatives to the CIF report regularly to the Board on league, section, and statewide issues, as well as activities and prospective actions related to athletics.

- (cf. 0500 - Accountability)

Student Eligibility

The first priority of student athletes shall be a commitment to their education and performing well in the classroom.

(cf. 6011 - Academic Standards)

Eligibility requirements for participation in the District's interscholastic athletic program, including requirements pertaining to academic achievement and residency, are shall be the same as those set by the District for participation in extracurricular and cocurricular activities.

(cf. 3530 - Risk Management/Insurance)

(cf. 5111.1 - District Residency)

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

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

(cf. 6173.1 - Education for Foster Youth)

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

In addition, the Superintendent or designee shall ensure that students participating interscholastic athletic governed by the CIF satisfy CIF eligibility requirements.

Students shall not be charged a fee to participate in an athletic program.

(cf. 3260 - Fees and Charges)

Health and Safety

The Board desires to give student health and safety the highest consideration in planning and conducting athletic activities. ~~Universal precautions shall be observed when injuries occur.~~

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

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

(cf. 5141 - Health Care and Emergencies)

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

(cf. 5141.22 - Infectious Diseases)

Students shall have a medical clearance before participating in the interscholastic athletic program. Care shall be taken to ensure that all athletic trainings and competitions are conducted in a manner that will not overtax the physical capabilities of the participants. When appropriate, protective equipment shall be used to prevent or minimize injuries.

(cf. 5131.61 - Drug Testing)

(cf. 5131.63 - Steroids)

(cf. 5141.3 - Health Examinations)

(cf. 5141.7 - Sun Safety)

(cf. 5143 - Insurance)

Coaches and appropriate District employees shall take every possible precaution to ensure that athletic equipment is kept in safe and serviceable condition.

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Supervision

All athletic teams shall be supervised by qualified coaches to ensure that student athletes receive appropriate instruction and guidance related to safety, health, ~~training, and preparation for~~ competitions sports skills and sportsmanship. Athletic events shall be officiated by qualified personnel.

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

270-271 Athletes' Bill of Rights

17578 Cleaning and sterilizing of football equipment

17580-17581 Football equipment

32221.5 Required insurance for athletic activities

33353-33353.5 California Interscholastic Federation; implementation of policies, insurance program

33354 CDE authority over interscholastic athletics

35160.5 District policies; rules and regulations

35161 Powers and duties generally

35179 Interscholastic athletics

48850 Interscholastic athletics; students in foster care

48900 Grounds for suspension and expulsion

48930-48938 Student organizations

49020-49023 Athletic programs; legislative intent, equal opportunity

49030-49034 Performance-enhancing substances
49458 Health examinations, interscholastic athletic program
49475 Health and safety, concussions and head injuries
49700-49701 Education of children of military families
51242 Exemption from physical education for high school students in interscholastic athletic program

60850-60859 High school exit examination

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245.6 Hazing

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

4920-4922 Nondiscrimination in intramural, interscholastic, and club activities

5531 Supervision of extracurricular activities of students

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UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

CODE OF FEDERAL REGULATIONS, TITLE 34

106.31-106.42 NonDiscrimination on the basis of sex in education programs or activities prohibited

106.33 Comparable facilities

106.41 Nondiscrimination in athletic programs

COURT DECISIONS

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Management Resources:

CSBA PUBLICATIONS

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

Intercollegiate Athletics Policy Clarification: The Three-Part Test - Part Three, Dear Colleague letter, April 20, 2010

WEB SITES

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

California Department of Education, Equal Opportunity and Access:

<http://www.cde.ca.gov/re/di/ee>

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Policy ALBANY UNIFIED SCHOOL DISTRICT

adopted: May 19, 2009 Albany, California

revised:

Albany Unified School District

Board Policy

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BP 6145.2

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Policy ALBANY UNIFIED SCHOOL DISTRICT
Adopted: May 19, 2009 Albany, California
Revised:

Revised

Albany Unified School District

Administrative Regulation

Athletic Competition

AR 6145.2

Instruction

Nondiscrimination and Equivalent Opportunities in the Athletic Program

No person shall on the basis of actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability. Or any other basis specified in law be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise be discriminated against in interscholastic, intramural, or club athletics. (Education Code 220, 230; 5 CCR 4920; 34 CFR 106.41)

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

The Superintendent or designee may provide single-sex teams where selection for the teams is based on competitive skills. (34 CFR 106.41; 5 CCR 4921)

When a school provides only one team in a particular sport for members of one sex, but provides no team in the same sport for members of the other sex, and athletic opportunities in the total program for that sex have been previously limited, members of the excluded sex shall be allowed to try out and compete with the team. The same standards for eligibility shall be applied to every student trying out for a team, regardless of sex, sexual orientation, or other protected group status. (5 CCR 4921; 34 CFR 106.41)

When determining whether equivalent opportunities are available to both sexes in athletic programs, the Superintendent or designee shall consider, among other factors: (5 CCR 4922; 34 CFR 106.41)

1. Whether the selection of sports and levels of competition offered effectively accommodate the interests and abilities of both sexes

To help ensure that the District's athletic program effectively accommodates the interests and abilities of both sexes in athletics, the District shall use the following criteria: (Education Code 230)

- a. Whether the interscholastic-level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments
- b. When the members of one sex have been and are underrepresented among interscholastic athletes, whether the District can show a history and a continuing practice of program

expansion that is demonstrably responsive to the developing interests and abilities of the members of that sex

c. When the members of one sex are underrepresented among interscholastic athletes and the District cannot show a history and a continuing practice of program expansion as required in item #b above, whether the District can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program

2. The provision and maintenance of equipment and supplies
3. Scheduling of games and practice times, selection of the season for a sport, and location of the games and practices
4. Travel and per diem allowances
5. Opportunities to receive coaching and academic tutoring
6. Assignment and compensation of coaches and tutors
7. Provision of locker rooms and practice and competitive facilities
8. Provision of medical and training facilities and services
9. Provision of housing and dining facilities and services
10. Publicity
11. Provision of necessary funds

Health and Safety

The Superintendent or designee shall annually distribute to student athletes and their parents/guardians a concussion and head injury information sheet. The student and parent/guardian shall sign and return the information sheet before the student's initiating practice or competition. (Education Code 49475)

(cf. 5145.6 - Parental Notifications)

If a student athlete is suspected of sustaining a concussion or head injury in an athletic activity, he/she shall be immediately removed from the activity for the remainder of the day. The student shall not be permitted to return to the activity until he/she is evaluated by a licensed health care provider trained in the management of concussions and receives the health care provider's written clearance to return to the activity. (Education Code 49475)

The Superintendent or designee shall notify the student's parent/guardian of the date, time, and

extent of any injury suffered by the student and any actions taken to treat the student.

The Superintendent or designee shall provide training to coaches, athletic trainers, and/or school nurses regarding concussion symptoms, prevention, and appropriate response.

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

Parental Notifications

Before a student participates in interscholastic athletic activities, the Superintendent or designee shall send a notice to the student's parents/guardians which:

1. Contains information about the procedures for filing a discrimination complaint that arises out of an interscholastic athletic activity, including the name of the District's Title IX Coordinator

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5145.3 - Nondiscrimination/Harassment)

2. Includes a copy of the Athletes' Bill of Rights pursuant to Education Code 271

3. Explains that there is an element of risk associated with all athletic competitions and that the District cannot guarantee that students will not be injured, despite a commitment to provide for every participant's health and welfare

(cf. 3530 - Risk Management/Insurance)

4. Provides information about insurance protection pursuant to Education Code 32221.5

(cf. 5143 - Insurance)

5. Requests parental permission for the student to participate in the program and, if appropriate, be transported by the District to and from competitions

(cf. 3541.1 - Transportation for School-Related Trips)

6. States the Board of Education's expectation that students adhere strictly to all safety rules, regulations, and instructions, as well as rules and guidelines related to conduct and sportsmanship

(cf. 5144 - Discipline)

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

7. Includes a copy of the local California Interscholastic Federation (CIF) league rules

8. Includes information about the CIF bylaw and District policy requiring any student athlete and his/her parent/guardian to sign a statement that the student will not use steroids or dietary supplements banned by the U.S. Anti-Doping Agency

(cf. 5131.63 - Steroids)

Regulation ALBANY UNIFIED SCHOOL DISTRICT
approved/Reviewed: May 19, 2009 Albany, California
Revised

Albany Unified School District

Administrative Regulation

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3. Explains that there is an element of risk associated with all athletic competitions and that the District cannot guarantee that students will not be injured, despite a commitment to provide for every participant's health and welfare

(cf. 3530 - Risk Management/Insurance)

4. Provides information about insurance protection pursuant to Education Code 32221.5

(cf. 5143 - Insurance)

5. Requests parental permission for the student to participate in the program and, if appropriate, be transported by the District to and from competitions

(cf. 3541.1 - Transportation for School-Related Trips)

6. States the Board of Education's expectation that students adhere strictly to all safety rules, regulations, and instructions, as well as rules and guidelines related to conduct and sportsmanship

(cf. 5144 - Discipline)

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

7. Includes a copy of the local California Interscholastic Federation (CIF) league rules

8. Includes information about the CIF bylaw and District policy requiring any student athlete and his/her parent/guardian to sign a statement that the student will not use steroids or dietary supplements banned by the U.S. Anti-Doping Agency

(cf. 5131.63 - Steroids)

Regulation ALBANY UNIFIED SCHOOL DISTRICT
Reviewed: May 19, 2009 Albany, California
Revised: August 14, 2012

Revised

Albany Unified School District

Board Policy

Selection And Evaluation Of Instructional Materials

BP 6161.1

Instruction

The Board of Education desires that District instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, reflect the diversity of our society, and enhance the use of multiple teaching strategies and technologies. The Board shall adopt instructional materials based on a determination that such materials are aligned with the state content standards, meet other criteria specified in law, and are an effective learning resource to help students achieve grade-level competency.

(cf. 6000 - Concepts and Roles)

(cf. 9000 - Role of the Board)

To ensure that instructional materials effectively support the District's adopted courses of study, the selection of textbooks, technology-based materials, other educational materials, and tests shall be aligned with the development and evaluation of the District's curriculum and standards.

(cf. 0440 - District Technology Plan)

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6161 - Equipment, Books and Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6162.5 - Student Assessment)

(cf. 6163.1 - Library Media Centers)

The Superintendent or designee shall establish a process by which instructional materials shall be reviewed for recommendation to the Board. This process shall involve teachers in a substantial manner and shall also encourage the participation of parents/guardians and community members.
(Education Code 60002)

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

(cf. 5020 - Parent Rights and Responsibilities)

Individuals who participate in selecting and evaluating instructional materials shall not have a conflict of interest in the materials being reviewed, as defined in administrative regulation.

(cf. 9270 - Conflict of Interest)

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

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

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

~~When the Board determines that standards-aligned textbooks and instructional materials have been provided to all students in accordance with Education Code 60422, it shall so certify. A copy of the certification shall be kept on file in the district office.~~

~~The Superintendent or designee shall ensure that the district satisfies the criteria necessary to access funds under the state's Pupil Textbook and Instructional Materials Incentive Account pursuant to Education Code 60252.~~

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

Public Hearing on Sufficiency of Instructional Materials

The Board shall annually conduct one or more public hearings on the sufficiency of the ~~D~~istrict's instructional materials. At the hearing(s), the Board shall determine, through a resolution, whether each student in each school, including each English learner, has sufficient textbooks and/or instructional materials that are aligned to the state content standards adopted pursuant to Education Code 60605 and consistent with the content and cycles of the state's curriculum frameworks; ~~in each of the following subjects:—~~ (Education Code 60119)

1. Mathematics

(cf. 6142.92 - Mathematics Instruction)

2. Science

(cf. 6142.93 - Science Instruction)

3. History/social science

(cf. 6142.94 - History-Social Science Instruction)

4. English language arts, including the English language development component of an adopted program

(cf. 6142.91 - English/Language Arts Instruction)

5. Foreign language

(cf. 6142.2 - World/Foreign Language Instruction)

6. Health

(cf. 6142.8 - Comprehensive Health Education)

~~The Board shall also make a written determination as to whether each student enrolled in a foreign language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the state curriculum frameworks.—The Board shall determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12. (Education Code 60119)~~

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

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

However, the District may purchase the newest adopted instructional materials for students in District schools ranked in deciles 1-3 of the base Academic Performance Index in any one of the past three school years without necessarily purchasing these materials for use in other District schools. (Education Code 1240.3)

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

The Board encourages participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. The Superintendent or designee shall post, 10 days prior to the hearing and in three public places within the District, a notice containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

(cf. 9322 - Agenda/Meeting Materials)

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

Legal Reference:

EDUCATION CODE

220 Prohibition against discrimination

1240 County superintendent, general duties

33050-33053 General waiver authority

33126 School accountability report card

35272 Education and athletic materials

42605 Tier 3 categorical flexibility

44805 Enforcement of course of studies; use of textbooks, rules and regulations

49415 Maximum textbook weight

51501 Nondiscriminatory subject matter ~~Subject matter reflecting on race, color, etc.~~

60000-60005 Instructional materials, legislative intent

60010 Definitions

60040-60048 Instructional requirements and materials

60060-60062 Requirements for publishers and manufacturers

60070-60076 Prohibited acts (re instructional materials)

60110-60115 Instructional materials on alcohol and drug education

60119 Public hearing on sufficiency of materials

60200-60206 Elementary school materials

60226 Requirements for publishers and manufacturers

60240-60252 State Instructional Materials Fund

60350-60352 Core reading program instructional materials

60400-60411 High school textbooks

60420-60424 Instructional Materials Funding Realignment Program

60510-60511 Donation of sale of obsolete instructional materials

60605 State content standards

60605.8 Common Core Standards

60605.86 Supplemental instructional materials aligned with Common Core Standards

CODE OF REGULATIONS, TITLE 5

9505-9535 Instructional materials, especially:

9531-9532 Instructional Materials Funding Realignment Program

Management Resources:

~~CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES~~

~~1002.90 Selection of Instructional Materials, CIL: 90/91-02~~

~~CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS~~

~~Standards for Evaluation of Instructional Materials with Respect to for Social Content, 1986-
edition, revised-2000~~

~~STATE BOARD OF EDUCATION POLICY~~

~~01-05 Guidelines for Piloting Textbooks and Instructional Materials, September 2001~~

~~CSBA PUBLICATIONS~~

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

~~Maximizing School Board Leadership: Student Learning and Achievement, 1996~~

~~WEB SITES~~

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

~~Association of American Publishers: <http://www.publishers.org>~~

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

~~California State Board of Education: <http://www.cde.ca.gov/be>~~

Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: ___ May 19, 2009 Albany, California

Revised: _____

Albany Unified School District

Board Policy

Selection And Evaluation Of Instructional Materials

BP 6161.1

Instruction

The Board of Education desires that District instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, reflect the diversity of our society, and enhance the use of multiple teaching strategies and technologies. The Board shall adopt instructional materials based on a determination that such materials are aligned with the state content standards, meet other criteria specified in law, and are an effective learning resource to help students achieve grade-level competency.

(cf. 6000 - Concepts and Roles)

(cf. 9000 - Role of the Board)

To ensure that instructional materials effectively support the District's adopted courses of study, the selection of textbooks, technology-based materials, other educational materials, and tests shall be aligned with the development and evaluation of the District's curriculum and standards.

(cf. 0440 - District Technology Plan)

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6161 - Equipment, Books and Materials)

(cf. 6161.11 - Supplementary Instructional Materials)

(cf. 6162.5 - Student Assessment)

(cf. 6163.1 - Library Media Centers)

The Superintendent or designee shall establish a process by which instructional materials shall be reviewed for recommendation to the Board. This process shall involve teachers in a substantial manner and shall also encourage the participation of parents/guardians and community members. (Education Code 60002)

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

(cf. 5020 - Parent Rights and Responsibilities)

Individuals who participate in selecting and evaluating instructional materials shall not have a conflict of interest in the materials being reviewed, as defined in administrative regulation.

(cf. 9270 - Conflict of Interest)

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

(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)

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

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

Public Hearing on Sufficiency of Instructional Materials

The Board shall annually conduct one or more public hearings on the sufficiency of the District's instructional materials. At the hearing(s), the Board shall determine, through a resolution, whether each student in each school, including each English learner, has sufficient textbooks and/or instructional materials that are aligned to the state content standards adopted pursuant to Education Code 60605 and consistent with the content and cycles of the state's curriculum frameworks: (Education Code 60119)

1. Mathematics

(cf. 6142.92 - Mathematics Instruction)

2. Science

(cf. 6142.93 - Science Instruction)

3. History/social science

(cf. 6142.94 - History-Social Science Instruction)

4. English language arts, including the English language development component of an adopted program

(cf. 6142.91 - English/Language Arts Instruction)

5. Foreign language

(cf. 6142.2 - World/Foreign Language Instruction)

6. Health

(cf. 6142.8 - Comprehensive Health Education)

The Board shall determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12.

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

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

However, the District may purchase the newest adopted instructional materials for students in District schools ranked in deciles 1-3 of the base Academic Performance Index in any one of the past three school years without necessarily purchasing these materials for use in other District schools. (Education Code 1240.3)

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

The Board encourages participation by parents/guardians, teachers, interested community members, and bargaining unit leaders at the hearing. The Superintendent or designee shall post, 10 days prior to the hearing and in three public places within the District, a notice containing the time, place, and purpose of the hearing. The hearing shall not take place during or immediately following school hours. (Education Code 60119)

(cf. 9322 - Agenda/Meeting Materials)

If the Board determines that there are insufficient textbooks and/or instructional materials, the Board shall provide information to classroom teachers and to the public, setting forth for each school in which an insufficiency exists, the percentage of students who lack sufficient

standards-aligned textbooks or instructional materials in each subject area, and the reasons that each student does not have sufficient textbooks and/or instructional materials. The Board shall take any action, except an action that would require reimbursement by the Commission of State Mandates, to ensure that each student has sufficient materials within two months of the beginning of the school year in which the determination is made. (Education Code 60119)

Legal Reference:

EDUCATION CODE

- 220 Prohibition against discrimination
 - 1240 County superintendent, general duties
 - 33050-33053 General waiver authority
 - 33126 School accountability report card
 - 35272 Education and athletic materials
 - 42605 Tier 3 categorical flexibility
 - 44805 Enforcement of course of studies; use of textbooks, rules and regulations
 - 49415 Maximum textbook weight
 - 51501 Nondiscriminatory subject matter 60000-60005 Instructional materials, legislative intent
 - 60010 Definitions
 - 60040-60048 Instructional requirements and materials
 - 60060-60062 Requirements for publishers and manufacturers
 - 60070-60076 Prohibited acts (re instructional materials)
 - 60110-60115 Instructional materials on alcohol and drug education
 - 60119 Public hearing on sufficiency of materials
 - 60200-60206 Elementary school materials
 - 60226 Requirements for publishers and manufacturers
 - 60240-60252 State Instructional Materials Fund
 - 60350-60352 Core reading program instructional materials
 - 60400-60411 High school textbooks
 - 60420-60424 Instructional Materials Funding Realignment Program
 - 60510-60511 Donation of sale of obsolete instructional materials
 - 60605 State content standards
 - 60605.8 Common Core Standards
 - 60605.86 Supplemental instructional materials aligned with Common Core Standards
- CODE OF REGULATIONS, TITLE 5
- 9505-9535 Instructional materials, especially:
 - 9531-9532 Instructional Materials Funding Realignment Program

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Standards for Evaluation of Instructional Materials for Social Content, 2000

01-05 Guidelines for Piloting Textbooks and Instructional Materials, September 2001

CSBA PUBLICATIONS

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

WEB SITES

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

Association of American Publishers: <http://www.publishers.org>

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

Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: May 19, 2009 Albany, California

Revised:

DAFT

Albany Unified School District

Administrative Regulation

Selection And Evaluation Of Instructional Materials

AR 6161.1
Instruction

Instructional Materials Funding Realignment Program

The District shall use state funds received under the Instructional Materials Funding Realignment Program to ensure that each student is provided with standards-aligned textbooks or instructional materials, in an electronic or hard-bound format, as adopted by the State Board of Education (SBE) for grades K-8, in the core curriculum areas of reading/language arts, mathematics, science, and history/social science. (Education Code 60422, 60422.1)

Instructional materials for grades K-8 shall be selected from the list of standards-aligned materials adopted by the State Board of Education (SBE). Instructional materials for grades 9-12 shall be adopted by the Board of Education. Standards-aligned materials in each core curriculum area shall be provided to each student at the beginning of the first school term that commences no later than 24 months after those materials are adopted by the SBE or the Board, as applicable. (Education Code 60422)

(cf. 1431 - Waivers)
 (cf. 6011 - Academic Standards)

For grades 9-12, the Superintendent or designee shall review instructional materials in history/social science, mathematics, ~~reading~~English/language arts, and science using a standards map in order to determine the extent to which the materials are aligned to the content standards adopted by the SBE.

After the Board has certified that all students have been provided with standards-aligned instructional materials in the core curriculum areas, the District may use any remaining program funds for the purposes specified in Education Code 60242. (Education Code 60119, 60422)

Criteria for Selection and Adoption of Instructional Materials

Instructional materials adopted by the Board shall:

1. For basic instructional materials in grades K-8, be selected from among the list of materials approved by the SBE in accordance with law (Education Code 60200)

(cf. 1431 - Waivers)

2. For instructional materials in ~~high schools~~ grades 9 - 12, be provided by publishers who comply with the requirements of Education Code 60040-60048, 60060-60062, and 60226 (Education Code 60400)

3. Not reflect adversely upon persons because of their race or ethnicity, color, creed, nationality origin, ancestry, sexual orientation, disability, or occupation, or other characteristic listed in Education Code 220, nor contain any sectarian or denominational doctrine or propaganda contrary to law (Education Code 51501, 60044)

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

4. To the satisfaction of the Board, be accurate, objective, current, and suited to the needs and comprehension of students at their respective grade levels (Education Code 60045)

5. With the exception of literature and trade books, use proper grammar and spelling (Education Code 60045)

6. Not provide any exposure to a commercial brand name, product, or corporate or company logo unless the Board makes a specific finding that the use is appropriate based on one of the following: (Education Code 60200, 60048)

a. The commercial brand name, product, or corporate or company logo is used in text for an educational purpose as defined in guidelines or frameworks adopted by the SBE.

b. The appearance of a commercial brand name, product, or corporate or company logo in an illustration is incidental to the general nature of the illustration.

7. If the materials are technology-based materials, be both available and comparable to other, equivalent instructional materials (Education Code 60052)

78. Meet the requirements of Education Code 60040-60043 for specific subject content

89. Support the District's adopted courses of study and curricular goals

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6143 - Courses of Study)

910. Contribute to a comprehensive, balanced curriculum

110. Demonstrate reliable quality of scholarship as evidenced by:

a. Accurate, up-to-date, and well-documented information

b. Objective presentation of diverse viewpoints

- c. Clear, concise writing and appropriate vocabulary
- d. Thorough treatment of subject

124. Provide for a wide range of materials at all levels of difficulty, with appeal to students of varied interests, abilities, and developmental levels

132. Include materials that stimulate discussion of contemporary issues and improve students' thinking and decision-making skills

143. Contribute to the proper articulation of instruction through grade levels

154. As appropriate ~~or as available~~, have corresponding versions available in languages other than English ~~and alternative formats such as audio and large print books.~~

165. Include high-quality teacher's guides

1617. Meet high standards in terms of the quality, durability, and appearance of paper, binding, text, and graphics

1718. When available from the publishers, consider options for lighter weight materials in order to help minimize any injury to students by the combined weight of instructional materials

Instructional Materials Evaluation Committee

The Superintendent or designee may establish an instructional materials evaluation committee to evaluate and recommend instructional materials for Board approval. This committee shall consist of a majority of teachers and may also include administrators, other staff who have subject-matter expertise, parents/guardians, community members, and students as appropriate.

(cf. 1220 - Citizen Advisory Committees)

The committee shall review instructional materials using criteria provided above and in law, and shall provide the Board with documentation supporting its recommendations.

Conflict of Interest

To ensure integrity and impartiality in the evaluation and selection of instructional materials, any District employee participating in the evaluation of instructional materials and not otherwise designated in the District's conflict of interest code shall sign a disclosure statement indicating that he/she shall not:

1. Accept any emolument, money, or other valuable thing or inducement, to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material (Education Code 60072)

Sample copies of instructional materials are excepted from this prohibition. (Education Code 60075)

(cf. 9270 - Conflict of Interest)

2. Be employed by or receive compensation from the publisher or supplier of the instructional materials, or any person, firm, organization, or any of its subsidiaries or controlling entities submitting instructional materials to the district representing it

3. Have or negotiate a contractual relationship with the publisher or supplier of the instructional materials, or any person, firm, or organization or any of its subsidiaries or controlling entities submitting instructional materials to the district representing it

4. Have an interest as a contributor, author, editor, or consultant in any textbook or other instructional material submitted to the District

Regulation ALBANY UNIFIED SCHOOL DISTRICT
~~approved~~Reviewed: May 19, 2009 Albany, California
Revised: August 14, 2012

Albany Unified School District

Administrative Regulation

Selection And Evaluation Of Instructional Materials

AR 6161.1
Instruction

Instructional Materials Funding Realignment Program

The District shall use state funds received under the Instructional Materials Funding Realignment Program to ensure that each student is provided with standards-aligned textbooks or instructional materials, in an electronic or hard-bound format, in the core curriculum areas of reading/language arts, mathematics, science, and history/social science. (Education Code 60422, 60422.1)

Instructional materials for grades K-8 shall be selected from the list of standards-aligned materials adopted by the State Board of Education (SBE). Instructional materials for grades 9-12 shall be adopted by the Board of Education. Standards-aligned materials in each core curriculum area shall be provided to each student at the beginning of the first school term that commences no later than 24 months after those materials are adopted by the SBE or the Board, as applicable. (Education Code 60422)

(cf. 1431 - Waivers)
(cf. 6011 - Academic Standards)

For grades 9-12, the Superintendent or designee shall review instructional materials in history/social science, mathematics, English/language arts, and science using a standards map in order to determine the extent to which the materials are aligned to the content standards adopted by the SBE.

After the Board has certified that all students have been provided with standards-aligned instructional materials in the core curriculum areas, the District may use any remaining program funds for the purposes specified in Education Code 60242. (Education Code 60119, 60422)

Criteria for Selection and Adoption of Instructional Materials

Instructional materials adopted by the Board shall:

1. For basic instructional materials in grades K-8, be selected from among the list of materials approved by the SBE in accordance with law (Education Code 60200)
2. For instructional materials in grades 9 - 12, be provided by publishers who comply with the requirements of Education Code 60040-60048, 60060-60062, and 60226 (Education Code

60400)

3. Not reflect adversely upon persons because of their race or ethnicity, , , nationality, , sexual orientation, disability, occupation, or other characteristic listed in Education Code 220, nor contain any sectarian or denominational doctrine or propaganda contrary to law (Education Code 51501, 60044)

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

4. To the satisfaction of the Board, be accurate, objective, current, and suited to the needs and comprehension of students at their respective grade levels (Education Code 60045)

5. With the exception of literature and trade books, use proper grammar and spelling (Education Code 60045)

6. Not provide any exposure to a commercial brand name, product, or corporate or company logo unless the Board makes a specific finding that the use is appropriate based on one of the following: (Education Code 60200, 60048)

a. The commercial brand name, product, or corporate or company logo is used in text for an educational purpose as defined in guidelines or frameworks adopted by the SBE.

b. The appearance of a commercial brand name, product, or corporate or company logo in an illustration is incidental to the general nature of the illustration.

7. If the materials are technology-based materials, be both available and comparable to other, equivalent instructional materials (Education Code 60052)

8. Meet the requirements of Education Code 60040-60043 for specific subject content

9. Support the District's adopted courses of study and curricular goals

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6143 - Courses of Study)

10. Contribute to a comprehensive, balanced curriculum

11. Demonstrate reliable quality of scholarship as evidenced by:

a. Accurate, up-to-date, and well-documented information

b. Objective presentation of diverse viewpoints

c. Clear, concise writing and appropriate vocabulary

- d. Thorough treatment of subject
- 12. Provide for a wide range of materials at all levels of difficulty, with appeal to students of varied interests, abilities, and developmental levels
- 13. Include materials that stimulate discussion of contemporary issues and improve students' thinking and decision-making skills
- 14. Contribute to the proper articulation of instruction through grade levels
- 15. As appropriate, have corresponding versions available in languages other than English
- 16. Include high-quality teacher's guides
- 17. Meet high standards in terms of the quality, durability, and appearance of paper, binding, text, and graphics
- 18. When available from the publishers, consider options for lighter weight materials in order to help minimize any injury to students by the combined weight of instructional materials

Instructional Materials Evaluation Committee

The Superintendent or designee may establish an instructional materials evaluation committee to evaluate and recommend instructional materials for Board approval. This committee shall consist of a majority of teachers and may also include administrators, other staff who have subject-matter expertise, parents/guardians, community members, and students as appropriate.

(cf. 1220 - Citizen Advisory Committees)

The committee shall review instructional materials using criteria provided above and in law, and shall provide the Board with documentation supporting its recommendations.

Conflict of Interest

To ensure integrity and impartiality in the evaluation and selection of instructional materials, any District employee participating in the evaluation of instructional materials and not otherwise designated in the District's conflict of interest code shall sign a disclosure statement indicating that he/she shall not:

- 1. Accept any emolument, money, or other valuable thing or inducement, to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material (Education Code 60072)

Sample copies of instructional materials are excepted from this prohibition. (Education Code 60075)

(cf. 9270 - Conflict of Interest)

2. Be employed by or receive compensation from the publisher or supplier of the instructional materials, or any person, firm, organization, or any of its subsidiaries or controlling entities representing it
3. Have or negotiate a contractual relationship with the publisher or supplier of the instructional materials, or any person, firm, or organization or any of its subsidiaries or controlling entities representing it
4. Have an interest as a contributor, author, editor, or consultant in any textbook or other instructional material submitted to the District

Regulation ALBANY UNIFIED SCHOOL DISTRICT
Reviewed: May 19, 2009 Albany, California
Revised: August 14, 2012

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Albany Unified School District

Exhibit

Selection And Evaluation Of Instructional Materials

E 6161.1

Instruction

Resolution on Sufficiency of Instructional Materials

Whereas, the Governing Board of the Albany Unified School District, in order to comply with the requirements of Education Code 60119, held a public hearing on (date), at (time) o'clock, which is on or before the eighth week of school (between the first day that students attend school and the end of the eighth week from that day) and which did not take place during or immediately following school hours, and;

Whereas, the Board provided at least 10 days notice of the public hearing by posting it in at least three public places within the District stating the time, place, and purpose of the hearing, and;

Whereas, the Board encouraged participation by parents/guardians, teachers, members of the community, and bargaining unit leaders in the public hearing, and;

Whereas, information provided at the public hearing detailed the extent to which textbooks and instructional materials were provided to all students, including English learners, in the Albany Unified School District, and;

Whereas, the definition of "sufficient textbooks or instructional materials" means that each student, including each English learner, has a standards-aligned textbook and/or instructional materials to use in class and to take home, which may include materials in a digital format but shall not include photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage, and;

Whereas, the definition of "sufficient textbooks or instructional materials" also means that all students who are enrolled in the same course within the Albany Unified School District, have standards-aligned textbooks or instructional materials from the same adoption cycle, and;

Finding of Sufficient Textbooks or Instructional Materials

Whereas, sufficient textbooks or instructional materials were provided to each student, including each English learner, that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks in the following subjects:

* Mathematics:

Grades K – 5: CA Everyday Math, 2008 (McGraw Hill)

Grades 6 – 8: CA Math Course 1, Course 2, Algebra 1, 2008 (McDougal Little)
Grades 7 – 8: CA Pre-Algebra 1, 2008 (McDougal Little)
Grades 9 – 12: Pre-Algebra (gr 9); Calculus
Grades 9 – 12: Algebra I, Geometry

* Science:

Grades K – 5: Full Option Science System (FOSS), 2007 (Delta Education)
Grades 6 – 7: CA Science Explorer, Focus on Earth, Life & Physical Science, 2008 (Pearson Prentice Hall)
Grade 8: CA Science: Earth, Life & Physical Science, 2007 (Holt, Rinehart and Winston)
Grades 9 – 12: Physics Principles and Problems, 2005 (Glencoe Science)
Grades 9 – 12: Foundations of College Chemistry (Arena)
Grades 10 – 12: AP Chemistry: General Chemistry (Robinson)

* History-social science:

Grades K – 1: History Social Science, 2006 (Houghton Mifflin)
Grades 2 – 5: Reflections: California Series, 2006 (Harcourt)
Grades 6 – 8: History Alive! – CA Middle Schools' Program (Teachers Curriculum Institute)

* English/language arts, including the English language development component of an adopted program:

E/LA

Grades K – 5: CA Reading: Medallion Edition, 2003 (Houghton Mifflin)
Grades 6 – 8: California Literature (McDougal Littell)

Grade 6 core novels:

The Giver by Lois Lowry
Watsons Go to Birmingham- 1963 by Christopher Paul Curtis

Grade 7 core novels:

The Outsiders by S.E. Hinton
Of Nightingales that Weep by Katherine Paterson

Grade 8 core novels:

The Absolutely True Diary of a Part-Time Indian by Sherman Alexie
Inherit the Wind by Jerome Lawrence and Robert E. Lee

ELD

Grades K – 5: On Our Way to English (Rigby)
Grades 6 – 8: California Literature (McDougal Littell)

Intervention (E/LA & ELD)

Grades 6 – 8: Inside Language, Literacy and Content (National Geographic)
Grades 9 – 12: Edge (National Geographic)

* Foreign language:

French

Grades 7 – 8: Discovering French, Nouveau!, 2004 (McDougal Littell)

Grades 9 – 12: Discovering French, Nouveau Bleu 1, 2, 3, 2007 (McDougal Littell)

AP: Preparing for the Language Examination (Ladd & Girard)

Spanish

Grades 7 -8: Realidades (Prentice Hall)

Grades 9 – 12: Realidades 1, 2, 3

Grades 9 – 12 & AP:

Mandarin

Grade 7: Happy Chines (Kuaile Han Yu)

Grade 8: Learn Chinese With Me (Gen Wo Xue Hanyu)

AP: Integrated Chinese, Level 2 Part 2, 3rd edition, 2009 (Cheng & Tsui)

* Health:

Grade 9:

Whereas, laboratory science equipment was available for science laboratory classes offered in grades 9-12, inclusive;

Therefore, it is resolved that for the _____ school year, the Albany Unified School District, has provided each student with sufficient textbooks or instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

Finding of Insufficient Textbooks or Instructional Materials

Whereas, information provided at the public hearing and to the Board at the public meeting detailed that insufficient textbooks or instructional materials were provided to students in the following subjects and grade levels at District schools: (For each school, list the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in mathematics, science, history-social science, English/language arts, foreign language, and health.)

Whereas, sufficient textbooks or instructional materials were not provided at each school listed above due to the following reasons: (For each school at which there is an insufficiency, list the reasons that each student does not have sufficient instructional materials in each subject and grade level listed above.)

Therefore, it is resolved, that for the _____ school year, the Albany Unified School District has not provided each student with sufficient textbooks or instructional materials consistent with the cycles and content of the curriculum framework, and;

Be it further resolved, that the following actions will be taken to ensure that all students have sufficient textbooks or instructional materials in all subjects that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks within two months of the beginning of the school year in which this determination is made. (List actions to be taken to resolve insufficiency. See Education Code 60119(a)(2)(B) for other funds that may be used to ensure sufficient instructional materials.)

PASSED AND ADOPTED THIS _____ day of _____, _____ at a meeting, by the following vote:

AYES: _____ NOES: _____ ABSENT: _____

Attest:

Secretary President

Exhibit ALBANY UNIFIED SCHOOL DISTRICT
version: August 14, 2012 Albany, California

Albany Unified School District

Board Policy

Standardized Testing And Reporting Program

BP 6162.51

Instruction

The Governing Board desires to use the results of the achievement tests to evaluate (in part) the performance of District students in achieving state academic standards and in comparison to the performance of students across the state. The Superintendent or designee shall administer mandatory student assessments within the state Standardized Testing and Reporting (STAR) Program as required by law and in accordance with Board policy and administrative regulation.

(cf. 6162.5 - Student Assessment)

(cf. 6162.54 - Test Integrity/Test Preparation)

The Board strongly encourages all students at the applicable grade levels to participate in the STAR assessments in order to maximize the usefulness of the data and enable the District to meet participation levels required for state and federal accountability systems. The Superintendent or designee shall notify students and parents/guardians about the usefulness of these assessments as one part of an overall District process for reviewing and monitoring student progress and shall develop strategies to encourage student participation. Students shall be exempted from participation only in accordance with law and administrative regulation.

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

(cf. 6011 - Academic Standards)

The Board shall annually examine STAR results by school, grade level, and student subgroup in the Board's discussion of each school's ranking on the statewide Academic Performance Index.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

51041 Evaluation of educational program

52056 Board discussion of Academic Performance Index rankings, including STAR results

56345 Individualized education program, contents

60600-60630 Assessment of academic achievement

60640-60649 Standardized Testing and Reporting Program

60660-60663 Electronic learning assessment resources

60810 Assessment of language development

99300-99301 Early Assessment Program

CODE OF REGULATIONS, TITLE 5

850-870 Standardized Testing and Reporting Program

UNITED STATES CODE, TITLE 20

1412(a)(17) Participation of students with disabilities in state assessments

6311 Adequate yearly progress

CODE OF FEDERAL REGULATIONS, TITLE 34

200.1 Standards and assessment

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Matrix of Test Variations, Accommodations and Modifications for Administration of California Statewide Assessments

CALIFORNIA STATE UNIVERSITY PUBLICATIONS

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

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

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

WEB SITES

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

California Department of Education, STAR Program: <http://www.cde.ca.gov/ta/tg/sr>

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

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

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

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy

Adopted:

Albany, California

Albany Unified School District

Administrative Regulation

Standardized Testing And Reporting Program

AR 6162.51

Instruction

The District shall administer the following assessments in the Standardized Testing and Reporting (STAR) program:

1. The California Standards Tests (CSTs) in English/language arts, mathematics, science, and history-social science to students in grades 2-11 (Education Code 60640)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6142.93 - Science Instruction)

(cf. 6142.94 - History-Social Science Instruction)

In addition, students in grade 11 may voluntarily take an augmented CST as part of the Early Assessment Program to determine their readiness for college-level work in English and/or mathematics. (Education Code 60641, 99300-99301)

2. The Standards-Based Test in Spanish (STS) to Spanish-speaking English learners in grades 2-11 who either: (Education Code 60640)

a. Receive instruction in Spanish, regardless of how long they have been in the United States

b. Have been enrolled in a California public school for less than 12 months

(cf. 6174 - Education for English Language Learners)

This test shall be required in addition to the CST administered in English. (Education Code 60640)

Following the first year of enrollment in a California public school, Spanish-speaking English learners in grades 2-11 shall continue to take the STS in addition to the CST in English if the Superintendent or designee determines that such test results would provide useful information about students' performance.

3. The California Alternate Performance Assessment (CAPA) for students in grades 2-11 with severe cognitive disabilities who are unable to take the CSTs even with accommodations or modifications, or the California Modified Assessment (CMA) for students in grades 3-11 who are not severely cognitively disabled, when determined appropriate by the student's individualized education program (IEP) team (Education Code 56345, 60640; 5 CCR 850; 34 CFR 200.1)

A student with disabilities may be assessed using the CAPA in all subject areas, CMA in all subject areas, or a combination of CSTs and CMA in the subject areas being assessed, but shall not be allowed to take both the CAPA and CMA. Eligibility to take the CMA shall be based on the criteria specified in 5 CCR 850. The

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Superintendent or designee shall inform the parents/guardians of students selected to be assessed with the CMA that their child's achievement will be measured based on modified achievement standards. (5 CCR 850)

Any special education student who is an English learner may be tested with the STS in accordance with item #2 above, unless the IEP specifically exempts him/her from such testing. (Education Code 56345)

(cf. 6159 - Individualized Education Program)

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

The Superintendent or designee shall make arrangements as necessary to test all eligible students in alternative education programs or programs conducted off campus. (5 CCR 851)

(cf. 6158 - Independent Study)

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

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

Testing Period

The STAR tests, with the exception of the writing portion of the English/language arts tests, shall be administered to students during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the instructional days of the school, track, or program. (Education Code 60640; 5 CCR 855)

The Superintendent or designee shall arrange for at least two make-up days for the testing of students who were absent during the testing period. All make-up testing shall occur within five instructional days of the last date that the District administered the tests, but not later than the 25-day testing window. (Education Code 60640; 5 CCR 855)

The writing portion of the English/language arts tests shall be administered only on the testing day(s) and make-up day(s) specified annually by the Superintendent of Public Instruction. (Education Code 60640; 5 CCR 855)

Exemptions

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

If a parent/guardian submits an exemption request after testing has begun, any test(s) completed before the request is submitted shall be scored and the results reported to the parent/guardian and included in the student's records. (5 CCR 852)

Testing Variations

Assessments shall be administered in accordance with the manuals or other instructions provided by the test

contractor, unless a testing variation, accommodation, or modification is specifically allowed pursuant to ~~SP2017~~ 853.5. (5 CCR 853, 853.5)

All students may be provided with the following variations: (5 CCR 853.5)

1. Simplified or clarified test directions
2. Allowance to write in test booklets (e.g., underlining, highlighting, working math problems), provided that in grades 2-3 any marks other than those in response circles must be erased or responses must be transcribed into new test booklet(s) to ensure that the tests can be scored
3. Testing in a small group setting
4. As much time as needed within a single sitting to complete a test or test part

In addition, all students shall be provided with the following testing variations if such variations are regularly used in the classroom: (5 CCR 853.5)

1. Special adaptive furniture
2. Special lighting, special acoustics, noise-canceling devices, visual magnifying equipment, or audio amplification equipment
3. An individual carrel or study enclosure
4. Individual testing in a separate testing room provided that a District employee who has signed the test security affidavit directly supervises the student
5. Colored overlay, masks, or other means to maintain visual attention to the test or test questions
6. Manually Coded English or American Sign Language to communicate directions for test administration

Identified English learners shall be permitted the following testing variations if such variations are regularly used in the classroom or for assessment: (5 CCR 853.5)

1. Testing in a separate room with other English learners provided that a District employee who has signed the test security affidavit directly supervises the student.
2. Additional supervised breaks following each section within a test part provided that the test section is completed within a testing day. A test section is identified by a "STOP" at the end of it.
3. Translation of the test directions printed in the test administration manual into the student's primary language, and the opportunity to ask clarifying questions about any test directions presented orally in the student's primary language.
4. Access to translation glossaries/word lists for the CSTs in mathematics, science, and history-social science (English to primary language). The translation glossaries/word lists are to include only the English words or phrases with the corresponding primary language words or phrases. The glossaries/word lists shall

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not include definitions, parts of speech, or formulas.

Students with disabilities shall be permitted to take the assessments with any of the testing variations listed in 5 CCR 853.5, provided the variations are specified in their IEP or Section 504 plan. These variations may include but are not limited to, accommodations in the presentation or setting of the test administration or in how a student is allowed to respond, and/or modifications in accordance with 5 CCR 853.5. (5 CCR 850, 853, 853.5)

Staff Responsibilities

Each year the Superintendent or designee shall designate a District coordinator who shall serve as the District representative and liaison with the California Department of Education (CDE) for all matters relating to the STAR program. The Superintendent or designee also shall designate a coordinator for each test site. (5 CCR 857-858)

In addition to the duties specified in 5 CCR 857, the District coordinator shall establish guidelines to help ensure that the test contractor is provided complete student information, as specified in 5 CCR 861 and 870, for purposes of the Academic Performance Index.

(cf. 3553 - Free and Reduced Price Meals)

After receiving summary reports and files from the test contractor, the District coordinator shall review the files and reports for completeness and accuracy and shall notify the test contractor and the CDE of any errors, discrepancies, or incomplete information. (5 CCR 857)

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

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

As appropriate, the Superintendent or designee shall assign a specially trained District employee to serve as a test proctor to assist the test examiner; a specially trained District employee, or other person supervised by a District employee, to serve as a translator to translate the test directions into a student's primary language; and a District employee to serve as a scribe to transcribe a student's responses to the format required by the test. A student's parent/guardian shall not be eligible to be that student's translator or scribe. (5 CCR 850)

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

Report of Test Results

Within 20 working days of receiving any student test report from the test contractor, the Superintendent or designee shall forward the student report to the student's parents/guardians. If these reports are received after the last day of instruction in the school year, each student's results shall be mailed to his/her parents/guardians. (Education Code 60641; 5 CCR 863)

(cf. 5145.6 - Parental Notifications)

The report shall include a clear explanation of the purpose of the test, the student's score, and its intended use by the District. (Education Code 60641)

An individual student's scores shall also be reported to his/her school and teacher(s) and shall be included in his/her student record. (Education Code 60641)

(cf. 5125 - Student Records)

With parent/guardian consent, the Superintendent or designee may release a student's test results to a postsecondary educational institution for the purposes of credit, placement, determination of readiness for college-level coursework, or admission. (Education Code 60641)

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

(cf. 9321.1 - Closed Session Actions and Reports)

Regulation

Reviewed: August 14, 2012 Albany, California

Albany Unified School District

Administrative Regulation

High School Exit Examination

AR 6162.52

Instruction

Definitions

Variation means a change in the manner in which the test is presented or administered or in how a student is allowed to respond, and includes, but is not limited to, accommodations and modifications as defined in Education Code 60850. (5 CCR 1200)

Accommodation means any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores. (Education Code 60850)

Modification means any variation in the assessment environment or process that fundamentally alters what the test measures or affects the comparability of scores. (Education Code 60850)

District and Test Site Coordinators

On or before July 1 of each school year, the Superintendent shall designate an high school exit exam coordinator from among District employees and shall notify the publisher-test contractor of the identity and contact information of the coordinator. The District coordinator, or Superintendent or designee, shall be available throughout the year and shall serve as the liaison between the District and the test contractor and between the District and the California Department of Education (CDE) for all matters related to the exit exam, and shall perform additional duties specified in 5 CCR 1209 – 1211.5. (5 CCR 1209)

Annually, the District coordinator or Superintendent or designee shall designate a test site coordinator for each test site to fulfill the responsibilities specified in 5 CCR 1210 – 2111.5. (5 CCR 1210)

All District and test site coordinators shall sign a test security affidavit pursuant to 5 CCR 1211.5

Access to exam materials shall be limited to students taking the exit exam and individuals who have signed the test security affidavit, including employees directly responsible for test administration. All district and test site coordinators shall be responsible for inventory control. (5 CCR 1211)

~~Test site coordinators shall ensure that strict supervision is maintained over each student taking the exam, both while the student is in the room in which the test is being administered and during~~

~~any period the student is granted a break from testing. Access to exam materials is limited to students taking the exam for the purpose of graduating and employees of the district directly responsible for test administration~~

Administration

The high school exit exam shall be administered as follows: (Education Code 60851, 60852.3; 5 CCR 1204, 1204.5)

1. Students in grade 10, including students with disabilities who are otherwise exempt from the requirements of the exam, shall take each section of the exit exam once during the school year, either during the grade 10 census administration or the District-designated grade 10 make-up administration.

~~Students shall take the exam once per school year while in grade 10.~~

2. Students in grades 11-12 who have not yet passed both sections of the exam shall have up to two opportunities per year to take the section(s) of the exam not yet passed and may elect to take the exam during these opportunities; ~~but shall not~~ These students may be tested in successive administrations within a school year. Students in grades 11-12 shall ~~should~~ be offered appropriate remediation or supplemental instruction before being retested.

3. Students in grade 12 shall have at least three opportunities to take the section(s) of the exit exam not yet passed. Students in grade 12 may elect to take the exam up to five times during the school year and may take the exam in successive administrations. Students should be offered appropriate remediation or supplemental instruction before being retested.

(cf. 6179 - Supplemental Instruction)

~~Students shall be provided one additional opportunity to pass the exit exam after completion of other grade 12 requirements.~~

The Superintendent or designee shall administer the exit exam in each high school in the ~~D~~istrict on the dates designated by the Superintendent of Public Instruction as exam days or make-up days. (Education Code 60851)

School personnel at the test site shall be responsible for the accurate identification of eligible students who are to be administered the exit exam. This identification shall be made through the use of photo identification or, positive recognition by the test administrator, ~~or some equivalent means of identification.~~ (5 CCR 1203)

Any student found to have cheated, assisted others in cheating, or compromised the security of the exit exam shall have his/her test marked "invalid" and not receive a score from that test administration. (5 CCR 1220)

(cf. 5131.9 - Academic Honesty)

(cf. 6162.54 - Test Integrity/Test Preparation)

Testing Variations for All Students

The Superintendent or designee may provide any student with extra time within a testing day, ~~and/or simplified or clarified test directions (but not test questions), student marks (other than responses) including highlighting in test booklets, and/or testing in a small group setting.~~ (5 CCR 1215):

A student may also be provided the following testing variations if they are regularly used in the classroom: (5 CCR 1215)

1. Special lighting, special acoustics, or special or adaptive furniture~~Special or adaptive furniture~~
2. Visual magnifying or audio amplification equipment~~Special lighting or acoustics~~
3. Noise buffers (e.g., an individual carrel or study enclosure)
~~An individual carrel or study enclosure~~
4. Testing of individual students in a separate room provided that the student is directly supervised by an employee who has signed the test security affidavit
~~Individual testing in a separate room provided the student is directly supervised by an employee who has signed the test security affidavit~~
5. Colored overlay, mask, or other means to maintain visual attention to the exam or test items
~~Markers, masks or other means to maintain visual attention to the exam or test items~~
6. Manually Coded English or American Sign Language to present test administration directions

At least 30 working days before the proposed administration of the exit exam, the Superintendent or designee ~~may shall~~ submit a request to the California Department of Education for a case-by-case review of a proposed variation that is not specified in law. The request shall include a description of the requested variation(s) and, if applicable, a certification that the student's individualized education program (IEP) or Section 504 plan specifies that the requested variation is appropriate and necessary to access the exam due to the student's identified disability(ies) and that such variation is currently listed in his/her IEP or Section 504 plan. (5 CCR 1218)

Test Variations for English Language Learners

In addition to testing variations allowed for all students, identified English language learners may be allowed the following testing variations if regularly used ~~for assessment in the classroom or~~ for assessments: (5 CCR 1217)

1. Flexible setting: English language learners may have the opportunity to be tested in a separate room with other English language learners provided that the students are directly supervised by an employee who has signed the test security affidavit.

~~Testing in a separate room with other English language learners provided the students are directly supervised by an employee who has signed the test security affidavit and the students have been provided such a flexible setting as part of their regular instruction or assessment~~

2. Flexible schedule: English learners may have additional supervised breaks within a testing day.~~Additional supervised breaks within a testing day~~

3. Flexible time: English learners may have extra time on the exam within a testing day.~~Extra time on the exam within a testing day~~

4. Translated directions: English learners may have the opportunity to hear the test directions printed in the test contractor's manual translated into their primary language. English learners may have the opportunity to ask clarifying questions about the test directions in their primary language.~~Translated directions and the opportunity to ask clarifying questions about the test directions in their primary language~~

5. Glossaries: English learners may have access to translation glossaries (English to primary language and/or primary language to English). The glossaries are to include only the English words or phrases with the corresponding primary language words or phrases. The glossaries shall include no definitions, formulas, or parts of speech.

~~Access to translation glossaries (English to primary language or primary language to English)~~

~~The Superintendent or designee shall ensure that English language learners are evaluated to determine if they possess sufficient English language skills at the time of the exam to be assessed with the test.~~

If a student does not possess sufficient English language skills to be assessed on the student ~~exit~~ exam, the Superintendent or designee may defer the exam requirement for a period of up to 24 calendar months of enrollment in the California public school system until the student has completed six months of instruction in reading, writing and comprehension in the English language. (Education Code 60852)

(cf. 6174 – Education for English Learners)

Accommodations/Modifications for Students with Disabilities

A student with a ~~disability~~ disabilities shall be permitted to take the exit exam with accommodations or modifications when his/her individualized education program (IEP) adopted pursuant to the Individuals with Disabilities Education Act or his/her Section 504 plan specifies their use on the exam, for standardized testing, or during classroom instruction and assessments. (Education Code 60850: 5 CCR 1215.5, 1216)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)
(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

The use of accommodations shall not invalidate a student's test score(s). Accommodations may include: (5 CCR 1215.5)

1. Presentation accommodations, including large-print versions on 20-point font, test-exam items enlarged through electronic means if larger than 20-point font is required, Braille transcriptions provided by the test publisher/contractor or designee, use of Manually Coded English or American Sign Language to present test directions or to present test questions on the mathematics section of the exam, and audio or oral presentation of the mathematics section of the exam or any prompts or passages present in the writing task
2. Response accommodations, including responses marked in the test booklet and transferred to the answer document by an employee who has signed the test security affidavit; responses dictated orally, in Manually Coded English, or in American Sign Language to a scribe for selected-response items (e.g., multiple-choice test questions); responses dictated orally or in Manually Coded English to a scribe, audio recorder, or speech-to-text converter on the writing portion of the exam and the student indicates all spelling and language conventions; word processing software with spell and grammar check tools turned off on the writing portion of the exam; or an assistive device that does not interfere with the independent work of the student on the multiple-choice or writing portion of the exit exam by an employee who has signed the test security affidavit, or responses made using a scribe, audio recorder, speech-to-text converter, word processing software or assistive device, within the limitations described in 5 CCR 1215.5
3. Scheduling/timing accommodations, including testing over more than one day after consultation with the test publisher/contractor, supervised breaks within a section of the exam, and administration of the exam at the most beneficial time of day to the student after consultation with the test publisher/contractor
4. Setting accommodations, including tests administered by certified teachers a test examiner to a student at home or in the hospital

For purposes of receiving a high school diploma, the use of modifications shall invalidate a student's test score for the section of the exam for which the modification(s) were used. If the score is equivalent to a passing score, the student may be eligible for a waiver, as detailed below. Modifications may include: (5 CCR 1216)

1. Arithmetic table or formulas, calculators, or math manipulatives on the mathematics section of the exit exam
~~Calculators on the mathematics section of the exam~~
2. Audio or oral presentation of the the multiple-choice portion of the English/language arts

section of the exam

3. Use of Manually Coded English or American Sign Language to present the multiple-choice portion test questions of the English/language arts section of the exam
4. Spellcheckers, grammar checkers or word processing software programs that check or correct spelling and/or grammar on the writing portion of the exam
5. Mechanical or electronic devices or other assistive devices that are used solely to record the student's responses, including but not limited to transcribers, scribes, voice recognition or voice-to-text software, and that identify a potential error in the student's response of or that correct spelling, grammar or conventions on the writing portion of the exit exam
6. Responses dictated orally, in Manually Coded English, or in American Sign Language to provide an essay response to a scribe and the scribe provides spelling, grammar, and language conventions
Use of American Sign Language to provide a response to the written portion of the exam
7. English Dictionary on the English/language arts any section of the exam
8. Mathematics dictionary on the mathematics section of the exam

Exemption for Students with Disabilities Beginning in 2009-10

The District shall grant a diploma to a student with a disability who has not passed the exit exam if all of the following criteria are satisfied: (Education Code 60852.3)

1. The student has an IEP or Section 504 plan.
2. The IEP or 504 plan states that the student is scheduled to receive a high school diploma.
3. The student has satisfied or will satisfy all other state and District requirements for the receipt of a high school diploma on or after July 1, 2009.

Waiver for Students with Disabilities

When a student with disabilities has taken any section of the exit exam with one or more modifications and has received the equivalent of a passing score, his/her parent/guardian may request that the student receive a waiver of the requirement to successfully pass the exam. Upon receipt of such request, the principal shall submit a request for a waiver to the Board of Education. The Board may waive the requirement to successfully pass the exit exam if the principal certifies that the student has all of the following: (Education Code 60851)
At the parent/guardian's request, the principal shall submit to the Board a request for a waiver of the requirement to successfully pass the exit exam for a student with a disability who has taken the exit exam with modifications that alter what the test measures and has received the

~~equivalent of a passing score on one or more subject matter parts of the exam. The Board may waive the requirement for such a student if the principal certifies that the student has all of the following:~~

1. An IEP or Section 504 plan in place that requires the accommodations or modifications to be provided to the student when taking the exit exam.
2. High school level coursework either satisfactorily completed or in progress in the District's high school level curriculum sufficient to have attained the skills and knowledge otherwise needed to pass the exit exam.
3. An individual score report for the student showing that the student has received the equivalent of a passing score on the exit exam while using a modification that fundamentally alters what the exit exam measures as determined by the State Board of Education.

~~Upon receiving the certification from the principal, the Board shall consider the waiver request in a timely manner, generally at the next scheduled regular Board meeting.~~

In order to protect the student's privacy rights, the waiver shall be considered in closed session. Final Board action on the waiver shall be taken in open session and shall be a matter of public record. The student's name shall not be disclosed in open session.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

The principal or designee shall notify parents/guardians of students with disabilities about the criteria and process for applying for a waiver of the requirement to successfully pass the exit exam.

Each year, the Superintendent or designee shall provide the CDE with data regarding students with disabilities and the District's waiver process as specified in 5 CCR 1207.1.

Records

The Superintendent or designee shall maintain a summary data file of all students who participate in each test administration. This summary data file shall include the following information for the English/language arts section and the mathematics section for each test administration: (5 CCR 1205)

1. The date on which each section of the exam was taken
2. The full name of each student who took each section of the exam
3. The grade level of each student at the time each section of the exam was taken

4. Whether each student has satisfied the requirement to successfully pass each section of the exam

In addition, the Superintendent or designee shall provide the test contractor with the student demographic information specified in 5 CCR 1207.

~~The above information, as well as demographic information for students enrolled in grade 10 at the time of the grade 10 administration, shall be provided to the test publisher.~~

Within 60 days of receiving electronic data files from the test publisher~~contractor~~, the Superintendent or designee shall enter the following information in each student's permanent record:

1. The date on which the student took each section of the exam
2. Whether the student has satisfied the requirement to successfully pass each section of the exam

(cf. 5125 - Student Records)

Notifications

At the beginning of each school year, the ~~Board of Education~~Superintendent or designee shall provide written notification to all students in grades 9 through 12 and to their parents/guardians that, ~~starting in the 2003-04 school year and each year thereafter, each student completing the 12th grade shall be required to successfully pass the exit exam as a condition of graduation. Such notification shall also be provided to any student who transfers into the district after the beginning of the school year at the time of the student's transfer. The notification shall include, at a minimum, the date of the exam, the requirements for passing the exam, and the consequences of not passing the exam and shall inform the parent/guardian that passing the exam is a condition of graduation.~~ The Superintendent or designee shall maintain documentation that the parent/guardian of each student has ~~received~~been sent this written notification. (Education Code 48980, 60850; 5 CCR 1208)

(cf. 5145.6 - Parental Notifications)

(cf. 6146.1 - High School Graduation Requirements)

Prior to each administration of the exit exam, the Superintendent or designee shall notify ~~each-eligible students~~ of the provisions of 5 CCR 1220 related to cheating. (5 CCR 1220)

The principal or designee shall notify parents/guardians of students with a disability about the criteria and process for applying for a waiver of the requirement to successfully pass the exit exam.

Records

~~The Superintendent or designee shall maintain a record of all students who participate in each test cycle of the exam. This record shall include the following information for the English/language arts section and the mathematics section for each test cycle:~~

- ~~1. The date on which each section of the exam was offered~~
- ~~2. The names of each student who took each section of the exam~~
- ~~3. The grade level of each student who took each section of the exam~~
- ~~4. Whether each student passed or did not pass the section or sections of the exam taken~~

~~The Superintendent or designee shall maintain the following information in each student's permanent record and shall ensure that the information is entered prior to the subsequent test cycle:~~

- ~~1. The date on which the student took each section of the exam~~
- ~~2. Whether the student passed or did not pass each section of the exam~~

Regulation ALBANY UNIFIED SCHOOL DISTRICT
approved/Reviewed: May 19, 2009 Albany, California
Revised: August 14, 2012

Albany Unified School District

Administrative Regulation

High School Exit Examination

AR 6162.52
Instruction

Definitions

Variation means a change in the manner in which the test is presented or administered or in how a student is allowed to respond, and includes, but is not limited to, accommodations and modifications as defined in Education Code 60850. (5 CCR 1200)

Accommodation means any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores. (Education Code 60850)

Modification means any variation in the assessment environment or process that fundamentally alters what the test measures or affects the comparability of scores. (Education Code 60850)

District and Test Site Coordinators

On or before July 1 of each school year, the Superintendent shall designate a high school exit exam coordinator from among District employees and shall notify the test contractor of the identity and contact information of the coordinator. The District coordinator, or Superintendent or designee, shall be available throughout the year and shall serve as the liaison between the District and the test contractor and between the District and the California Department of Education (CDE) for all matters related to the exit exam, and shall perform additional duties specified in 5 CCR 1209 – 1211.5. (5 CCR 1209)

Annually, the District coordinator or Superintendent or designee shall designate a test site coordinator for each test site to fulfill the responsibilities specified in 5 CCR 1210 – 2111.5. (5 CCR 1210)

All District and test site coordinators shall sign a test security affidavit pursuant to 5 CCR 1211.5

Access to exam materials shall be limited to students taking the exit exam and individuals who have signed the test security affidavit, including employees directly responsible for test administration. All district and test site coordinators shall be responsible for inventory control. (5 CCR 1211)

Administration

The high school exit exam shall be administered as follows: (Education Code 60851, 60852.3; 5 CCR 1204, 1204.5)

1. Students in grade 10, including students with disabilities who are otherwise exempt from the requirements of the exam, shall take each section of the exit exam once during the school year, either during the grade 10 census administration or the District-designated grade 10 make-up administration.
2. Students in grade 11 who have not yet passed both sections of the exam shall have up to two opportunities per year to take the section(s) of the exam not yet passed and may elect to take the exam during these opportunities. These students may be tested in successive administrations within a school year. Students should be offered appropriate remediation or supplemental instruction before being retested.
3. Students in grade 12 shall have at least three opportunities to take the section(s) of the exit exam not yet passed. Students in grade 12 may elect to take the exam up to five times during the school year and may take the exam in successive administrations. Students should be offered appropriate remediation or supplemental instruction before being retested.

(cf. 6179 - Supplemental Instruction)

The Superintendent or designee shall administer the exit exam in each high school in the District on the dates designated by the Superintendent of Public Instruction as exam days or make-up days. (Education Code 60851)

School personnel at the test site shall be responsible for the accurate identification of eligible students who are to be administered the exit exam. This identification shall be made through the use of photo identification or positive recognition by the test administrator. (5 CCR 1203)

Any student found to have cheated, assisted others in cheating, or compromised the security of the exit exam shall not receive a score from that test administration. (5 CCR 1220)

(cf. 5131.9 - Academic Honesty)

(cf. 6162.54 - Test Integrity/Test Preparation)

Testing Variations for All Students

The Superintendent or designee may provide any student with extra time within a testing day, simplified or clarified test directions (but not test questions), student marks (other than responses) including highlighting in test booklets, and/or testing in a small group setting. (5 CCR 1215)

A student may also be provided the following testing variations if they are regularly used in the classroom: (5 CCR 1215)

1. Special lighting, special acoustics, or special or adaptive furniture
2. Visual magnifying or audio amplification equipment

3. Noise buffers (e.g., an individual carrel or study enclosure)
4. Testing of individual students in a separate room provided that the student is directly supervised by an employee who has signed the test security affidavit
5. Colored overlay, mask, or other means to maintain visual attention to the exam or test items
6. Manually Coded English or American Sign Language to present test administration directions

At least 30 working days before the proposed administration of the exit exam, the Superintendent or designee shall submit a request to the California Department of Education for a case-by-case review of a proposed variation that is not specified in law. The request shall include a description of the requested variation(s) and, if applicable, a certification that the student's individualized education program (IEP) or Section 504 plan specifies that the requested variation is appropriate and necessary to access the exam due to the student's identified disability(ies) and that such variation is currently listed in his/her IEP or Section 504 plan. (5 CCR 1218)

Test Variations for English Language Learners

In addition to testing variations allowed for all students, identified English language learners may be allowed the following testing variations if regularly in the classroom or for assessments: (5 CCR 1217)

1. Flexible setting: English language learners may have the opportunity to be tested in a separate room with other English language learners provided that the students are directly supervised by an employee who has signed the test security affidavit.
2. Flexible schedule: English learners may have additional supervised breaks within a testing day.
3. Flexible time: English learners may have extra time on the exam within a testing day.
4. Translated directions: English learners may have the opportunity to hear the test directions printed in the test contractor's manual translated into their primary language. English learners may have the opportunity to ask clarifying questions about the test directions in their primary language.
5. Glossaries: English learners may have access to translation glossaries (English to primary language and/or primary language to English). The glossaries are to include only the English words or phrases with the corresponding primary language words or phrases. The glossaries shall include no definitions, formulas, or parts of speech.

If a student does not possess sufficient English language skills to be assessed on the exit exam, the Superintendent or designee may defer the exam requirement for a period of up to 24 calendar months of enrollment in the California public school system until the student has completed six months of instruction in reading, writing and comprehension in the English language. (Education Code 60852)

(cf. 6174 – Education for English Learners)

Accommodations/Modifications for Students with Disabilities

A student with disabilities shall be permitted to take the exit exam with accommodations or modifications when his/her individualized education program (IEP) or his/her Section 504 plan specifies their use on the exam, for standardized testing, or during classroom instruction and assessments. (Education Code 60850: 5 CCR 1215.5, 1216)

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

(cf. 6159 - Individualized Education Program)

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

The use of accommodations shall not invalidate a student's test score(s). Accommodations may include: (5 CCR 1215.5)

1. Presentation accommodations, including large-print versions on 20-point font, exam items enlarged if larger than 20-point font is required, Braille transcriptions provided by the test contractor, use of Manually Coded English or American Sign Language to present test questions on the mathematics section of the exam, audio or oral presentation of the mathematics section of the exam or any prompts or passages present in the writing task
2. Response accommodations, including responses marked in the test booklet and transferred to the answer document by an employee who has signed the test security affidavit; responses dictated orally, in Manually Coded English, or in American Sign Language to a scribe for selected-response items (e.g., multiple-choice test questions); responses dictated orally or in Manually Coded English to a scribe, audio recorder, or speech-to-text converter on the writing portion of the exam and the student indicates all spelling and language conventions; word processing software with spell and grammar check tools turned off on the writing portion of the exam; or an assistive device that does not interfere with the independent work of the student on the multiple-choice or writing portion of the exit exam
3. Scheduling/timing accommodations, including testing over more than one day after consultation with the test contractor, supervised breaks within a section of the exam, and administration of the exam at the most beneficial time of day to the student after consultation with the test contractor
4. Setting accommodations, including tests administered by a test examiner to a student at home or in the hospital

For purposes of receiving a high school diploma, the use of modifications shall invalidate a student's test score for the section of the exam for which the modification(s) were used. If the score is equivalent to a passing score, the student may be eligible for a waiver, as detailed below. Modifications may include: (5 CCR 1216)

1. Arithmetic table or formulas, calculators, or math manipulatives on the mathematics section of the exit exam
2. Audio or oral presentation of the the multiple-choice portion of the English/language arts section of the exam
3. Use of Manually Coded English or American Sign Language to present the multiple-choice portion of the English/language arts section of the exam
4. Spellcheckers, grammar checkers or word processing software programs that check or correct spelling and/or grammar on the writing portion of the exam
5. Mechanical or electronic devices or other assistive devices that are used solely to record the student's responses, including but not limited to transcribers, scribes, voice recognition or voice-to-text software, and that identify a potential error in the student's response or that correct spelling, grammar or conventions on the writing portion of the exit exam
6. Responses dictated orally, in Manually Coded English, or in American Sign Language to provide an essay response to a scribe and the scribe provides spelling, grammar, and language conventions
7. Dictionary on any section of the exam

Exemption for Students with Disabilities Beginning in 2009-10

The District shall grant a diploma to a student with a disability who has not passed the exit exam if all of the following criteria are satisfied: (Education Code 60852.3)

1. The student has an IEP or Section 504 plan.
2. The IEP or 504 plan states that the student is scheduled to receive a high school diploma.
3. The student has satisfied or will satisfy all other state and District requirements for the receipt of a high school diploma on or after July 1, 2009.

Waiver for Students with Disabilities

When a student with disabilities has taken any section of the exit exam with one or more modifications and has received the equivalent of a passing score, his/her parent/guardian may request that the student receive a waiver of the requirement to successfully pass the exam. Upon

receipt of such request, the principal shall submit a request for a waiver to the Board of Education. The Board may waive the requirement to successfully pass the exit exam if the principal certifies that the student has all of the following: (Education Code 60851)

1. An IEP or Section 504 plan in place that requires the accommodations or modifications to be provided to the student when taking the exit exam.
2. High school level coursework either satisfactorily completed or in progress in the District's high school level curriculum sufficient to have attained the skills and knowledge otherwise needed to pass the exit exam.
3. An individual score report for the student showing that the student has received the equivalent of a passing score on the exit exam while using a modification that fundamentally alters what the exit exam measures as determined by the State Board of Education.

In order to protect the student's privacy rights, the waiver shall be considered in closed session. Final Board action on the waiver shall be taken in open session and shall be a matter of public record. The student's name shall not be disclosed in open session.

(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

The principal or designee shall notify parents/guardians of students with disabilities about the criteria and process for applying for a waiver of the requirement to successfully pass the exit exam.

Each year, the Superintendent or designee shall provide the CDE with data regarding students with disabilities and the District's waiver process as specified in 5 CCR 1207.1.

Records

The Superintendent or designee shall maintain a summary data file of all students who participate in each test administration. This summary data file shall include the following information for the English/language arts section and the mathematics section for each test administration: (5 CCR 1205)

1. The date on which each section of the exam was taken
2. The full name of each student who took each section of the exam
3. The grade level of each student at the time each section of the exam was taken
4. Whether each student has satisfied the requirement to successfully pass each section of the exam

In addition, the Superintendent or designee shall provide the test contractor with the student demographic information specified in 5 CCR 1207.

Within 60 days of receiving electronic data files from the test contractor, the Superintendent or designee shall enter the following information in each student's permanent record:

1. The date on which the student took each section of the exam
2. Whether the student has satisfied the requirement to successfully pass each section of the exam

(cf. 5125 - Student Records)

Notifications

At the beginning of each school year, the Superintendent or designee shall provide written notification to all students in grades 9 through 12 and to their parents/guardians that each student completing the 12th grade shall be required to successfully pass the exit exam as a condition of graduation. Such notification shall also be provided to any student who transfers into the district after the beginning of the school year at the time of the student's transfer. The notification shall include, at a minimum, the date of the exam, the requirements for passing the exam, the consequences of not passing the exam and shall inform the parent/guardian that passing the exam is a condition of graduation. The Superintendent or designee shall maintain documentation that the parent/guardian of each student has been sent this written notification. (Education Code 48980, 60850; 5 CCR 1208)

(cf. 5145.6 - Parental Notifications)
(cf. 6146.1 - High School Graduation Requirements)

Prior to each administration of the exit exam, the Superintendent or designee shall notify students of the provisions of 5 CCR 1220 related to cheating. (5 CCR 1220)

The principal or designee shall notify parents/guardians of students with a disability about the criteria and process for applying for a waiver of the requirement to successfully pass the exit exam.

Regulation ALBANY UNIFIED SCHOOL DISTRICT
Reviewed: May 19, 2009 Albany, California
Revised: August 14, 2012

Albany Unified School District

Board Policy

Library Media Centers

BP 6163.1

Instruction

The Board of Education recognizes that school library media centers support the educational program by providing access to a variety of informational resources. The Board desires to provide library media centers with up-to-date books, reference materials, and electronic information resources necessary to promote literacy, support students in achieving academic standards, and encourage students to become lifelong learners.

(cf. 0440 - District Technology Plan)

~~(cf. 6000 - Concepts and Roles)~~

(cf. 6011 - Academic Standards)

(cf. 6161 - Equipment, Books and Materials)

(cf. 6163.4 - Student Use of Technology)

(cf. 7110 - Facilities Master Plan)

School libraries shall be open for use by students and teachers during the school day.
(Education Code 18103)

Any school library open outside the school day, such as evenings and/or Saturdays, shall be under the supervision of a certificated employee. (Education Code 18103)

The District's school libraries may provide: (5 CCR 16040)

1. Library instruction to students that enables them to become proficient users of library resources
2. Information to teachers and administrators concerning sources and availability of instructional materials that will aid in the development of school curriculum, and, in cooperation with classroom teachers, the development of instructional units and activities using library resources

(cf. 6141 - Curriculum Development and Evaluation)

3. Assistance to teachers and students in the evaluation, selection, production, and uses of instructional materials
4. A collection of materials and resources that support the curriculum and are appropriate for user needs

5. Assistance to teachers, administrators, and other school staff members in becoming knowledgeable about appropriate uses of library media services, materials, and equipment

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

The Superintendent or designee shall develop procedures for the selection and evaluation of library materials.

Library Plans

Whenever a school receives state funding for school and library improvement pursuant to Education Code 41570-41573, the school site council shall develop a single plan for student achievement which incorporates a District-wide plan for school libraries. (Education Code 41572)

(cf. 0420 - School Plans/Site Councils)

In developing the District-wide plan, the Superintendent or designee is encouraged to consult with school library media teachers, classroom teachers, administrators, parents/guardians, and students as appropriate in the development of the plan.

The District-wide library plan shall describe the District's vision and goals for the District's libraries and action steps including how funds will be distributed to school sites. As appropriate, the plan may also address staffing, facilities, selection and evaluation of materials, prioritization of needs, and other related matters.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

Classroom Libraries for Grades K-4

When state funding is available for library materials in grades K-4 classrooms, the Superintendent or designee shall develop, for certification by the Board, a District-wide classroom library plan for grades K-4. The plan shall include a means of preventing loss, damage, or destruction of the materials. (Education Code 60242, 60422)

(cf. 6161.2 - Damaged or Lost Instructional Materials)

The District-wide plan for school libraries developed pursuant to Education Code 41572 may fulfill this requirement provided the plan meets the criteria of Education Code 60242.

The Superintendent or designee is encouraged to consult with primary grade teachers and school and/or county office of education library media teachers in the development of the plan and to

consider selections from the list of books recommended by the State Librarian pursuant to Education Code 19336.

Selection and Evaluation of School Library Materials

Responsibility for the selection of library materials is delegated to the professional library staff through the principal. School librarians shall evaluate materials, using professional selection aids and standards, in accordance with law, Board policy, and administrative regulation. The selection process shall invite recommendations from administrators, teachers, other staff, parents/guardians, and students as appropriate.

- (cf. 6144 - Controversial Issues)
- (cf. 6161.1 - Selection and Evaluation of Instructional Materials)
- (cf. 6161.11 - Supplementary Instructional Materials)

Library materials should be continually evaluated in relation to evolving curricula, new formats of materials, new instructional methods, and the needs of students and teachers. Materials that contain obsolete subject matter or are no longer appropriate shall be removed, and lost or worn materials may be replaced if possible.

- (cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

All gifts and donations of school library materials shall be subject of the same criteria as materials selected for purchase by the District.

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

Complaints regarding the appropriateness of library materials shall be addressed using the District's procedures for complaints regarding instructional materials.

- (cf. 1312.2 - Complaints Concerning Instructional Materials)

Fees

Students shall be allowed to borrow school library materials at no charge for use in the library and classrooms as well as out of school. (5 CCR 16042)

- (cf. 3260 - Fees and Charges)

To encourage students to return materials in a timely manner, a nominal fee shall be charged for the late return of materials.

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

Reports

The District shall, on or before August 31 each year, report to the California Department of Education on the condition of school libraries for the preceding year ending June 30.
(Education Code 18122)

Legal Reference:

EDUCATION CODE

1703 Coordination of district library services by county superintendent
 1770-1775 Provision of library services by county superintendent
 18100-18203 School libraries
 18300-18571 Union high school district/unified school district library district
 19335-19336 Reading Initiative Program; recommended books
 41570-41573 School and Library Improvement Block Grant
 42605 Tier 3 categorical flexibility
 44868-44869 Qualifications and employment of library media teachers
 45340-45349 Instructional aides
 60119 Sufficiency of textbooks and instructional materials; public hearing
 60240-60251.5 State Instructional Materials Fund, purchase of classroom library materials
 60420-60424 Instructional Materials Funding Realignment Program
 REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS
 18181 Districtwide library plan
 52012 Establishment of school site council
 52014-52015 School plans
 CODE OF REGULATIONS, TITLE 5
 16040-16043 School libraries
 80053 Library media service teaching credential
 UNITED STATES CODE, TITLE 20
 6383 Improving Literacy Through School Libraries grant program

Management Resources:

CDE PUBLICATIONS

School Library Program Standards, September 2010

School Library Standards for Students, September 2010

Check It Out! Assessing School Library Media Programs, 1998

Recommended Literature: Kindergarten Through Grade Twelve

CALIFORNIA SCHOOL LIBRARY ASSOCIATION PUBLICATIONS

Standards and Guidelines for Strong School Libraries, 2004

WEB SITES

American Library Association: <http://www.ala.org>

American Association of School Librarians: <http://www.ala.org/aasi>

California Department of Education, School Libraries: <http://www.cde.ca.gov/ci/cr/lb>

California Library Association: <http://www.cla-net.org>

California School Library Association: <http://www.csla.net>

Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: May 19, 2009 - Albany, California

Revised: _____

Albany Unified School District

Board Policy

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BP 6163.1
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The Board of Education recognizes that school library media centers support the educational program by providing access to a variety of informational resources. The Board desires to provide library media centers with up-to-date books, reference materials, and electronic information resources necessary to promote literacy, support students in achieving academic standards, and encourage students to become lifelong learners.

(cf. 0440 - District Technology Plan)
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(cf. 6141 - Curriculum Development and Evaluation)

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(cf. 4131 - Staff Development)

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The Superintendent or designee shall develop procedures for the selection and evaluation of library materials.

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(cf. 0000 - Vision)

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(cf. 6144 - Controversial Issues)

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

(cf. 6161.11 - Supplementary Instructional Materials)

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(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

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(cf. 3290 - Gifts, Grants and Bequests)

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(cf. 1312.2 - Complaints Concerning Instructional Materials)

Fees

Students shall be allowed to borrow school library materials at no charge for use in the library and classrooms as well as out of school. (5 CCR 16042)

(cf. 3260 - Fees and Charges)

To encourage students to return materials in a timely manner, a nominal fee shall be charged for the late return of materials.

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

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 - 41570-41573 School and Library Improvement Block Grant
 - 42605 Tier 3 categorical flexibility
 - 44868-44869 Qualifications and employment of library media teachers
 - 45340-45349 Instructional aides
 - 60119 Sufficiency of textbooks and instructional materials; public hearing
 - 60240-60251.5 State Instructional Materials Fund, purchase of classroom library materials
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 - 52012 Establishment of school site council
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 - 80053 Library media service teaching credential
- UNITED STATES CODE, TITLE 20
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CDE PUBLICATIONS

- School Library Program Standards, September 2010
 - School Library Standards for Students, September 2010
 - Check It Out! Assessing School Library Media Programs, 1998
 - Recommended Literature: Kindergarten Through Grade Twelve
- CALIFORNIA SCHOOL LIBRARY ASSOCIATION PUBLICATIONS
- Standards and Guidelines for Strong School Libraries, 2004

WEB SITES

- American Library Association: <http://www.ala.org>
- American Association of School Librarians: <http://www.ala.org/aasi>
- California Department of Education, School Libraries: <http://www.cde.ca.gov/ci/ct/lb>
- California Library Association: <http://www.cla-net.org>
- California School Library Association: <http://www.csla.net>

Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: May 19, 2009 Albany, California

Revised:

Review

Albany Unified School District

Administrative Regulation

Animals At School

AR 6163.2

Instruction

In accordance with Board policy, a teacher or student may bring an animal into the classroom for instructional purposes with prior approval of the principal or designee. The principal or designee shall give such permission only after he/she has provided written notification to all parents/guardians of students in the affected class, asking them to verify whether their child has any known allergies, asthma, or other health condition that may be aggravated by the animal's presence. When a parent/guardian has provided notification that his/her child has an allergy, asthma, or health condition that may be affected/aggravated by the animal, the principal shall take appropriate measures to protect the student from exposure to the animal. ~~the teacher shall remove the animal from the classroom or provide an alternative instructional activity for the student as appropriate.~~

(cf. 3514 - Environmental Safety)

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

(cf. 5141.23 - Asthma Management)

All animals brought to school must be in good physical condition and appropriately immunized. The teacher shall ensure that the species of animal is appropriate for the instructional purpose and age and maturity of the students.

All animals, with the exception of service animals, as defined below, are prohibited on school transportation services. (Education Code 39839; 13 CCR 1216)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 5131.1 - Bus Conduct)

All animals shall be humanely and properly housed in cages or containers specific for the species or otherwise appropriately controlled. The teacher shall also ensure that cages and containers are cleaned regularly and that waste materials are removed and disposed of in an appropriate manner. If the animal is to remain in the classroom longer than one day, the teacher shall be responsible for care and maintenance of the animal and ensure proper care when school is not in session, such as weekends, vacations, and holidays.

(cf. 5141 - Health Care and Emergencies)

(cf. 5142 - Safety)

The teacher shall ensure that students receive instruction regarding personal hygiene around

animals.

(cf. 5141.22 - Infectious Diseases)

Use of Service Animals by Individuals with Disabilities

For an individual with a disability, service animal means any dog that is individually trained to do work or perform tasks related to the individual's disability and for his/her benefit. For example, for an individual who is blind or has low vision, a service animal would mean a dog that helps him/her with vision, navigation, and other tasks; for an individual who is deaf or hard of hearing, a service animal would mean a dog that alerts him/her to the presence of people or sounds; and for an individual with psychiatric or neurological disabilities, a service animal would mean a dog that assists him/her by preventing or interrupting impulsive or destructive behaviors. (28 CFR 35.104)

Individuals with disabilities may be accompanied on school premises and on school transportation by service animals, including specially trained guide dogs, signal dogs, or service dogs. (Education Code 39839; Civil Code 54.2; 28 CFR 35.136)

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

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 6159 - Individualized Education Program)

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

The Superintendent or designee may ask any individual with a disability to remove his/her service animal from school premises or transportation if the animal is out of control and the individual does not take effective action to control it or the animal is not housebroken. When an individual's service animal is excluded, he/she shall be given an opportunity to participate in the service, program, or activity without having the service animal present. (Education Code 39839; Civil Code 54.2; 28 CFR 35.136)

Regulation ALBANY UNIFIED SCHOOL DISTRICT
approved/Reviewed: May 19, 2009 Albany, California
revised: August 14, 2012

Albany Unified School District

Administrative Regulation

Animals At School

AR 6163.2

Instruction

In accordance with Board policy, a teacher or student may bring an animal into the classroom for instructional purposes with prior approval of the principal or designee. The principal or designee shall give such permission only after he/she has provided written notification to all parents/guardians of students in the affected class, asking them to verify whether their child has any known allergies, asthma, or other health condition that may be aggravated by the animal's presence. When a parent/guardian has provided notification that his/her child has an allergy, asthma, or health condition that may be aggravated by the animal, the principal shall take appropriate measures to protect the student from exposure to the animal.

(cf. 3514 - Environmental Safety)

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

(cf. 5141.23 - Asthma Management)

All animals brought to school must be in good physical condition and appropriately immunized. The teacher shall ensure that the species of animal is appropriate for the instructional purpose and age and maturity of the students.

All animals, with the exception of service animals, as defined below, are prohibited on school transportation services. (Education Code 39839; 13 CCR 1216)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 5131.1 - Bus Conduct)

All animals shall be humanely and properly housed in cages or containers specific for the species or otherwise appropriately controlled. The teacher shall also ensure that cages and containers are cleaned regularly and that waste materials are removed and disposed of in an appropriate manner. If the animal is to remain in the classroom longer than one day, the teacher shall be responsible for care and maintenance of the animal and ensure proper care when school is not in session, such as weekends, vacations, and holidays.

(cf. 5141 - Health Care and Emergencies)

(cf. 5142 - Safety)

The teacher shall ensure that students receive instruction regarding personal hygiene around animals.

(cf. 5141.22 - Infectious Diseases)

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Regulation ALBANY UNIFIED SCHOOL DISTRICT

Reviewed: May 19, 2009 Albany, California

Revised: August 14, 2012

Albany Unified School District

Administrative Regulation

Education For Foster Youth

AR 6173.1
Instruction

Definitions

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

1. Has been removed from his/her home pursuant to Welfare and Institutions Code 309 (temporary custody)
2. Is the subject of a petition filed under Welfare and Institutions Code 300 or 602 (jurisdiction of juvenile court)
3. Has been removed from his/her home and is the subject of a petition filed under Welfare and Institutions Code 300 or 602 (Education Code 48853.5)

Person holding the right to make educational decisions means a responsible adult appointed by a court pursuant to Welfare and Institutions Code 361 or 727.

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

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

~~Best interest means a placement that ensures that the youth is placed in the least restrictive educational program and has access to academic resources, services, and extracurricular and enrichment activities that are available to district students.~~ (Education Code 48853)

District Liaison

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

Student Services Coordinator
1051 Monroe Street
Albany, CA 94706
510-558-3750

(cf. 6173 - Education for Homeless Children)

The District's liaison for foster youth shall:

1. Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of students in foster care (Education Code 48853.5)

2. Assist foster youth when transferring from one school to another or from one district to another in ensuring proper transfer of credits, records, and grades, including ensuring that records reflect full or partial credit for courses taken (Education Code 48645.5, 48853.5)

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5125 - Student Records)
(cf. 6146.3 - Reciprocity of Academic Credit)

3. As necessary, make appropriate referrals to ensure that students in foster care receive necessary special education services and services under Section 504 of the federal Rehabilitation Act of 1973

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)

4. Ensure that students in foster care receive appropriate school-based services, such as supplemental instruction, counseling, or after-school programs

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

5. Develop protocols and procedures so that District staff, including principals,

school registrars, and attendance clerks, are aware of the requirements for the proper enrollment, placement, and transfer of foster youth

- (cf. 4131 - Staff Development)
- (cf. 4231 - Staff Development)
- (cf. 4331 - Staff Development)

6. Collaborate with the county placing agency, social services, probation officers, juvenile court officers, nonprofit organizations, and advocates to help coordinate services for the District's foster youth

- (cf. 1020 - Youth Services)
- (cf. 1400 - Relations between Other Governmental Agencies and the Schools)
- (cf. 5113.1 - Chronic Absence and Truancy)

Enrollment

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

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

- (cf. 6159 - Individualized Education Program)
- (cf. 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education)

2. The parent/guardian or other person holding the right to make educational decisions for the student determines that it is in the best interest of the student to be placed in another educational program.

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

3. At the initial placement or any subsequent change in placement, the student exercises his/her right to continue is entitled to remain in his/her school of origin as defined above.

a. The student may continue in the school of origin for the duration of the court's jurisdiction or, if the court's jurisdiction is terminated prior to the end of a school year, then for remainder of the school year.

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

another school district.

~~At the initial placement, or any subsequent change in placement of a foster youth, the district shall allow the student to continue his/her education in the school of origin for the duration of the academic school year.~~

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

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

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

If the liaison, in consultation with the foster youth and the person holding the right to make educational decisions for the foster youth, agrees that the best interests of the youth would be served by his/her transfer to a school other than the school of origin, the principal or designee of the new school shall immediately enroll the foster youth. The youth shall be immediately enrolled even if he/she has outstanding fees, fines, textbooks, or other items or monies due to the school last attended or is unable to produce records, such as academic or medical records, proof of residency, or clothing normally required for enrollment. (Education Code 48853.5)

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

(cf. 5132 - Dress and Grooming)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

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

(cf. 5117 - Interdistrict Attendance)

(cf. 5125 - Student Records)

(cf. 6146.3 - Reciprocity of Academic Credit)

If a person with the right to make educational decisions for a foster youth

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

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

Transfer of Coursework and Applicability of Graduation Requirements

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

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

In no event shall the District prevent a foster youth from taking or retaking a course to meet the eligibility requirements for admission to the California State University or the University of California. (Education Code 51225.2)

When a foster youth in grade 11 or 12 transfers into the District from another school district or transfers between high schools within the District, he/she shall be exempted from all coursework and other graduation requirements adopted by the Board that are in addition to the statewide coursework requirements specified in Education Code 51225.3 and the high school exit examination, unless the District makes a finding that the student is reasonably able to complete the additional requirements in time to graduate from high school while he/she remains in foster care. (Education Code 51225.3, 60851)

The Superintendent or designee shall notify any student who is granted an exemption and, as appropriate, the person holding the right to make educational decisions for the student, if any of the requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about

transfer opportunities available through the California Community Colleges. (Education Code 51225.3)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

Grades/Credits

Grades for a student in foster care shall not be lowered if the student is absent from school due to either of the following circumstances: (Education Code 49069.5)

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date he/she left school

2. A verified court appearance or related court-ordered activity

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

Eligibility for Extracurricular Activities

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

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

Regulation ALBANY UNIFIED SCHOOL DISTRICT

Reviewed: May 19, 2009 Albany, California

Reviewed/Revised: November 1, 2011

Revised: August 14, 2012

Albany Unified School District

Administrative Regulation

Education For Foster Youth

AR 6173.1
Instruction

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a. The student may continue in the school of origin for the duration of the court's jurisdiction or, if the court's jurisdiction is terminated prior to the end of a school year, then for remainder of the school year.

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

However, the District liaison may, in consultation with and with the agreement of the foster youth and the person holding the right to make educational decisions for the youth, recommend that the youth's right to attend the school of origin be waived and he/she be

enrolled in any school that students living in the attendance area in which the foster youth resides are eligible to attend. All decisions shall be made in accordance with the foster youth's best interest. (Education Code 48853.5)

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

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The Superintendent or designee shall notify any student who is granted an exemption and, as appropriate, the person holding the right to make educational decisions for the student, if any of the requirements that are waived will affect the student's ability to gain admission to a postsecondary educational institution and shall provide information about transfer opportunities available through the California Community Colleges. (Education Code 51225.3)

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6162.52 - High School Exit Examination)

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2. A verified court appearance or related court-ordered activity

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

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(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

Regulation ALBANY UNIFIED SCHOOL DISTRICT
Reviewed: May 19, 2009 Albany, California
Revised: November 1, 2011
Revised: August 14, 2012

P262

P264

**Board Policy Update Guide
7000s**

	New	Revised		Date of Gamut Update
BP		X	7110	
Title			Facilities Master Plan	
Description			(BP revised) Policy updated to add (1) role of Board in approving the facilities master plan, (2) regular review and updating of the plan, (3) plan components, (4) a list of minimum general standards for school facilities, (5) other applicable standards including green building standards and the Americans with Disabilities Act, and (6) consideration of joint use of facilities.	
BP/AR			7214	March 1, 2012
Title			General Obligation Bonds	
Description			(BP/AR revised) Updated policy includes material formerly in AR re: appointment of citizens' oversight committee for bonds approved under the 55 percent threshold, reflects NEW LAW (SB 423) which establishes a date by which audits must be given to the committee, and provides option for districts to establish citizens' oversight committee for bonds approved under the 66.67 percent threshold. Sections on "Certificate of Results" and "Resolution Regarding Sale of Bonds" moved from AR to BP since Board action is required. Updated regulation revises section on "Citizens' Oversight Committee" to (1) clarify that the legal requirements apply only to bonds approved under 55 percent threshold and (2) more directly reflect law re: committee's duties by deleting duty to ensure audits are conducted in accordance with Government Auditing Standards.	

Albany USD

Board Policy

Facilities Master Plan

BP 7110

Facilities

The Governing Board of Education recognizes the importance of long-range planning for school facilities in order to address changes in student enrollment and in the district's educational program needs. help meet the changing needs of district students and to help ensure that resources are allocated in an efficient and effective manner. To that end, the Board directs Tthe Superintendent or designee to shall develop, for board approval, a master plan for district facilities which describes the district's anticipated short- and long-term facilities needs and priorities. and maintain a master plan for district facilities.

The plan shall describe the district's anticipated short- and long-term facilities needs and priorities and shall be aligned with the district's educational goals.

(cf. 0000 - Vision)

(cf. 7000 - Concepts and Roles)

(cf. 7111 - Evaluating Existing Buildings)

(cf. 7131 - Relations with Local Agencies)

(cf 7160 - Charter School Facilities)

(cf. 7210 - Facilities Financing)

Plan Development

The district's facilities master plan shall be based on an assessment of the condition and adequacy of existing facilities, a projection of future enrollments, and alignment of facilities with the district's vision for the instructional program.

The Superintendent or designee shall ensure that staff, parents/guardians, students, and business and community representatives are kept informed of the need for construction and modernization of facilities and of the district's plans for facilities. To solicit broad input into the planning process, tThe Superintendent or designee may also establish a facilities advisory committee consisting of staff, parents/guardians, and business, local government, and other community representatives. that shall meet at regular intervals in order to give community members opportunities to provide input into the planning process. The committee may consult local governmental and state planning agencies in order to ensure compliance with local and state standards. He/she also shall ensure that the public is informed of the need for construction and modernization of facilities and of the district's plans for facilities.

(cf. 1220 - Citizen Advisory Committees)

At least 45 days prior to completion of any facilities plan that relates to the potential expansion of existing school sites or the necessity to acquire additional school sites, the Superintendent or designee shall notify and provide copies of the plan or any relevant and available information to the planning commission or agency of the city or county with land use jurisdiction within the district. (Government Code 65352.2)

(cf. 7131 - Relations with Local Agencies)

If the city or county commission or agency requests a meeting, the Superintendent or designee shall meet with them within 15 days following the notification. Items that the parties may discuss at the meeting include, but are not limited to, methods of coordinating planning with proposed revitalization efforts and recreation and park programs, options for new school sites, methods of maximizing the safety of persons traveling to and from the site, and opportunities for financial assistance. (Government Code 65352.2)

Plan Components

The facilities master plan shall include:

1. A statement of purpose, including district goals, philosophy, and related policies
2. A description of the planning process
3. Demographics of the community, such as economic trends, migration patterns, employment base, residential base, socioeconomic makeup, historical school enrollments, and inventory of physical resources and needs
4. A description of the educational program, such as grade-level organization, class size, staffing patterns, technology plans, special programs and support services, and other educational specifications
5. Analysis of the safety, adequacy, and equity of existing facilities and potential for expansion, including the adequacy of classrooms, school cafeterias and food preparation areas, physical activity areas, playgrounds, parking areas, and other school grounds

(cf. 3514 - Environmental Safety)

(cf. 3517 - Facilities Inspection)

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

(cf. 5030 - Student Wellness)

(cf. 5141.7 - Sun Safety)

(cf. 5142 - Safety)

(cf. 6142.7 - Physical Education and Activity)

6. Site selection criteria and process
7. Development of a capital planning budget and identification of potential funding sources
8. Policy for reviewing and updating the plan

Planning shall ensure that school facilities meet the following minimum standards: (5 CCR 14001)

1. Are aligned with the district's educational goals and objectives

(cf. 0000 - Vision)

2. Provide for maximum site enrollment at school facilities

3. Are located on a site that meets California Department of Education standards as specified in 5 CCR 14010

(cf. 7150 - Site Selection and Development)

4. Are designed for the environmental comfort and work efficiency of the occupants

5. Are designed to require a practical minimum of maintenance

6. Are designed to meet federal, state, and local statutory requirements for structure, fire, and public safety

7. Are designed and engineered with flexibility to accommodate future needs

Plans for the design and construction of new school facilities also shall meet the standards described in 5 CCR 14030, green building standards pursuant to 24 CCR 101 et seq., the Americans with Disabilities Act pursuant to 42 USC 12101-12213, and any other requirements applicable to the funding source and type of project.

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

(cf. 3510 - Green School Operations)

To facilitate the efficient use of public resources when planning for new construction or modernization of school facilities, the district may consider designs that facilitate joint use of the facility with a local governmental agency, public postsecondary institution, or nonprofit organization.

(cf. 1330.1 - Joint Use Agreements)

Legal Reference:

EDUCATION CODE

16011 Long-range comprehensive master plan

16322 California Department of Education services

17017.5 Approval of applications for projects

17070.10-17079.30 Leroy F. Greene School Facilities Act

17251 Powers and duties of California Department of Education

17260-17268 Plans and specifications for school facilities

17280-17317 Field Act

17365-17374 Fitness for occupancy

17405 Relocatable structures; lease requirements
35275 New school planning; cooperation with recreation and park authorities

GOVERNMENT CODE

53090-53097.5 Regulation of local agencies by counties and cities

65352.2 Communicating and coordinating of school sites

65995.6 School facilities needs analysis

CODE OF REGULATIONS, TITLE 2

1859-1859.199 Leroy F. Greene School Facilities Act

CODE OF REGULATIONS, TITLE 5

14001 Minimum standards

14010 Site selection standards

14030-14036 Standards, planning, and approval of school facilities

CODE OF REGULATIONS, TITLE 24

101 et seq. Green building standards code

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

Management Resources:

CSBA PUBLICATIONS

Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, September 2009

Facilities Master Planning, Fact Sheet, November 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Schools of the Future Report, September 2011

Educational Specifications: Linking Design of School Facilities to Educational Program, 1997

Guide for the Development of a Long-Range Facilities Plan, 1986

OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

An Overview of the State School Facility Programs, rev. October 2011

School Facility Program Handbook, 2008

STATE ALLOCATION BOARD PUBLICATIONS

Public School Construction Cost Reduction Guidelines, 2000

WEB SITES

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

Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

Legal Reference:

EDUCATION CODE

16011 Long range comprehensive master plan

16322 Department of Education services

17017.5 Approval of applications for projects

17251 Powers and duties of CDE

17260-17268 Plans of schoolhouses

17280-17317 Field Act

17365-17374 Fitness for occupancy

Albany USD

Board Policy

Facilities Master Plan

BP 7110

Facilities

The Governing Board recognizes the importance of long-range planning for school facilities in order to address changes in student enrollment and in the district's educational program needs. The Superintendent or designee shall develop, for board approval, a master plan for district facilities which describes the district's anticipated short- and long-term facilities needs and priorities.

(cf. 7000 - Concepts and Roles)

(cf 7160 - Charter School Facilities)

(cf. 7210 - Facilities Financing)

Plan Development

The district's facilities master plan shall be based on an assessment of the condition and adequacy of existing facilities, a projection of future enrollments, and alignment of facilities with the district's vision for the instructional program.

To solicit broad input into the planning process, the Superintendent or designee may establish a facilities advisory committee consisting of staff, parents/guardians, and business, local government, and other community representatives. He/she also shall ensure that the public is informed of the need for construction and modernization of facilities and of the district's plans for facilities.

(cf. 1220 - Citizen Advisory Committees)

At least 45 days prior to completion of any facilities plan that relates to the potential expansion of existing school sites or the necessity to acquire additional school sites, the Superintendent or designee shall notify and provide copies of the plan or any relevant and available information to the planning commission or agency of the city or county with land use jurisdiction within the district. (Government Code 65352.2)

(cf. 7131 - Relations with Local Agencies)

If the city or county commission or agency requests a meeting, the Superintendent or designee shall meet with them within 15 days following the notification. Items that the parties may discuss at the meeting include, but are not limited to, methods of coordinating planning with proposed revitalization efforts and recreation and park programs, options for new school sites, methods of maximizing the safety of persons traveling to and from the site, and opportunities for financial assistance. (Government Code 65352.2)

Plan Components

The facilities master plan shall include:

1. A statement of purpose, including district goals, philosophy, and related policies
2. A description of the planning process
3. Demographics of the community, such as economic trends, migration patterns, employment base, residential base, socioeconomic makeup, historical school enrollments, and inventory of physical resources and needs
4. A description of the educational program, such as grade-level organization, class size, staffing patterns, technology plans, special programs and support services, and other educational specifications
5. Analysis of the safety, adequacy, and equity of existing facilities and potential for expansion, including the adequacy of classrooms, school cafeterias and food preparation areas, physical activity areas, playgrounds, parking areas, and other school grounds

(cf. 3514 - Environmental Safety)

(cf. 3517 - Facilities Inspection)

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

(cf. 5030 - Student Wellness)

(cf. 5141.7 - Sun Safety)

(cf. 5142 - Safety)

(cf. 6142.7 - Physical Education and Activity)

6. Site selection criteria and process
7. Development of a capital planning budget and identification of potential funding sources
8. Policy for reviewing and updating the plan

Planning shall ensure that school facilities meet the following minimum standards: (5 CCR 14001)

1. Are aligned with the district's educational goals and objectives

(cf. 0000 - Vision)

2. Provide for maximum site enrollment at school facilities

3. Are located on a site that meets California Department of Education standards as specified in 5 CCR 14010

(cf. 7150 - Site Selection and Development)

4. Are designed for the environmental comfort and work efficiency of the occupants

5. Are designed to require a practical minimum of maintenance
6. Are designed to meet federal, state, and local statutory requirements for structure, fire, and public safety
7. Are designed and engineered with flexibility to accommodate future needs

Plans for the design and construction of new school facilities also shall meet the standards described in 5 CCR 14030, green building standards pursuant to 24 CCR 101 et seq., the Americans with Disabilities Act pursuant to 42 USC 12101-12213, and any other requirements applicable to the funding source and type of project.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3510 - Green School Operations)

To facilitate the efficient use of public resources when planning for new construction or modernization of school facilities, the district may consider designs that facilitate joint use of the facility with a local governmental agency, public postsecondary institution, or nonprofit organization.

(cf. 1330.1 - Joint Use Agreements)

Legal Reference:

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- 16011 Long-range comprehensive master plan
- 16322 California Department of Education services
- 17017.5 Approval of applications for projects
- 17070.10-17079.30 Leroy F. Greene School Facilities Act
- 17251 Powers and duties of California Department of Education
- 17260-17268 Plans and specifications for school facilities
- 17280-17317 Field Act
- 17365-17374 Fitness for occupancy
- 17405 Relocatable structures, lease requirements
- 35275 New school planning, cooperation with recreation and park authorities

GOVERNMENT CODE

- 53090-53097.5 Regulation of local agencies by counties and cities
- 65352.2 Communicating and coordinating of school sites
- 65995.6 School facilities needs analysis

CODE OF REGULATIONS, TITLE 2

- 1859-1859.199 Leroy F. Greene School Facilities Act

CODE OF REGULATIONS, TITLE 5

- 14001 Minimum standards
- 14010 Site selection standards
- 14030-14036 Standards, planning, and approval of school facilities

CODE OF REGULATIONS, TITLE 24

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UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act

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Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: May 19, 2009 Albany, California

Revised: August 14, 2012

Albany USD

Board Policy

General Obligation Bonds

BP 7214
Facilities

The Governing Board of Education recognizes that school facilities are an essential component of the educational program and that the Board has a responsibility to ensure that the district's facilities needs are met in the most cost-effective manner possible. ~~desires to provide adequate facilities in order to enhance student learning and to help the district achieve its vision for educating district students. To that end, When the Board determines that it is in the best interest of district students, it may order an election on the question of whether bonds shall be issued for school facilities, when, in the Board's judgment, it is advisable and in the best interest of district students.~~

(cf. 1160 - Political Processes)
(cf. 7110 - Facilities Master Plan)
(cf. 7210 - Facilities Financing)

The Board shall determine the appropriate size of the bond in accordance with law.

Bonds Requiring 55 Percent Approval by Local Voters

The Board may decide to pursue the authorization and issuance of bonds by approval of 55 percent majority of the voters pursuant to Article 13A, Section 1(b)(3) and Article 16, Section 18(b) of the California Constitution. If two-thirds of the Board agree to such an election, the Board shall vote to adopt a resolution to incur bonded indebtedness if approved by a 55 percent majority of the voters. (Education Code 15266)

The bond election may only be ordered at a primary or general election, a statewide special election, or a regularly scheduled local election at which all of the electors of the school district are entitled to vote. (Education Code 15266)

Bonded indebtedness incurred by the district shall be used only for the following purposes:
(California Constitution Article 13A, Section 1(b)(3) and 1(b)(3)(A))

1. The construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities
- ~~2. or the acquisition or lease of real property for school facilities. (California Constitution Article 13A, Section 1(b)(3) and 1(b)(3)(A))~~

The proposition approved by the voters shall include the following accountability requirements:
(California Constitution Article 13A, Section 1(b)(3))

1. A requirement that proceeds from the sale of the bonds be used only for the purposes specified in items #1-2 above, as detailed in California Constitution Article 13A, Section 1(b)(3), and not for any other purposes including teacher and administrative salaries and other school operating expenses

2. A list of specific school facility projects to be funded and certification that the Board has evaluated safety, class size reduction, and information technology needs in developing that list

(cf. 0440 - District Technology Plan)
 (cf. 0450 - Comprehensive Safety Plan)
 (cf. 6151 - Class Size)

3. A requirement that the Board conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed

4. A requirement that the Board conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects

If a district general obligation bond requiring a 55 percent majority is approved by the voters, the Board shall appoint an independent citizens' advisory oversight committee. This committee shall be appointed within 60 days of the date that the Board enters the election results in its minutes pursuant to Education Code 15274. (Education Code 15278)

(cf. 1220 - Citizen Advisory Committees)
(cf. 9324 - Minutes and Recordings)

The Superintendent or designee shall ensure that the annual, independent performance and financial audits conducted pursuant to items #3 and #4 above are issued in accordance with the U.S. Comptroller General's Government Auditing Standards. He/she shall submit the audits to the citizens' oversight committee by March 31 of each year. (Education Code 15286)

Bonds Requiring 66.67 Percent Approval by Local Voters

Bonds shall be sold to raise money for the following purposes: (Education Code 15100)

1. Purchasing school lots
2. Building or purchasing school buildings
3. Making alterations or additions to school building(s) other than as may be necessary for current maintenance, operation, or repairs
4. Repairing, restoring, or rebuilding any school building damaged, injured, or destroyed by

fire or other public calamity

5. Supplying school buildings and grounds with furniture, equipment, or necessary apparatus of a permanent nature
6. Permanently improving school grounds
7. Refunding any outstanding valid indebtedness of the district, evidenced by bonds or state school building aid loans
8. Carrying out sewer or drain projects or purposes authorized in Education Code 17577
9. Purchasing school buses with a useful life of at least 20 years
10. Demolishing or razing any school building with the intent to replace it with another school building, whether in the same location or in any other location

Except for refunding any outstanding indebtedness, any of the purposes listed above may be united and voted upon as a single proposition by order of the Board and entered into the minutes. (Education Code 15100)

The Board may appoint a citizens' oversight committee to review and report to the Board and the public as to whether the expenditure of bond revenues complies with the intended purposes of the bond.

Certificate of Results

If the certificate of election results received by the Board shows that the appropriate majority of the voters are in favor of issuing the bonds, the Board shall record that fact in its minutes. The Board shall then certify to the county board of supervisors all proceedings it had in connection with the election results. (Education Code 15124, 15274)

Resolution Regarding Sale of Bonds

Following passage of the bond measure by the appropriate majority of voters, the Board shall pass a resolution to issue the sale of bonds. The resolution shall prescribe the total amount of bonds to be sold and may also prescribe the maximum acceptable interest rate, not to exceed eight percent, and the time(s) when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 25 years from the date of the bonds. (Education Code 15140)

Prior to the sale of bonds, the Board shall adopt, as an agenda item at a public meeting, another resolution, which includes all of the following items: (Education Code 15146)

1. Express approval of the method of sale
2. Statement of the reasons for the method of sale selected

3. Disclosure of the identity of the bond counsel, and the identities of the bond underwriter and the financial adviser if either or both are utilized for the sale, unless these individuals have not been selected at the time the resolution is adopted, in which case the Board shall disclose their identities at the public meeting occurring after they have been selected

4. Estimates of the costs associated with the bond issuance

After the sale, the Board shall be presented with the actual cost information and shall disclose that information at the Board's next scheduled meeting. The Board shall ensure that an itemized summary of the costs of the bond sale and all necessary information and reports regarding the sale are submitted to the California Debt and Investment Advisory Commission. (Education Code 15146)

Legal Reference:

EDUCATION CODE

7054 Use of district property, campaign purposes

15100-15254 Bonds for school districts and community college districts

15264-15288 Strict Accountability in Local School Construction Bonds Act of 2000

17577 Sewers and drains

47614 Charter school facilities

ELECTIONS CODE

324 General election

328 Local election

341 Primary election

348 Regular election

356 Special election

357 Statewide election

1302 School district election

15372 Elections official certificate

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

8855 California Debt and Investment Advisory Commission

53580-53595.5 Bonds

54952 Definition of legislative body, Brown Act

CALIFORNIA CONSTITUTION

Article 13A, Section 1 Tax limitation

Article 16, Section 18 Debt limit

COURT DECISIONS

San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley

Unified School District, (2006) 139 Cal.App.4th 1356

ATTORNEY GENERAL OPINIONS

88 Ops. Cal. Atty. Gen. 46 (2005)
87 Ops. Cal. Atty. Gen. 157 (2004)

Management Resources:

WEB SITES

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

~~CSBA, District and Financial Services, Proposition 39 Bond Performance Audit Program:~~
~~<http://www.csba.org/ds/prop39.cfm>~~

California Debt and Investment Advisory Commission: <http://www.treasurer.ca.gov/cdiac>

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

California Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

Policy ALBANY UNIFIED SCHOOL DISTRICT

adopted: May 19, 2009 Albany, California

revised: August 14, 2012

Albany USD

Board Policy

General Obligation Bonds

BP 7214

Facilities

The Governing Board recognizes that school facilities are an essential component of the educational program and that the Board has a responsibility to ensure that the district's facilities needs are met in the most cost-effective manner possible. When Board determines that it is in the best interest of district students, it may order an election on the question of whether bonds shall be issued for school facilities.

(cf. 1160 - Political Processes)

(cf. 7110 - Facilities Master Plan)

(cf. 7210 - Facilities Financing)

The Board shall determine the appropriate size of the bond in accordance with law.

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The bond election may only be ordered at a primary or general election, a statewide special election, or a regularly scheduled local election at which all of the electors of the school district are entitled to vote. (Education Code 15266)

Bonded indebtedness incurred by the district shall be used only for the following purposes: (California Constitution Article 13A, Section 1(b)(3) and 1(b)(3)(A))

1. The construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities
2. The acquisition or lease of real property for school facilities.

The proposition approved by the voters shall include the following accountability requirements: (California Constitution Article 13A, Section 1(b)(3))

1. A requirement that proceeds from the sale of the bonds be used only for the purposes specified in items #1-2 above, and not for any other purposes including teacher and administrative salaries and other school operating expenses
2. A list of specific school facility projects to be funded and certification that the Board has

evaluated safety, class size reduction, and information technology needs in developing that list

(cf. 0440 - District Technology Plan)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 6151 - Class Size)

3. A requirement that the Board conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed

4. A requirement that the Board conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects

If a district general obligation bond requiring a 55 percent majority is approved by the voters, the Board shall appoint an independent citizens' advisory oversight committee. This committee shall be appointed within 60 days of the date that the Board enters the election results in its minutes pursuant to Education Code 15274. (Education Code 15278)

(cf. 1220 - Citizen Advisory Committees)
(cf. 9324 - Minutes and Recordings)

The Superintendent or designee shall ensure that the annual, independent performance and financial audits conducted pursuant to items #3 and #4 above are issued in accordance with the U.S. Comptroller General's Government Auditing Standards. He/she shall submit the audits to the citizens' oversight committee by March 31 of each year. (Education Code 15286)

Bonds Requiring 66.67 Percent Approval by Local Voters

Bonds shall be sold to raise money for the following purposes: (Education Code 15100)

1. Purchasing school lots
2. Building or purchasing school buildings
3. Making alterations or additions to school building(s) other than as may be necessary for current maintenance, operation, or repairs
4. Repairing, restoring, or rebuilding any school building damaged, injured, or destroyed by fire or other public calamity
5. Supplying school buildings and grounds with furniture, equipment, or necessary apparatus of a permanent nature
6. Permanently improving school grounds
7. Refunding any outstanding valid indebtedness of the district, evidenced by bonds or state

school building aid loans

8. Carrying out sewer or drain projects or purposes authorized in Education Code 17577
9. Purchasing school buses with a useful life of at least 20 years
10. Demolishing or razing any school building with the intent to replace it with another school building, whether in the same location or in any other location

Except for refunding any outstanding indebtedness, any of the purposes listed above may be united and voted upon as a single proposition by order of the Board and entered into the minutes. (Education Code 15100)

The Board may appoint a citizens' oversight committee to review and report to the Board and the public as to whether the expenditure of bond revenues complies with the intended purposes of the bond.

Certificate of Results

If the certificate of election results received by the Board shows that the appropriate majority of the voters are in favor of issuing the bonds, the Board shall record that fact in its minutes. The Board shall then certify to the county board of supervisors all proceedings it had in connection with the election results. (Education Code 15124, 15274)

Resolution Regarding Sale of Bonds

Following passage of the bond measure by the appropriate majority of voters, the Board shall pass a resolution to issue the sale of bonds. The resolution shall prescribe the total amount of bonds to be sold and may also prescribe the maximum acceptable interest rate, not to exceed eight percent, and the time(s) when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 25 years from the date of the bonds. (Education Code 15140)

Prior to the sale of bonds, the Board shall adopt, as an agenda item at a public meeting, another resolution, which includes all of the following items: (Education Code 15146)

1. Express approval of the method of sale
2. Statement of the reasons for the method of sale selected
3. Disclosure of the identity of the bond counsel, and the identities of the bond underwriter and the financial adviser if either or both are utilized for the sale, unless these individuals have not been selected at the time the resolution is adopted, in which case the Board shall disclose their identities at the public meeting occurring after they have been selected
4. Estimates of the costs associated with the bond issuance

After the sale, the Board shall be presented with the actual cost information and shall disclose that

information at the Board's next scheduled meeting. The Board shall ensure that an itemized summary of the costs of the bond sale and all necessary information and reports regarding the sale are submitted to the California Debt and Investment Advisory Commission. (Education Code 15146)

Legal Reference:

EDUCATION CODE

- 7054 Use of district property, campaign purposes
- 15100-15254 Bonds for school districts and community college districts
- 15264-15288 Strict Accountability in Local School Construction Bonds Act of 2000
- 17577 Sewers and drains
- 47614 Charter school facilities

ELECTIONS CODE

- 324 General election
- 328 Local election
- 341 Primary election
- 348 Regular election
- 356 Special election
- 357 Statewide election
- 1302 School district election
- 15372 Elections official certificate

GOVERNMENT CODE

- 1090-1099 Prohibitions applicable to specified officers
- 1125-1129 Incompatible activities
- 8855 California Debt and Investment Advisory Commission
- 53580-53595.5 Bonds
- 54952 Definition of legislative body, Brown Act

CALIFORNIA CONSTITUTION

- Article 13A, Section 1 Tax limitation
- Article 16, Section 18 Debt limit

COURT DECISIONS

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ATTORNEY GENERAL OPINIONS

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Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: May 19, 2009 Albany, California

Revised: August 14, 2012

Albany USD

Administrative Regulation

General Obligation Bonds

AR 7214
Facilities

Election Notice

Whenever the Governing Board orders an election of the question of whether general obligation bonds shall be issued for school facilities, the Superintendent or designee shall ensure that election notice and ballot requirements are satisfied in accordance with Education Code 15120-15126 and 15272 as applicable.

Certificate of Results

~~If it appears from the certificate of election results that the appropriate majority of the voters are in favor of issuing the bonds, the Board of Education shall cause an entry of that fact to be made in its minutes. The Board shall then certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district all proceedings had in connection with the election results. (Education Code 15124, 15274)~~

~~(cf. 9324—Board Minutes and Recordings)~~

Resolution Regarding Sale of Bonds

~~Following passage of the bond measure, the Board shall pass a resolution to issue the sale of bonds. The resolution shall prescribe the total amount of bonds to be sold and may also prescribe the maximum acceptable interest rate, not to exceed eight percent, and the time(s) when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 25 years from the date of the bonds. (Education Code 15140)~~

~~Prior to the sale of bonds, the Board shall adopt, as an agenda item at a public meeting, another resolution, which includes all of the following items: (Education Code 15146)~~

- ~~1. Express approval of the method of sale~~
- ~~2. Statement of the reasons for the method of sale selected~~
- ~~3. Disclosure of the identity of the bond counsel, and the identities of the bond underwriter and the financial adviser if either or both are utilized for the sale, unless these individuals have not been selected at the time the resolution is adopted, in which case the Board shall disclose their identities at the public meeting occurring after they have been selected~~
- ~~4. Estimates of the costs associated with the bond issuance~~

After the sale, the Board shall be presented with the actual cost information and shall disclose that information at the Board's next scheduled meeting. The Board shall ensure that an itemized summary of the costs of the bond sale and all necessary information and reports regarding the sale are submitted to the California Debt and Investment Advisory Commission. (Education Code 15146)

Citizens' Oversight Committee

In the event a bond is approved under the 55 percent majority threshold pursuant to Article 13A, Section 1 (b)(3) and Article 16, Section 18(b) of the California Constitution, the district's citizens' oversight committee shall consist of at least seven members including, but not limited to: (Education Code 15282) If a district general obligation bond requiring a 55 percent majority is approved by the voters, the Board shall appoint an independent citizens' advisory oversight committee. This committee shall be appointed within 60 days of the date that the Board enters the election results in its minutes pursuant to Education Code 15274. (Education Code 15278)

The citizens' oversight committee shall consist of at least seven members including, but not limited to: (Education Code 15282)

1. One member active in a business organization representing the business community located within the district
2. One member active in a senior citizens organization
3. One member active in a bona fide taxpayers' organization
4. One member who is a parent/guardian of a child enrolled in the district
5. One member who is a parent/guardian of a child enrolled in the district and is active in a parent-teacher organization, such as the Parent Teacher Association or school site council

(cf. 0420 - School Plans/Site Councils)
 (cf. 1220 - Citizen Advisory Committees)
 (cf. 1230 - School-Connected Organizations)

Members of the citizens' oversight committee shall be subject to prohibitions regarding incompatibility of office pursuant to Government Code 1125-1129 and financial interest in contracts pursuant to Government Code 1090-1099. (Education Code 15282)

(cf. 9270 - Conflict of Interest)

No employee, Board member official, vendor, contractor, or consultant of the district shall be appointed to the citizens' oversight committee. (Education Code 15282)

Members of the citizens' oversight committee shall serve for a term of two years without compensation and for no more than two consecutive terms. (Education Code 15282)

The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The committee shall actively review and report on the proper expenditure of taxpayers' money for school construction and shall convene to provide oversight for, but not limited to, the following: (Education Code 15278)

1. Ensuring that bond revenues are expended only for the purposes described in Article 13A, Section 1(b)(3) of the California Constitution including the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities
2. Ensuring that, as prohibited by Article 13A, Section 1(b)(3)(A) of the California Constitution, no funds are used for any teacher and administrative salaries or other school operating expenses

In furtherance of its purpose, the committee may engage in any of the following activities: (Education Code 15278)

1. Receiving and reviewing copies of the annual, independent performance and financial audits required by Article 13A, Section 1(b)(3)(C) of the California Constitution
- ~~2. Receiving and reviewing copies of the annual, independent financial audit required by Article 13A, Section 1(b)(3)(D) of the California Constitution~~
- 2.3. Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of Article 13(A), Section 1(b)(3) of the California Constitution
- 3.4. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the district, including any reports required by Education Code 17584.1
- ~~4.5.~~ Reviewing efforts by the district to maximize bond revenues by implementing cost-saving measures including, but not limited to, the following:
 - a. Mechanisms designed to reduce the costs of professional fees
 - b. Mechanisms designed to reduce the costs of site preparation
 - c. Recommendations regarding the joint use of core facilities
 - d. Mechanisms designed to reduce costs by incorporating efficiencies in school site design
 - e. Recommendations regarding the use of cost-effective and efficient reusable facility plans

(cf. 7110 - Facilities Master Plan)

The district Board shall, without expending bond funds, provide the citizens' oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of the committee's purpose and sufficient resources to publicize the committee's conclusions. (Education Code 15280)

All oversight committee proceedings shall be open to the public and noticed in the same manner as proceedings of the Board. Committee meetings shall be subject to the provisions of the Ralph M. Brown Act. (Education Code 15280; Government Code 54952)

(cf. 1220 - Citizen Advisory Committees)
(cf. 9320 - Meetings and Notices)

The oversight committee shall issue regular reports, at least once a year, on the results of its activities. Minutes of the proceedings and all documents received and reports issued shall be a matter of public record and shall be made available on the district's web site. (Education Code 15280)

(cf. 1340 - Access to District Records)
(cf. 9324 - Minutes and Recordings)

~~Members of the oversight committee shall be subject to prohibitions regarding incompatibility of office pursuant to Government Code 1125-1129 and financial interest in contracts pursuant to Government Code 1090-1098. (Education Code 15282)~~

~~(cf. 9270 - Conflict of Interest)~~

Reports

Within 30 days after the end of each fiscal year, the Board shall submit to the County Superintendent of Schools a report concerning any bond election(s) containing the following information: (Education Code 15111)

1. The total amount of the bond issue, bonded indebtedness, or other indebtedness involved
2. The percentage of registered electors who voted at the election
3. The results of the election, with the percentage of votes cast for and against the proposition

Regulation ALBANY UNIFIED SCHOOL DISTRICT
approved: May 19, 2009 Albany, California
revised: August 14, 2012

Albany USD

Administrative Regulation

General Obligation Bonds

AR 7214

Facilities

Election Notice

Whenever the Governing Board orders an election of the question of whether general obligation bonds shall be issued for school facilities, the Superintendent or designee shall ensure that election notice and ballot requirements are satisfied in accordance with Education Code 15120-15126 and 15272 as applicable.

Citizens' Oversight Committee

In the event a bond is approved under the 55 percent majority threshold pursuant to Article 13A, Section 1 (b)(3) and Article 16, Section 18(b) of the California Constitution, the district's citizens' oversight committee shall consist of at least seven members including, but not limited to; (Education Code 15282)

1. One member active in a business organization representing the business community located within the district
2. One member active in a senior citizens organization
3. One member active in a bona fide taxpayers' organization
4. One member who is a parent/guardian of a child enrolled in the district
5. One member who is a parent/guardian of a child enrolled in the district and is active in a parent-teacher organization, such as the Parent Teacher Association or school site council

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)(cf. 1230 - School-Connected Organizations)

Members of the citizens' oversight committee shall be subject to prohibitions regarding incompatibility of office pursuant to Government Code 1125-1129 and financial interest in contracts pursuant to Government Code 1090-1099. (Education Code 15282)

(cf. 9270 - Conflict of Interest)

No employee, Board member, vendor, contractor, or consultant of the district shall be appointed to the citizens' oversight committee. (Education Code 15282)

Members of the citizens' oversight committee shall serve for a term of two years without compensation and for no more than two consecutive terms. (Education Code 15282)

The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The committee shall actively review and report on the proper expenditure of taxpayers' money for school construction and shall convene to provide oversight for, but not limited to, the following: (Education Code 15278)

1. Ensuring that bond revenues are expended only for the purposes described in Article 13A, Section 1(b)(3) of the California Constitution including the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities
2. Ensuring that, as prohibited by Article 13A, Section 1(b)(3)(A) of the California Constitution, no funds are used for any teacher and administrative salaries or other school operating expenses

In furtherance of its purpose, the committee may engage in any of the following activities: (Education Code 15278)

1. Receiving and reviewing copies of the annual, independent performance and financial audits required by Article 13A, Section 1(b)(3)(C) of the California Constitution
2. Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of Article 13(A), Section 1(b)(3) of the California Constitution
3. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the district, including any reports required by Education Code 17584.1
4. Reviewing efforts by the district to maximize bond revenues by implementing cost-saving measures including, but not limited to, the following:
 - a. Mechanisms designed to reduce the costs of professional fees
 - b. Mechanisms designed to reduce the costs of site preparation
 - c. Recommendations regarding the joint use of core facilities
 - d. Mechanisms designed to reduce costs by incorporating efficiencies in school site design
 - e. Recommendations regarding the use of cost-effective and efficient reusable facility plans

(cf. 7110 - Facilities Master Plan)

The district shall, without expending bond funds, provide the citizens' oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of the committee's purpose and sufficient resources to publicize the committee's conclusions. (Education

Code 15280)

All oversight committee proceedings shall be open to the public and noticed in the same manner as proceedings of the Board. Committee meetings shall be subject to the provisions of the Ralph M. Brown Act. (Education Code 15280; Government Code 54952)

(cf. 1220 - Citizen Advisory Committees)
(cf. 9320 - Meetings and Notices)

The oversight committee shall issue regular reports, at least once a year, on the results of its activities. Minutes of the proceedings and all documents received and reports issued shall be a matter of public record and shall be made available on the district's web site. (Education Code 15280)

(cf. 1340 - Access to District Records)
(cf. 9324 - Minutes and Recordings)

Reports

Within 30 days after the end of each fiscal year, the Board shall submit to the County Superintendent of Schools a report concerning any bond election(s) containing the following information: (Education Code 15111)

1. The total amount of the bond issue, bonded indebtedness, or other indebtedness involved
2. The percentage of registered electors who voted at the election
3. The results of the election, with the percentage of votes cast for and against the proposition

Regulation ALBANY UNIFIED SCHOOL DISTRICT
Approved: May 19, 2009 Albany, California
Revised: August 14, 2012

~~17405 Relocatable structures; lease requirements~~

~~35275 New school planning; cooperation with recreation and park authorities~~

~~GOVERNMENT CODE~~

~~53090-53097.5 Regulation of local agencies by counties and cities~~

~~65352.2 Communicating and coordinating of school sites~~

~~65995.6 School facilities needs analysis~~

~~CODE OF REGULATIONS, TITLE 5~~

~~14001 Minimum standards~~

~~14030-14036 Standards, planning and approval of school facilities~~

~~UNITED STATES CODE, TITLE 42~~

~~12101-12213 Americans with Disabilities Act~~

Management Resources:

~~WEB SITES~~

~~Office of Public School Construction: <http://www.opsc.dgs.ca.gov>~~

~~CDE, School Facilities Division: <http://www.cde.ca.gov/facilities>~~

Policy ALBANY UNIFIED SCHOOL DISTRICT

adopted: May 19, 2009 Albany, California

revised: August 14, 2012

Albany USD

Board Policy

Facilities Master Plan

BP 7110
Facilities

The Governing Board recognizes the importance of long-range planning for school facilities in order to address changes in student enrollment and in the district's educational program needs. The Superintendent or designee shall develop, for board approval, a master plan for district facilities which describes the district's anticipated short- and long-term facilities needs and priorities.

(cf. 7000 - Concepts and Roles)
(cf. 7160 - Charter School Facilities)
(cf. 7210 - Facilities Financing)

Plan Development

The district's facilities master plan shall be based on an assessment of the condition and adequacy of existing facilities, a projection of future enrollments, and alignment of facilities with the district's vision for the instructional program.

To solicit broad input into the planning process, the Superintendent or designee may establish a facilities advisory committee consisting of staff, parents/guardians, and business, local government, and other community representatives. He/she also shall ensure that the public is informed of the need for construction and modernization of facilities and of the district's plans for facilities.
(cf. 1220 - Citizen Advisory Committees)

At least 45 days prior to completion of any facilities plan that relates to the potential expansion of existing school sites or the necessity to acquire additional school sites, the Superintendent or designee shall notify and provide copies of the plan or any relevant and available information to the planning commission or agency of the city or county with land use jurisdiction within the district. (Government Code 65352.2)

(cf. 7131 - Relations with Local Agencies)

If the city or county commission or agency requests a meeting, the Superintendent or designee shall meet with them within 15 days following the notification. Items that the parties may discuss at the meeting include, but are not limited to, methods of coordinating planning with proposed revitalization efforts and recreation and park programs, options for new school sites, methods of maximizing the safety of persons traveling to and from the site, and opportunities for financial assistance. (Government Code 65352.2)

Plan Components

Board Policy Update Guide 9000s		
BP or AR	BB 9123	March 1, 2011
Title	Clerk	
Description	(BB revised) - Bylaw revised to clarify which boards are required by law to appoint a clerk from among their members at the annual organizational meeting, and to clarify duties of the clerk.	
BP or AR	BP 9223	November 1, 2011
Title	Filling Vacancies	
Description	(BB revised) Bylaw updated to reflect NEW LAW (AB 334) which allows governing boards to approve a board member's out-of-state absence for illness or urgent necessity for an unlimited duration. Updated bylaw also reflects current law which provides that, when an interim board member is appointed to fill an absence created by a member's military deployment that exceeds six months, the term of the interim member cannot extend beyond the return of the absent board member or beyond the next regularly scheduled election for that office, whichever occurs first.	
BP or AR	BP 9320	November 1, 2011
Title	Meetings and Notices	
Description	(BB revised) MANDATED bylaw updated to reflect NEW LAW (AB 1344) which prohibits boards from calling special meetings to address the salaries, salary schedules, or other compensation of the superintendent, assistant superintendent, or other specified employees. Bylaw also reflects requirement added by AB 1344 to post the agenda for a regular meeting and the notice of a special meeting on the district web site, if there is one.	

Albany USD

Board Bylaw

Clerk

BB 9123

Board Bylaws

***Note: The following optional bylaw is for use by any board other than a city board of education governed by a city charter. Any board other than a city board of education is required by Education Code 35143 to elect a clerk from among its members at the annual organizational meeting. See BB 9100 - Organization for other requirements pertaining to the annual organizational meeting. This bylaw is not intended to address a situation where a non-member of the Board is appointed clerk to perform certain responsibilities. ***

The Governing Board shall elect a clerk from its own membership at the annual organizational meeting. (Education Code 35143)

(cf. 9100 - Organization)

The duties of the clerk shall be to:

1. Certify or attest to actions taken by the Board when required
2. Maintain such other records or reports as required by law
3. Sign documents on behalf of the district as directed by the Board.

Note: Districts without a vice president should modify the following paragraph accordingly.

4. Serve as presiding officer in the absence of the president and vice president

(cf. 9121 - President)

5. Notify Board members and members-elect of the date and time for the annual organizational meeting
6. Perform any other duties assigned by the Board

Legal Reference:

EDUCATION CODE

17593 Repair and supervision of property (duty of district clerk)

- 35038 Appointment of clerk by county superintendent of schools
 - 35039 Dismissal of clerk
 - 35121 Appointment of clerk in certain city and high school districts
 - 35143 Annual organizational meetings
 - 35250 Duty to keep certain records and reports
 - 38113 Duty of clerk (re provision of school supplies)
- GOVERNMENT CODE
54950-54963 Ralph M. Brown Act

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

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

(9/88 7/03) 3/11

Albany USD

Board Bylaw

Filling Vacancies

BB 9223

Board Bylaws

Events Causing a Vacancy

A vacancy on the Board of Education may occur for any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)
3. A Board member's resignation (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent. (Education Code 5090, 5091)

Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090)

4. A Board member's removal from office, including recall (Elections Code 11384; Government Code 1770)
5. A Board member's ceasing to be an inhabitant of the state or resident of the district (Government Code 1770)
6. A Board member's absence from the state beyond the period allowed by law without the permission required by law (Government Code 1770)

No Board member shall be absent from the state for more than 60 days, except in any of the following situations: (Government Code 1064)

- a. Upon business of the school district with the approval of the Board

b. With the consent of the Board for an additional period not to exceed a total absence of 90 days

In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board for an additional period not to exceed 30 days.

c. For federal military deployment not to exceed six months as a member of the armed forces of the United States or the California National Guard

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

~~d. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board for an additional period not to exceed 30 days.~~

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

7. A Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by sickness or when absent from the state with the permission required by law (Government Code 1770)

8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)

9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed (Government Code 1770)

(cf. 9224 - Oath or Affirmation)

10. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)

11. The making of an order vacating a Board member's office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond (Government Code 1770)

12. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)

13. A failure to elect when either no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

Timelines for Filling a Vacancy

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs less than four months before the end of a Board member's term, the Board shall take no action. (Education Code 5093)

2. When a vacancy occurs four or more months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described in item #3 below. (Education Code 5091, 5093)

3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

When a special election is not required, the Board may make a provisional appointment. (Education Code 5091, 5093)

Provisional Appointments

In order to draw from the largest possible number of candidates, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

(cf. 9130 - Board Committees)
(cf. 9323.2 - Actions by the Board)

In order to serve on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

(cf. 9220 - Board of Education Elections)

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

The notice shall contain: (Education Code 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
2. The full name of the appointee
3. The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

Appointment Due to Failure to Elect

When a vacancy occurs because no person or an insufficient number of candidates have been nominated (i.e., a failure to elect), and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

(cf. 9100 - Organization)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.

Legal Reference:
EDUCATION CODE

- 5000-5033 Elections
- 5090-5095 Vacancies
- 5200-5208 Districts governed by boards of education
- 5300-5304 Elections
- 5320-5329 Order and call of election
- 5340-5345 Consolidation of elections
- 5360-5363 Election notice
- 5420-5426 Cost of elections
- 5440-5442 Miscellaneous provisions, elections
- 35107 Eligibility of board members
- 35178 Resignation with deferred effective date

ELECTIONS CODE

- 10600-10604 School district elections
- 11381-11386 Candidates for recall

GOVERNMENT CODE

- 1064 Absence from state
- 1770 Vacancies: definition
- 3000-3002 Forfeiture of office
- 3060-3075 Removal other than by impeachment
- 6061 One time notice
- 54950-54963 The Ralph M. Brown Act

PENAL CODE

- 88 Bribery, forfeiture from office
- UNITED STATES CODE, TITLE 18
- 704 Military medals or decorations
- ATTORNEY GENERAL OPINIONS
- 58 Ops.Cal.Atty.Gen. 888 (1975)

Management Resources:

CSBA PUBLICATIONS

Filling a Board Vacancy, rev. January 2008

WEB SITES

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

California State Attorney General's Office, Quo Warranto Applications:

Bylaw ALBANY UNIFIED SCHOOL DISTRICT
adopted: May 19, 2009 Albany, California

Albany USD

Board Bylaw

Filling Vacancies

BB 9223

Board Bylaws

Events Causing a Vacancy

A vacancy on the Board of Education may occur for any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)
3. A Board member's resignation (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent. (Education Code 5090, 5091)

Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090)

4. A Board member's removal from office, including recall (Elections Code 11384; Government Code 1770)
5. A Board member's ceasing to be an inhabitant of the state or resident of the district (Government Code 1770)
6. A Board member's absence from the state beyond the period allowed by law without the permission required by law (Government Code 1770)

No Board member shall be absent from the state for more than 60 days, except in any of the following situations: (Government Code 1064)

- a. Upon business of the school district with the approval of the Board

b. With the consent of the Board for an additional period not to exceed a total absence of 90 days

In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board for an additional period not to exceed 30 days.

c. For federal military deployment not to exceed six months as a member of the armed forces of the United States or the California National Guard

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

7. A Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by sickness or when absent from the state with the permission required by law (Government Code 1770)

8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)

9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed (Government Code 1770)

(cf. 9224 - Oath or Affirmation)

10. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)

11. The making of an order vacating a Board member's office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond (Government Code 1770)

12. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code

1770)

13. A failure to elect when either no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

Timelines for Filling a Vacancy

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs less than four months before the end of a Board member's term, the Board shall take no action. (Education Code 5093)
2. When a vacancy occurs four or more months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described in item #3 below. (Education Code 5091, 5093)
3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

When a special election is not required, the Board may make a provisional appointment. (Education Code 5091, 5093)

Provisional Appointments

In order to draw from the largest possible number of candidates, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

(cf. 9130 - Board Committees)
(cf. 9323.2 - Actions by the Board)

In order to serve on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

(cf. 9220 - Board of Education Elections)

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be

published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

The notice shall contain: (Education Code 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
2. The full name of the appointee
3. The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

Appointment Due to Failure to Elect

When a vacancy occurs because no person or an insufficient number of candidates have been nominated (i.e., a failure to elect), and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

(cf. 9100 - Organization)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.

Legal Reference:

EDUCATION CODE

5000-5033 Elections

5090-5095 Vacancies

5200-5208 Districts governed by boards of education

- 5300-5304 Elections
- 5320-5329 Order and call of election
- 5340-5345 Consolidation of elections
- 5360-5363 Election notice
- 5420-5426 Cost of elections
- 5440-5442 Miscellaneous provisions, elections
- 35107 Eligibility of board members
- 35178 Resignation with deferred effective date

ELECTIONS CODE

- 10600-10604 School district elections
- 11381-11386 Candidates for recall

GOVERNMENT CODE

- 1064 Absence from state
- 1770 Vacancies: definition
- 3000-3002 Forfeiture of office
- 3060-3075 Removal other than by impeachment
- 6061 One time notice
- 54950-54963 The Ralph M. Brown Act

PENAL CODE

- 88 Bribery, forfeiture from office
- UNITED STATES CODE, TITLE 18
- 704 Military medals or decorations
- ATTORNEY GENERAL OPINIONS
- 58 Ops.Cal.Atty.Gen. 888 (1975)

Management Resources:

CSBA PUBLICATIONS

Filling a Board Vacancy, rev. January 2008

WEB SITES

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California State Attorney General's Office, Quo Warranto Applications:

Bylaw ALBANY UNIFIED SCHOOL DISTRICT
adopted: May 19, 2009 Albany, California

Albany USD

Board Bylaw

Meetings And Notices

BB 9320

Board Bylaws

Meetings of the Board of Education are conducted for the purpose of accomplishing district business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the schools, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

(cf. 9323 - Meeting Conduct)

A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

In order to help ensure participation in the meeting by disabled individuals, the Superintendent or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

Meeting notices and agendas shall specify that any individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent or designee. (Government Code 54954.2)

Each agenda shall also list the address(es) designated by the Superintendent or designee for public inspection of agenda documents that are distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

(cf. 9322 - Agenda/Meeting Materials)

Regular Meetings

The Board shall hold two regular meetings each month. Regular meetings shall be held at 7:030 p.m. on the ~~second~~first and ~~fourth~~third Tuesday of each month at the Albany City Council ChambersCommunity Center and broadcast on local cable to KALB. The Board shall be in recess the month of July and there will be no regularly scheduled meetings during that time

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public, and on the district's Internet web site. (Government Code 54954.2)

Whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent or designee shall make the materials available for public inspection at a public office or location designated for that purpose. (Government Code 54957.5)

(cf. 1340 - Access to District Records)

Special Meetings

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1. (Government Code 54956)

(cf. 2121 - Superintendent's Contract)
(Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice,

before or during the item's consideration. (Government Code 54954.3)

Emergency Meetings

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An emergency situation means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

Adjourned/Continued Meetings

A majority vote by the Board may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may

declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

Study Sessions, Retreats, Public Forums, and Discussion Meetings

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

(cf. 2000 - Concepts and Roles)

(cf. 2111 - Superintendent Governance Standards)

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9400 - Board Self-Evaluation)

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.

Other Gatherings

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board, provided that the

Board members who are not members of the standing committee attend only as observers

(cf. 9130 - Board Committees)

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

Location of Meetings

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to disabled persons or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

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

Meetings shall be held within district boundaries, except to do any of the following:
(Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
5. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
6. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
7. Attend conferences on nonadversarial collective bargaining techniques
8. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent of the district
9. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in items #1-9 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

Teleconferencing

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent or designee shall facilitate public participation in the meeting at each teleconference location.

Legal Reference:

EDUCATION CODE

- 35140 Time and place of meetings
- 35143 Annual organizational meeting, date, and notice
- 35144 Special meeting
- 35145 Public meetings
- 35145.5 Agenda; public participation; regulations
- 35146 Closed sessions
- 35147 Open meeting law exceptions and applications

GOVERNMENT CODE

11135 State programs and activities, discrimination
54950-54963 The Ralph M. Brown Act, especially:
54953 Meetings to be open and public; attendance
54954 Time and place of regular meetings
54954.2 Agenda posting requirements, board actions
54956 Special meetings; call; notice
54956.5 Emergency meetings

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.160 Effective communications
36.303 Auxiliary aids and services

COURT DECISIONS

Wolfe v. City of Fremont, (2006) 144 Cal.App. 544

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 218 (2005)
84 Ops.Cal.Atty.Gen. 181 (2001)
84 Ops.Cal.Atty.Gen. 30 (2001)
79 Ops.Cal.Atty.Gen. 69 (1996)
78 Ops.Cal.Atty.Gen. 327 (1995)

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2006

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. 2007

WEB SITES

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

CSBA, Agenda Online:

<http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

California Attorney General's Office: <http://www.caag.state.ca.us>

Institute for Local Government: <http://www.cacities.org/index.jsp?zone=ilsg>

Bylaw ALBANY UNIFIED SCHOOL DISTRICT

adopted: May 19, 2009 Albany, California

Albany USD

Board Bylaw

Filling Vacancies

BB 9223

Board Bylaws

Events Causing a Vacancy

A vacancy on the Board of Education may occur for any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)
3. A Board member's resignation (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent. (Education Code 5090, 5091)

Upon being filed with the County Superintendent, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090)

4. A Board member's removal from office, including recall (Elections Code 11384; Government Code 1770)
5. A Board member's ceasing to be an inhabitant of the state or resident of the district (Government Code 1770)
6. A Board member's absence from the state beyond the period allowed by law without the permission required by law (Government Code 1770)

No Board member shall be absent from the state for more than 60 days, except in any of the following situations: (Government Code 1064)

- a. Upon business of the school district with the approval of the Board

b. With the consent of the Board for an additional period not to exceed a total absence of 90 days

In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board for an additional period not to exceed 30 days.

c. For federal military deployment not to exceed six months as a member of the armed forces of the United States or the California National Guard

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

7. A Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by sickness or when absent from the state with the permission required by law (Government Code 1770)

8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)

9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed (Government Code 1770)

(cf. 9224 - Oath or Affirmation)

10. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)

11. The making of an order vacating a Board member's office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond (Government Code 1770)

12. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)

13. A failure to elect when either no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

Timelines for Filling a Vacancy

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs less than four months before the end of a Board member's term, the Board shall take no action. (Education Code 5093)
2. When a vacancy occurs four or more months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described in item #3 below. (Education Code 5091, 5093)
3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

When a special election is not required, the Board may make a provisional appointment. (Education Code 5091, 5093)

Provisional Appointments

In order to draw from the largest possible number of candidates, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

(cf. 9130 - Board Committees)
(cf. 9323.2 - Actions by the Board)

In order to serve on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

(cf. 9220 - Board of Education Elections)

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

The notice shall contain: (Education Code 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
2. The full name of the appointee
3. The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

Appointment Due to Failure to Elect

When a vacancy occurs because no person or an insufficient number of candidates have been nominated (i.e., a failure to elect), and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

(cf. 9100 - Organization)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.

Legal Reference:

EDUCATION CODE
5000-5033 Elections
5090-5095 Vacancies
5200-5208 Districts governed by boards of education
5300-5304 Elections
5320-5329 Order and call of election
5340-5345 Consolidation of elections

5360-5363 Election notice
5420-5426 Cost of elections
5440-5442 Miscellaneous provisions, elections
35107 Eligibility of board members
35178 Resignation with deferred effective date

ELECTIONS CODE

10600-10604 School district elections
11381-11386 Candidates for recall

GOVERNMENT CODE

1064 Absence from state
1770 Vacancies: definition
3000-3002 Forfeiture of office
3060-3075 Removal other than by impeachment
6061 One time notice
54950-54963 The Ralph M. Brown Act

PENAL CODE

88 Bribery, forfeiture from office
UNITED STATES CODE, TITLE 18
704 Military medals or decorations
ATTORNEY GENERAL OPINIONS
58 Ops.Cal.Atty.Gen. 888 (1975)

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