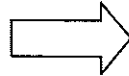


ALBANY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION

REGULAR MEETING

Albany Community Center

1249 Marin Avenue
Albany, CA 94706



WEDNESDAY
November 4, 2009

A G E N D A

I. OPENING BUSINESS

6:30 p.m.

- A) Call to Order
- B) Roll Call
- C) Identify Closed Session Pursuant to Agenda Section III Below

II. PUBLIC COMMENT PERIOD FOR CLOSED SESSION ITEMS

General public comment on any Closed Session item will be heard. The Board may limit comments to no more than three (3) minutes.

III. CLOSED SESSION

6:35 p.m.

- A) With respect to every item of business to be discussed in Closed Session pursuant to Education Code Section 35146: Student Discipline Matters
Student ID# 206249
- B) With respect to every item of business to be discussed in Closed Session pursuant to: Government Code Section 54957: Public Employee Appointment
Certificated
 - 1. Corrections – none
 - 2. Extra Assignment
 - a. Asst. Coach – Wrestling
 - b. Head Coach – Wrestling
 - 3. New Hire
 - a. Substitute Teacher
 - b. Vice Principal
 - 4. Resignation
 - a. Substitute Teacher
 - 5. Status Change
 - a. Long Term Substitute
 - 6. Termination – none

Classified

- 1. Corrections – none
- 2. Extra Assignment – none

3. New Hire
 - a. Asst. Coach – Wrestling
 - b. Athletic Clerk
 - c. Café Asst I
 - d. Clerical Aide
 - e. Men's JV Basketball Coach
 - f. Men's JV Soccer Coach
 - g. Men's Varsity Basketball Coach
 - h. Men's Varsity Soccer Coach
 - i. Network Technician
 - j. Sp Ed Para-educator
 - k. Substitute Custodian
 - l. Substitute Para-Educator
 - m. Women's JV Basketball Coach
 - n. Women's JV Soccer Coach
 - o. Women's Varsity Basketball Coach
 - p. Yard Aide
4. Resignation
 - a. Attendance Clerk
 - b. Computer Support
5. Status Change – none
6. Termination - none

Student Workers

1. Workability

- C) With respect to every item of business to be discussed in Closed Session Pursuant to Government Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR (Superintendent Marla Stephenson, District Representative), Regarding Negotiations as pertains to:
 - a. California School Employees Association (CSEA)
 - b. Albany Teachers Association (ATA)
 - c. SEIU Local 1021

IV. OPEN SESSION

7:30 p.m.

Depending upon completion of Closed Session items, the Board of Education intends to convene to Open Session at 7:30 p.m. to conduct the remainder of its meeting, reserving the right to return to Closed Session at any time.

- A) Reconvene to Open Session
- B) Roll Call
- C) Pledge of Allegiance
- D) Report of Action Taken in Closed Session
- E) Approval of Agenda
- F) Approval of Consent Calendar

(The Consent Calendar includes routine items that may be handled with one action. Board Members may request any item be removed from the Consent Calendar without formal action)

1. **Approval of Minutes**

- a) October 20, 2009
- b) October 6, 2009
- c) September 1, 2009

2. **Personnel Assignment Order**

a) **Certificated Personnel – Public Employee Assignment, Employment, Appointment, Evaluation, Leave Requests:**

- 1. Corrections – none
- 2. Extra Assignment
 - a. Asst. Coach – Wrestling
 - b. Head Coach - Wrestling
- 3. New Hire
 - a. Substitute Teacher
 - b. Vice Principal
- 4. Resignation
 - a. Substitute Teacher
- 5. Status Change
 - a. Long Term Substitute
- 6. Termination – none

b) **Classified Personnel – Public Employee Assignment, Appointment Employment, Leave Requests:**

- 1. Corrections – none
- 2. Extra Assignment – none
- 3. New Hire
 - a. Asst. Coach - Wrestling
 - b. Athletic Clerk
 - c. Café Asst I
 - d. Clerical Aide
 - e. Men's JV Basketball Coach
 - f. Men's JV Soccer Coach
 - g. Men's Varsity Basketball Coach
 - h. Men's Varsity Soccer Coach
 - i. Network Technician
 - j. Sp Ed Para-educator
 - k. Substitute Custodian
 - l. Substitute Para-Educator
 - m. Women's JV Basketball Coach
 - n. Women's JV Soccer Coach
 - o. Women's Varsity Basketball Coach
 - p. Yard Aide
- 4. Resignation
 - a. Attendance Clerk
 - b. Computer Support
- 5. Status Change – none

6. Termination – none

c) **Student Workers**

1. Workability

3. **Curriculum and Instruction**

- a) Approve the Independent Contractor Agreement for Alison Seevak's Poetry Enrichment Program at Cornell School. Pg 7
Cost not to Exceed \$2250.00. Funding Source: Donation Fund
- b) Approve the Independent Contractor Agreement for Allison Seevak's Poetry Enrichment Program at Marin School. Pg 13
Cost not to Exceed \$1800.00. Funding Source: Donation Fund
- c) Approve the Independent Contractor Agreement for Quiana Wilson to Provide Physical Education Program Consulting. Pg 19
Cost not to Exceed \$3000.00. Funding Source: General Fund
- d) Approve Extended Field Trip from Albany High School to Pg 27
Las Vegas, Nevada October 15, 2009 to Attend the National Choral Festival
- e) Approve Extended Field Trip from Albany High School to Pg 31
Washington, D.C. to Attend the North American Invitational Model UN Conference

4. **Business and Operations**

- a) Approve the Donation to Fund Athletic Programs at Albany Pg 35
High School from the Albany High School Athletic Boosters for \$42,000.

5. **Student Services**

- a) Approve one (1) Independent Contractor Agreement Between Pg 36
Albany Unified School District and Betsy Kaye to Provide Vision Services for six (6) Low Vision Students at the Rate of \$130.00/hour. Cost not to Exceed \$15,535.00. Funding Source: Special Education
- b) Approve one (1) Master Contract between Albany Unified Pg 41
School District and Progressus Therapy for Speech/Language Services to Cover Leave of Absence. Cost not to Exceed \$30,784.00. Funding Source: Special Education
- c) Approve one (1) Master Contract Between Albany Unified Pg 47
School District and Speech/Language Therapy Services for ACC Consultation and Training at a Rate of \$84.00/hour. Cost not to Exceed \$1,700.00. Funding Source: Special Education
- d) Approve Increase to Purchase Order #P10-00114 for Pg 53
Children's Learning Center for Basic Education and Related Services for one (1) Student. Cost not to Exceed \$34,615.50. Funding Source: Special Education

- e) Approve Increase to Purchase Order #P10-00090 for Oak Hill School for Related Services for one (1) Student. Cost not to Exceed \$6,260.80. Funding Source: Special Education Pg 56

V. STUDENT BOARD MEMBERS

- A) Student Reports

VI. STAFF REPORTS

- A) Plans for a Bikeway Easement and Right-of-Way For the Buchanan Bicycle and Pedestrian Path Project

VII. PERSONS TO ADDRESS THE BOARD ON MATTERS NOT ON THE AGENDA

Board practice limits each speaker to no more than three (3) minutes. The Brown Act limits Board ability to discuss or act on items which are not on the agenda; therefore, such items may be referred to staff for comment or for consideration on a future agenda.

VIII. REVIEW AND ACTION ITEMS

(Members of the public will have the opportunity to speak on all issues.)

- A) Open Public Hearing on the Initial Proposal for Contract Reopeners Pg 59
For 2009-2010 Between Albany Unified School District and California School Employees Association Albany Chapter 679
- B) Close Public Hearing on the Initial Proposal for Contract Reopeners
For 2009-2010 Between Albany Unified School District and California School Employees Association Albany Chapter 679
- C) Conduct the 2nd Reading and Approve Board Policy Update/Revision Pg 60
Section 3000 – Business & Operations (Under Separate Cover)
- D) Approve Resolution 2009-10-05 to Deny Request by the Global Pg 61
Tides @ Alameda County to Approve a Petition to Become a Charter School of the Albany Unified School District
- E) Approve the Letter to Albany City Council Concerning Crossing Pg 71
Guard Staffing

IX. REVIEW AND DISCUSSION ITEMS

- A) Conduct the 1st Reading of Board Policy Section 6000-6145.5(c) – Pg 72
Instruction

X. BOARD AND SUPERINTENDENT COMMENTS

XI. FUTURE AGENDA ITEMS

- A) 1st Interim Report
- B) Parks & Recreation Report
- C) Reorganization of the Board

XII. FUTURE BOARD MEETINGS

- A) Tuesday, November 17, 2009, 7:30 p.m., Regular Meeting, Albany Community Center, 1249 Marin Avenue, Albany

B) Tuesday, December 1, 2009, 7:30 p.m., Regular Meeting, Albany Community Center, 1249 Marin Avenue, Albany

C) Tuesday, January 5, 2010, 7:30 p.m., Regular Meeting, Albany Community Center, 1249 Marin Avenue, Albany

XIII. ADJOURNMENT

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board Meetings shall be adjourned at 10:00 p.m. unless extended to a specific time determined by a majority of the Board.

The Board of Education meeting packet is available for public inspection at the Albany Public Library, 1247 Marin Avenue, all school sites, and the lobby of the Albany Unified School District office, 904 Talbot Avenue, Albany. The agenda is available on the Albany Unified School District web site: www.albany.k12.ca.us


If you provide your name and/or address when speaking before the Board of Education, it may become a part of the official public record and the official minutes will be published on the Internet

In compliance with the Americans with Disability Act (ADA), if you need special assistance to participate in this meeting, please contact the Superintendent's Office at 510-558-3766. Notification must be give forty-eight (48) hours prior to the meeting to make reasonable arrangements for accessibility (28 CFR 35.102.104 ADA Title II).

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of November 4, 2009

**ITEM: APPROVE THE INDEPENDENT CONTRACTOR AGREEMENT FOR
ALISON SEEVAK'S POETRY ENRICHMENT PROGRAM**

PREPARED BY: Lynda Hornada, Director of Curriculum and Instruction 

TYPE OF ITEM: *Consent*

BACKGROUND INFORMATION:

Alison Seevak is providing poetry enrichment classes for all 5th grade classes at Cornell School. This is a donation-funded program. The agreement is attached.

FINANCIAL INFORMATION: No Fiscal Impact

RECOMMENDATION:

Approve The Independent Contractor Agreement for Alison Seevak

**Albany Unified School District
Independent Contractor Agreement**

THIS AGREEMENT, Oct 21, 2009 between Alison Seevak independent contractor ("Contractor") having a principal place of business at _____ and the Albany Unified School District ("District"), mutually agree as follows:

I. TERMS OF THE CONTRACT

- A. This Agreement will become effective as of the date above and will continue in effect through June 30, 2010, unless sooner terminated.

II. SCOPE OF WORK TO BE PERFORMED BY CONTRACTOR

- A. Contractor agrees to perform the services specified in the "Description of Services" attached to this Agreement and incorporated by reference herein as Exhibit "A".
- B. Contractor shall perform within the time set forth in Exhibit "A": everything required to be performed.

III. COMPENSATION

- A. In consideration for the services and/or materials referenced in Article II, scope of work by contract, District agrees to pay \$2250. Unless otherwise provided for in Article II, payment of expenses shall be made within sixty (60) days upon completion/delivery of goods and accompanied by invoices and appropriate supporting documentation. Invoices shall be submitted to the attention of the Albany Unified School District, Attention: Accounts Payable, along with completed W-9 Form (copy attached).
- B. The District reserves the right to withhold payment until order is completed and/or accepted by the District.

IV. OBLIGATION OF CONTRACTOR

- A. While performing services hereunder, Contractor is an independent contractor and not an officer, agent or employee of the District.
- B. The Contractor shall provide and furnish all necessary tools, labor, materials, equipment and all transportation services as described and required to perform the services under this Agreement. The Contractor shall assume all other expenses incurred in connection with the performance of this contract and the District shall not be responsible for payment of any other expenses. The Contractor is personally liable for among other things, taxes, personal health and car insurance. Workers' Compensation for his/her own employees and business expenses for maintaining his/her office.

- C. The Contractor shall not assign, transfer, convey, sublet or other wise dispose of this contract or its right, title or interest therein, or any part thereof, such attached or purported assignments, transfer, conveyance, sublease or other disposition shall be null, void and of no legal effect whatsoever, and the contract may, at the option of the District be terminated, revoked and annulled, and the District shall thereupon be relieved and discharged from any and all liability and obligations growing out of the same to the contractor, and to its purported assignee or transferee.

Item IV-D () is (X) is not applicable to this agreement.

- D. Sections 1771 through 1775 of the Labor Code are hereby made part of this agreement as if written in its entirety herein.
- E. All equipment, supplies and services sold to the District shall conform to the general safety orders of the State of California.
- F. It is the policy of the District that in connection with all work performed under any and all contracts, including independent contractor agreements, there will be no discrimination against any prospective or active employee engaged in the work because of race, color, ancestry, national origin, religious creed, sex, age, physical handicap, medical condition or marital status. In the performance of the terms of this contract, Contractor agrees to comply with applicable Federal and California laws including, but not limited, to the California Fair Employment and Housing Act, beginning with Government Code Section 12900, and labor Code Section 1735, and agrees that it will not engage in nor permit any subcontractor as it may employ to engage in unlawful discrimination in the employment of persons because of race, color, ancestry, religious creed, national origin, age, physical handicap, medical condition, marital status, or sex of such person.

V. LIABILITY

The Contractor agrees to hold harmless and to indemnify the District for any injury to person or property sustained by the Contractor, by any person, firm or corporation, employed directly or indirectly by the Contractor, or by any of the individuals participating in, or associated with, the Contractor, however, caused. The Contractor further agrees to hold harmless and to indemnify the District for any injury to person or property sustained by any person, firm or corporation, caused by any act, neglect, default or omission of the Contractor, or of any person, firm or Corporation directly or indirectly employed by the Contractor upon or in connection with this Agreement, or any of the participants arising out of or in the course of the term of this Agreement, and the contractor, at his/her own cost, expense and risk, shall defend any and all actions, suits or other legal proceedings that any be instituted against the District for any such claim or demand and pay or satisfy and judgment, including attorney fees

and costs, that may be rendered against the District in any such action, suit or legal proceeding.

VI. ENTIRETY OF AGREEMENT

This Agreement supersedes any and all agreements, either oral or written, between the parties hereto with respect to the rendering of services by Contractor for the District and contains all the covenants and agreements between the parties. Each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement, statement or promise not contained in this Agreement shall be valid or binding. Any modification of this Agreement will be effective only if it is in writing, signed and dated by both the Contractor and the District.

If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

VII. ATTORNEY FEES

If any action at law or in equity, including an action for declaratory relief, is brought to enforce or interpret the provisions of this Agreement, the prevailing party will be entitled to reasonable attorney fees, which may be set by the court in the same action or in a separate action brought for the purpose, in addition to any other relief to which the party may be entitled.

This Agreement will be governed by and construed in accordance with the laws of the State of California.

EXECUTED AT Albany, California, on the date first written above.

ALBANY UNIFIED SCHOOL DISTRICT

By: _____
District Superintendent


Independent Contractor

10/21/09
Date

Exhibit "B"

INDEPENDENT CONTRACTOR
CERTIFICATION OF
EMPLOYEE CLEARANCE

Name of Company/Individuals: Alison Seevak

Address: _____

City: _____ State: CA ZIP: _____

Telephone: _____ FAX: _____

Email: ASeevak@gmail.comContact Person: Alison Seevak

I certify that:

- My company has completed background checks pursuant to Education Code Section 45125.1 and 45125.2 on all of our employees who may come into contact with pupils while working on projects for the Albany Unified School District.
- None of my company's employees, who may come into contract with pupils while working on projects for the Albany Unified School District have been convicted of a violent or serious felony as defined in Education Code Section 45122.1 (see exhibit "B")
- I have attached a list of the names of our employees who may come in contact with pupils. I also agree to update the list as employees for new employees prior to their contact with pupils.

I certify that any false, deceptive, misleading, or nondisclosed information related to this certification may result in tort liability for my company/myself.

Alison Seevak

Print Name

Principal

Title



Signature

10/21/09

Date

Exhibit "B"

Exhibit "A"

Description of Services

poetry classes for 3 5th grade classrooms
at Cornell School

11/17, 11/24, 12/1, 12/8, 12/15, 1/5, 1/12

1/19, 1/26, 2/2


10 classes per classroom
@ \$75 a session

total for residency - \$2250

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of November 4, 2009

**ITEM: APPROVE THE INDEPENDENT CONTRACTOR AGREEMENT FOR
ALISON SEEVAK'S POETRY ENRICHMENT PROGRAM**

PREPARED BY: Lynda Hornada, Director of Curriculum and Instruction 

TYPE OF ITEM: *Consent*

BACKGROUND INFORMATION:

Alison Seevak is providing poetry enrichment classes for all 4th grade classes at Marin School. This is a donation-funded program. The agreement is attached.

FINANCIAL INFORMATION: No Fiscal Impact

RECOMMENDATION:

Approve The Independent Contractor Agreement for Alison Seevak

**Albany Unified School District
Independent Contractor Agreement**

THIS AGREEMENT, October 21 2009 between Alison Seevak an independent contractor ("Contractor") having a principal place of business at _____ and the Albany Unified School District ("District"), mutually agree as follows:

I. TERMS OF THE CONTRACT

- A. This Agreement will become effective as of the date above and will continue in effect through June 30, 2010, unless sooner terminated.

II. SCOPE OF WORK TO BE PERFORMED BY CONTRACTOR

- A. Contractor agrees to perform the services specified in the "Description of Services" attached to this Agreement and incorporated by reference herein as Exhibit "A".
- B. Contractor shall perform within the time set forth in Exhibit "A": everything required to be performed.

III. COMPENSATION

- A. In consideration for the services and/or materials referenced in Article II, scope of work by contract, District agrees to pay \$1800. Unless otherwise provided for in Article II, payment of expenses shall be made within sixty (60) days upon completion/delivery of goods and accompanied by invoices and appropriate supporting documentation. Invoices shall be submitted to the attention of the Albany Unified School District, Attention: Accounts Payable, along with completed W-9 Form (copy attached).
- B. The District reserves the right to withhold payment until order is completed and/or accepted by the District.

IV. OBLIGATION OF CONTRACTOR

- A. While performing services hereunder, Contractor is an independent contractor and not an officer, agent or employee of the District.
- B. The Contractor shall provide and furnish all necessary tools, labor, materials, equipment and all transportation services as described and required to perform the services under this Agreement. The Contractor shall assume all other expenses incurred in connection with the performance of this contract and the District shall not be responsible for payment of any other expenses. The Contractor is personally liable for among other things, taxes, personal health and car insurance. Workers' Compensation for his/her own employees and business expenses for maintaining his/her office.

- C. The Contractor shall not assign, transfer, convey, sublet or other wise dispose of this contract or its right, title or interest therein, or any part thereof, such attached or purported assignments, transfer, conveyance, sublease or other disposition shall be null, void and of no legal effect whatsoever, and the contract may, at the option of the District be terminated, revoked and annulled, and the District shall thereupon be relieved and discharged from any and all liability and obligations growing out of the same to the contractor, and to its purported assignee or transferee.

Item IV-D () is (X) is not applicable to this agreement.

- D. Sections 1771 through 1775 of the Labor Code are hereby made part of this agreement as if written in its entirety herein.
- E. All equipment, supplies and services sold to the District shall conform to the general safety orders of the State of California.
- F. It is the policy of the District that in connection with all work performed under any and all contracts, including independent contractor agreements, there will be no discrimination against any prospective or active employee engaged in the work because of race, color, ancestry, national origin, religious creed, sex, age, physical handicap, medical condition or marital status. In the performance of the terms of this contract, Contractor agrees to comply with applicable Federal and California laws including, but not limited, to the California Fair Employment and Housing Act, beginning with Government Code Section 12900, and labor Code Section 1735, and agrees that it will not engage in nor permit any subcontractor as it may employ to engage in unlawful discrimination in the employment of persons because of race, color, ancestry, religious creed, national origin, age, physical handicap, medical condition, marital status, or sex of such person.

V. LIABILITY

The Contractor agrees to hold harmless and to indemnify the District for any injury to person or property sustained by the Contractor, by any person, firm or corporation, employed directly or indirectly by the Contractor, or by any of the individuals participating in, or associated with, the Contractor, however, caused. The Contractor further agrees to hold harmless and to indemnify the District for any injury to person or property sustained by any person, firm or corporation, caused by any act, neglect, default or omission of the Contractor, or of any person, firm or Corporation directly or indirectly employed by the Contractor upon or in connection with this Agreement, or any of the participants arising out of or in the course of the term of this Agreement, and the contractor, at his/her own cost, expense and risk, shall defend any and all actions, suits or other legal proceedings that any be instituted against the District for any such claim or demand and pay or satisfy and judgment, including attorney fees

and costs, that may be rendered against the District in any such action, suit or legal proceeding.

VI. ENTIRETY OF AGREEMENT

This Agreement supersedes any and all agreements, either oral or written, between the parties hereto with respect to the rendering of services by Contractor for the District and contains all the covenants and agreements between the parties. Each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement, statement or promise not contained in this Agreement shall be valid or binding. Any modification of this Agreement will be effective only if it is in writing, signed and dated by both the Contractor and the District.

If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

VII. ATTORNEY FEES

If any action at law or in equity, including an action for declaratory relief, is brought to enforce or interpret the provisions of this Agreement, the prevailing party will be entitled to reasonable attorney fees, which may be set by the court in the same action or in a separate action brought for the purpose, in addition to any other relief to which the party may be entitled.

This Agreement will be governed by and construed in accordance with the laws of the State of California.

EXECUTED AT Albany, California, on the date first written above.

ALBANY UNIFIED SCHOOL DISTRICT

By: _____
District Superintendent

Alison Lewis
Independent Contractor

10/21/09
Date

Exhibit "A"

Description of Services

Poetry Classes for 3 4th grade classrooms
at Marvin School

8 sessions per class
@\$75 a session

2/25/10

3/2/10

3/9/10

3/18/10

3/25/10

4/1/10

4/6/10

4/22/10

Total for residency - \$1800

Exhibit "B"

INDEPENDENT CONTRACTOR
CERTIFICATION OF
EMPLOYEE CLEARANCEName of Company/Individuals: Alison Seevak

Address: _____

City: _____ State: CA ZIP: _____

Telephone: _____ FAX: _____

Email: Aseevak@gmail.comContact Person: Alison Seevak

I certify that:

- My company has completed background checks pursuant to Education Code Section 45125.1 and 45125.2 on all of our employees who may come into contact with pupils while working on projects for the Albany Unified School District.
- None of my company's employees, who may come into contract with pupils while working on projects for the Albany Unified School District have been convicted of a violent or serious felony as defined in Education Code Section 45122.1 (see exhibit "B")
- I have attached a list of the names of our employees who may come in contact with pupils. I also agree to update the list as employees for new employees prior to their contact with pupils.

I certify that any false, deceptive, misleading, or nondisclosed information related to this certification may result in tort liability for my company/myself.

Alison Seevak
Print NamePrincipal
TitleAlison Seevak
Signature10/21/09
Date

Exhibit "B"

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of November 4, 2009

**ITEM: APPROVE THE INDEPENDENT CONTRACTOR
AGREEMENT FOR QUIANA WILSON TO PROVIDE
PHYSICAL EDUCATION PROGRAM CONSULTING**

PREPARED BY: Lynda Hornada, Director of Curriculum and Instruction

TYPE OF ITEM: Consent

BACKGROUND INFORMATION:

Ms. Wilson is a Physical Education Consultant. She will work with our Elementary Physical Education and Classroom Teachers to update our current program in order to ensure it meets the new CA State Framework and Standards for Physical Education.

FINANCIAL INFORMATION:

Total Contract not to Exceed \$3000.00

RECOMMENDATION:

Approve the Independent Contractor Agreement for Quiana Wilson to provide Physical Education Program Consulting.

**Albany Unified School District
Independent Contractor Agreement**

THIS AGREEMENT, made this 27th day of October 2009 between Quiana Wilson, an independent contractor ("Contractor") having a principal place of business a _____, and the Albany Unified School District ("District"), mutually agree as follows:

TERMS OF THE CONTRACT

This Agreement will become effective as of the date above and will continue in effect through July 31, 2010, unless sooner terminated.

II. SCOPE OF WORK TO BE PERFORMED BY CONTRACTOR

Contractor agrees to perform the services specified in the "Description of Services" attached to this Agreement and incorporated by reference herein as Exhibit "A".

Contractor shall perform within the time set forth in Exhibit "A": everything required to be performed.

III. COMPENSATION

In consideration for the services and/or materials referenced in Article II, scope of work by contract, District agrees to pay an amount not to exceed \$3,000 in total to Quiana Wilson. Unless otherwise provided for in Article II, payment of expenses shall be made within sixty (60) days upon completion/delivery of goods and accompanied by invoices and appropriate supporting documentation. Invoices shall be submitted to the attention of the Albany Unified School District, Attention: Accounts Payable, along with completed W-9 Form (copy attached).

The District reserves the right to withhold payment until order is completed and/or accepted by the District.

IV. OBLIGATION OF CONTRACTOR

While performing services hereunder, Contractor is an independent contractor and not an officer, agent or employee of the District.

The Contractor shall provide and furnish all necessary tools, labor, materials, equipment and all transportation services as described and required to perform the services under this Agreement. The Contractor shall assume all other expenses incurred in connection with the performance of this contract and the District shall not be responsible for payment of any other expenses. The Contractor is personally liable for among other things, taxes, personal

health and car insurance. Workers' Compensation for his/her own employees and business expenses for maintaining his/her office.

The Contractor shall not assign, transfer, convey, sublet or other wise dispose of this contract or its right, title or interest therein, or any part thereof, such attached or purported assignments, transfer, conveyance, sublease or other disposition shall be null, void and of no legal effect whatsoever, and the contract may, at the option of the District be terminated, revoked and annulled, and the District shall thereupon be relieved and discharged from any and all liability and obligations growing out of the same to the contractor, and to its purported assignee or transferee.

Item IV-D () is (X) is not applicable to this agreement.

Sections 1771 through 1775 of the Labor Code are hereby made part of this agreement as if written in its entirety herein.

All equipment, supplies and services sold to the District shall conform to the general safety orders of the State of California.

It is the policy of the District that in connection with all work performed under any and all contracts, including independent contractor agreements, there will be no discrimination against any prospective or active employee engaged in the work because of race, color, ancestry, national origin, religious creed, sex, age, physical handicap, medical condition or marital status. In the performance of the terms of this contract, Contractor agrees to comply with applicable Federal and California laws including, but not limited, to the California Fair Employment and Housing Act, beginning with Government Code Section 12900, and labor Code Section 1735, and agrees that it will not engage in nor permit any subcontractor as it may employ to engage in unlawful discrimination in the employment of persons because of race, color, ancestry, religious creed, national origin, age, physical handicap, medical condition, marital status, or sex of such person.

V. LIABILITY

The Contractor agrees to hold harmless and to indemnify the District for any injury to person or property sustained by the Contractor, by any person, firm or corporation, employed directly or indirectly by the Contractor, or by any of the individuals participating in, or associated with, the Contractor, however, caused. The Contractor further agrees to hold harmless and to indemnify the District for any injury to person or property sustained by any person, firm or corporation, caused by any act, neglect, default or omission of the Contractor, or of any person, firm or Corporation directly or indirectly employed by the Contractor upon or in connection with this Agreement, or any of the participants arising out of or in the course of the term of this Agreement, and the contractor, at his/her own cost, expense and risk, shall defend any and all actions, suits or other legal proceedings that any be instituted against the District for any such claim or demand and pay or satisfy and judgment, including attorney fees and costs, that may be

rendered against the District in any such action, suit or legal proceeding.

VI.

ENTIRETY OF AGREEMENT

This Agreement supersedes any and all agreements, either oral or written, between the parties hereto with respect to the rendering of services by Contractor for the District and contains all the covenants and agreements between the parties. Each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement, statement or promise not contained in this Agreement shall be valid or binding. Any modification of this Agreement will be effective only if it is in writing, signed and dated by both the Contractor and the District.

If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

VII.

ATTORNEY FEES

If any action at law or in equity, including an action for declaratory relief, is brought to enforce or interpret the provisions of this Agreement, the prevailing party will be entitled to reasonable attorney fees, which may be set by the court in the same action or in a separate action brought for the purpose, in addition to any other relief to which the party may be entitled.

This Agreement will be governed by and construed in accordance with the laws of the State of California.

EXECUTED AT Albany, California, on the date first written above.

ALBANY UNIFIED SCHOOL DISTRICT

By: _____
District Superintendent



Independent Contractor

10-29-09
Date

Exhibit "A"

Description of Services

Description of Services:

Please see attached document.

Quiana Wilson		
		<u>wilson.quiana@yahoo.com</u>

Building Strong Bodies, Sharp Minds, & Good Character

Executive Summary

Objective

Albany Unified School District is in need of my services as a Physical Education consultant to improve the cognitive, affective and physical development of their students as it relates to movement, psychological, sociological, and fitness concepts, principles and skills defined by the Physical Education Model Content Standards for California Public Schools K-12. Outsourcing this aspect of instruction will allow the teachers to continue to focus on their students while making a gradual yet significant move towards standards-based Physical Education.

Goals

To provide a bridge from the current Physical Education practice of Albany Unified School District to a Physical Education program that is standards-based, provides cross-curricular learning, multi-cultural perspective, and reading & writing across the curriculum. I also aim to help facilitate the development of a seamless progression of Physical Education cognitive knowledge, movement skill, fitness and social development from Kindergarten through High School.

Solution

The primary steps to accomplish these goals and meet this objective are outlined below:

Elementary School

- Conduct interviews and observations to assess the level at which Elementary Physical Education teachers are providing standards-based instruction.
- Assess the level at which Elementary multiple-subject teachers are providing standards-based instruction, by way of interviews and observation.
- Provide standards-based activities that can quickly be implemented at the Elementary School level by classroom teachers to complement what the Physical Education and multiple-subject teachers are doing.
- Make recommendations of needs; including support, equipment and facilities, for adequate implementation of Physical Education Standards
- Monitor implementation of provided activities and assessments. Assess the effectiveness

Quiana Wilson		
		wilson.quiana@yahoo.com

Building Strong Bodies, Sharp Minds, & Good Character

Project Schedule

This proposed schedule is highly dependent on the availability and accessibility of the parties involved, the rate at which suggestions are implemented and the need for adjustments and/or modifications. In the development of the handbooks which include standards-based activities and assessments I estimate the need of one week per grade level.

Month	Description
November	Elementary - Interview, Observe & Assess Middle/High -
December	Elementary - Observe, Present handbook of activities and assessments Middle/High -
January	Elementary - Monitor & Adjust as needed, Make recommendations (support, facilities, etc) Middle/High -

Budget Plan

Description	Proposed Cost
Start Up	
	\$0
Operational Costs	
Consulting	\$ 30/hour
Materials	\$ 10/booklet
Unforeseen Costs	To be determined

Exhibit "B"

INDEPENDENT CONTRACTOR
CERTIFICATION OF
EMPLOYEE CLEARANCE

Name of Company/Individuals: Quiana Wilson

Address: _____

City: _____ State: _____ ZIP: _____

Telephone: _____ FAX: _____

Email: Wilson.quiana@yahoo.comContact Person: Quiana Wilson

I certify that:

My company has completed background checks pursuant to Education Code Section 45125.1 and 45125.2 on all of our employees who may come into contact with pupils while working on projects for the Albany Unified School District.

None of my company's employees, who may come into contract with pupils while working on projects for the Albany Unified School District have been convicted of a violent or serious felony as defined in Education Code Section 45122.1 (see exhibit "B")

I have attached a list of the names of our employees who may come in contact with pupils. I also agree to update the list as employees for new employees prior to their contact with pupils.

I certify that any false, deceptive, misleading, or nondisclosed information related to this certification may result in tort liability for my company/myself.

Quiana WilsonPrincipal

Print Name

Title



Signature

10-29-09

Date

ALBANY UNIFIED SCHOOL DISTRICT

EXTENDED FIELD TRIP BEYOND REGULAR SCHOOL HOURS
OVERNIGHT FIELD TRIP
OUT OF STATE FIELD TRIP

Page 1 of 4

MUST BE SUBMITTED FOUR WEEKS PRIOR TO FIELD TRIP
--

Date of Request: 15 October 2009

Sponsoring Teacher(s): Mary Lou

School: AHS

Class(es) Involved: Chorale, Concert Choir

Grade Level(s): 9-12

Days and Dates of Trip: 4/15/2010 through 4/18/2010

Number of Students Involved: 43

Each adult will be assigned responsibility for 10 students
 (Refer to page 4 for guidelines)

Day and Time of Departure: 5:00am 4/15

Day and Time of Return: 8:00pm 4/18

General Statement of Proposed Trip:

Students travel to Las Vegas to participate in a National Choral Festival as part of ~~Heritage~~ Heritage Music.

Students will participate in choral high school exchanges and work with college directors on their music.

Students will work on team building while exploring the Las Vegas Spring Preserve and Downtown area.

OVERNIGHT EXTENDED FIELD TRIP APPLICATION

Page 2 of 4

Objectives to be Accomplished by Students:

- Students sing for and listen to various high school groups
- Students learn from an esteemed choral university director.
- Students take part in the National Heritage Music Festival.
- Students develop a sense of camaraderie through the overnight trip experience.

Proposed Itinerary:

(Please be specific regarding dates, times and locations)

4/15: 5:00am depart AHS 3:00pm arrive LV enter hotel 6:30 pm group dinner/ bonding activities	4/16 9:00am high school exchange 12:30pm university workshop 3:00pm hiking at the spring preserve 6:00pm: explore downtown LV	4/17 9:00am National Heritage Fest. (all day) 4:00 pm Festival awards ceremony	4/18 9:00am leave LV 8:00pm arrive AHS
---	--	--	--

Estimated Costs to District:

\$0

(sub costs covered by
alternate source)(more specifics as we get
closer to the date,
pay in late December/
early January)Estimated Costs to Students:

\$125 per student

Name of Adult Sponsors:

Mary Low

Karen McKeown

Armin Arethuna

~~David~~ Susan SempereMaureen Rethig
(Elizabeth Sandberg)

OVERNIGHT EXTENDED FIELD TRIP APPLICATION

Page 3 of 4

Principal's Recommendation:

Asst. Tamm Bm 10/16/09
Principal's Signature Date
2 10/24/09
Director of Curriculum Date

BOARD ACTION:

(Required for out of state field trips)

Approved as Requested:

☐

Approved with Following Changes:

☐

Superintendent's Signature Date

OVERNIGHT EXTENDED FIELD TRIP APPLICATION

Page 4 of 4

MINIMUM GUIDELINES FOR ADULT SUPERVISION ON FIELD TRIPS**VEHICLE FIELD TRIPS**

<u>Grade</u>	<u>Adult/Student Ratio</u>
Pre K-2	1:5
3-5	1:6
6-8	1:10
9-12	1:15

WATER TRIPS*

<u>Grade</u>	<u>Adult/Student Ratio</u>
Pre K-2	1:3
3-5	1:5
6-8	1:8
9-12	1:10
*Excludes Albany Pool	

FORMS TO BE SUBMITTED PRIOR TO FIELD TRIP:
(to be completed by Principal)

- ☒ K-12 FIELD TRIP PERMISSION FORM
- ☒ HIGH SCHOOL FIELD TRIP/CLASS ABSENCE FORM
- ☒ OVERNIGHT EXTENDED FIELD TRIP APPLICATION
- ☒ ASSUMPTION OF RISK AND WAIVER, RELEASE AND INDEMNITY AGREEMENT
 (for a trip beyond regular school hours, Student participation in school sports and water trips)
- ☐ PERSONAL VEHICLE USE PERMISSION FORM
 (for Vehicle Field Trips)

ALBANY UNIFIED SCHOOL DISTRICT

EXTENDED FIELD TRIP BEYOND REGULAR SCHOOL HOURS
OVERNIGHT FIELD TRIP
OUT OF STATE FIELD TRIP

Page 1 of 4

MUST BE SUBMITTED FOUR WEEKS PRIOR TO FIELD TRIP

Date of Request: 10/19/09Sponsoring Teacher(s): JamesSchool: Albany HSClass(es) Involved: Model UN clubGrade Level(s): 11-12Days and Dates of Trip: 2/10/09 through 2/14/09Number of Students Involved: 7Each adult will be assigned responsibility for 7 students
(Refer to page 4 for guidelines)Day and Time of Departure: 2/10/09 10pm (OAK airport -- 11⁵⁵ flight)Day and Time of Return: 2/14/09 9:30pm (OAK airport)General Statement of Proposed Trip:

To attend the North American Invitational Model UN Conference,
 sponsored by Georgetown University, in Washington DC.

OVERNIGHT EXTENDED FIELD TRIP APPLICATION

Page 2 of 4

Objectives to be Accomplished by Students:

- To learn about foreign policy making in the US, international relations and intergovernmental organizations
- To visit universities and Georgetown Univ. (tours organized by conference sponsors)

Proposed Itinerary:

(Please be specific regarding dates, times and locations) (will take route with lowest airfare)

2/10/10 11⁵⁵ pm Flight from OAK to IAD (Dulles, Washington) arriving ~ 7:30 a.m.

Super Shuttle to Washington Hilton (Airport Circle area)

2/14/10 Shuttle from Washington Hilton to IAD (Dulles, Washington)

Flight 6³⁰ pm IAD to OAK arriving 9:30 pm.Estimated Costs to District:

n/a

Estimated Costs to Students:

Airfare \$400 (est.)
 Reg. fees \$ 95
 Hotel \$ 275
 Shuttle Transport \$ 40
 (AC)

Substitute coverage \$35 (assumes 7
 AWD Overhead \$35 students on trip)
 Hotel Portage \$ 6
 Totals: ~~\$1000~~ / student
 \$806

Name of Adult Sponsors:

Kevin Jones

NOT INCLUDED: Food (Students will carry cash)
 Transport to JFD (Parents will provide)
 (or OAK)
 Chaperone Expenses (Chaperone to pay)

OVERNIGHT EXTENDED FIELD TRIP APPLICATION

Page 3 of 4

Principal's Recommendation:

10/20/09
Principal's Signature _____ Date
10/26/09
Director of Curriculum _____ Date

BOARD ACTION:

(Required for out of state field trips)

Approved as Requested:

☐

Approved with Following Changes:

☐_____
Superintendent's Signature Date

OVERNIGHT EXTENDED FIELD TRIP APPLICATION

Page 4 of 4

MINIMUM GUIDELINES FOR ADULT SUPERVISION ON FIELD TRIPS**VEHICLE FIELD TRIPS**

<u>Grade</u>	<u>Adult/Student Ratio</u>
Pre K-2	1:5
3-5	1:6
6-8	1:10
9-12	1:15

WATER TRIPS*

<u>Grade</u>	<u>Adult/Student Ratio</u>
Pre K-2	1:3
3-5	1:5
6-8	1:8
9-12	1:10
*Excludes Albany Pool	

FORMS TO BE SUBMITTED PRIOR TO FIELD TRIP:
(to be completed by Principal)

- ☐ K-12 FIELD TRIP PERMISSION FORM
- ☐ HIGH SCHOOL FIELD TRIP/CLASS ABSENCE FORM
- ☐ OVERNIGHT EXTENDED FIELD TRIP APPLICATION
- ☐ ASSUMPTION OF RISK AND WAIVER, RELEASE AND INDEMNITY AGREEMENT
(for a trip beyond regular school hours, Student participation in school sports and water trips)
- ☐ PERSONAL VEHICLE USE PERMISSION FORM
(for Vehicle Field Trips)

ALBANY HIGH SCHOOL ATHLETIC BOOSTERS

1563 Solano Ave., #289

Berkeley, CA 94707

<http://albanyhs.schoolloop.com/boosters/general>

October 20, 2009

Albany Unified School District
904 Talbot Ave.
Albany, CA 94706

Attention: Marla Stephenson, Superintendent

Subject: Donation to Fund Athletic Programs at Albany High School

Dear Ms. Stephenson:

Albany High School Athletic Boosters is pleased to make a donation of \$42,000 to the Albany Unified School District. We are making this donation to fund athletic programs at Albany High School. Our donation check is enclosed.

Sincerely,

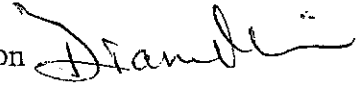
Michael Crowley
Co-chair, AHS Athletic Boosters

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of November 4, 2009

ITEM: Independent Contractor Agreement for Betsy Kaye

PREPARED BY: Diane Marie, Director of Special Education



TYPE OF ITEM: Consent Calendar – Student Services

BACKGROUND INFORMATION:

Approve one (1) Independent Contractor Agreement between Albany Unified School District and Betsy Kaye to provide vision services for six (6) low vision students at the rate of \$130.00/hour. Cost not to exceed \$15,535.00.

FINANCIAL INFORMATION:

Funding Source: Special Education

RECOMMENDATION: Approve Master Contract at a cost not to exceed \$15,535.00.

Albany Unified School District Independent Contractor Agreement

THIS AGREEMENT, made this 1st day/date of July, 2009, between Betty Kaye HA, M.A., an independent contractor ("Contractor") having a principal place of business at _____, and the Albany Unified School District ("District"), mutually agree as follows:

I. TERMS OF THE CONTRACT

- A. This Agreement will become effective as of the date above and will continue in effect through June 30, 2010, unless sooner terminated.

II. SCOPE OF WORK TO BE PERFORMED BY CONTRACTOR

- A. Contractor agrees to perform the services specified in the "Description of Services" attached to this Agreement and incorporated by reference herein as Exhibit "A".
- B. Contractor shall perform within the time set forth in Exhibit "A": everything required to be performed.

III. COMPENSATION

- A. In consideration for the services and/or materials referenced in Article II, scope of work by contract, District agrees to pay \$ \$130.00 per hour. Unless otherwise provided for in Article II, payment of expenses shall be made within sixty (60) days upon completion/delivery of goods and accompanied by invoices and appropriate supporting documentation. Invoices shall be submitted to the attention of the Albany Unified School District, Attention: Accounts Payable, along with completed W-9 Form (copy attached).
- B. The District reserves the right to withhold payment until order is completed and/or accepted by the District.

IV. OBLIGATION OF CONTRACTOR

- A. While performing services hereunder, Contractor is an independent contractor and not an officer, agent or employee of the District.
- B. The Contractor shall provide and furnish all necessary tools, labor, materials, equipment and all transportation services as described and required to perform the services under this Agreement. The Contractor shall assume all other expenses incurred in connection with the performance of this contract and the District shall not be responsible for payment of any other expenses. The Contractor is personally liable for among other things, taxes, personal health and car insurance. Workers' Compensation for his/her own employees and business expenses for maintaining his/her office.

- C. The Contractor shall not assign, transfer, convey, sublet or other wise dispose of this contract or its right, title or interest therein, or any part thereof, such attached or purported assignments, transfer, conveyance, sublease or other disposition shall be null, void and of no legal effect whatsoever, and the contract may, at the option of the District be terminated, revoked and annulled, and the District shall thereupon be relieved and discharged from any and all liability and obligations growing out of the same to the contractor, and to its purported assignee or transferee.

Item 4 (X) is () is not applicable to this agreement.

- D. Sections 1771 through 1775 of the Labor Code are hereby made part of this agreement as if written in its entirety herein.
- E. All equipment, supplies and services sold to the District shall conform to the general safety orders of the State of California.
- F. It is the policy of the District that in connection with all work performed under any and all contracts, including independent contractor agreements, there will be no discrimination against any prospective or active employee engaged in the work because of race, color, ancestry, national origin, religious creed, sex, age, physical handicap, medical condition or marital status. In the performance of the terms of this contract, Contractor agrees to comply with applicable Federal and California laws including, but not limited, to the California Fair Employment and Housing Act, beginning with Government Code Section 12900, and labor Code Section 1735, and agrees that it will not engage in nor permit any subcontractor as it may employ to engage in unlawful discrimination in the employment of persons because of race, color, ancestry, religious creed, national origin, age, physical handicap, medical condition, marital status, or sex of such person.

V. LIABILITY

The Contractor agrees to hold harmless and to indemnify the District for any injury to person or property sustained by the Contractor, by any person, firm or corporation, employed directly or indirectly by the Contractor, or by any of the individuals participating in, or associated with, the Contractor, however, caused. The Contractor further agrees to hold harmless and to indemnify the District for any injury to person or property sustained by any person, firm or corporation, caused by any act, neglect, default or omission of the Contractor, or of any person, firm or Corporation directly or indirectly employed by the Contractor upon or in connection with this Agreement, or any of the participants arising out of or in the course of the term of this Agreement, and the contractor, at his/her own cost, expense and risk, shall defend any and all actions, suits or other legal proceedings that any be instituted against the District for any such claim or demand and pay or satisfy and judgment, including attorney fees and costs, that may be rendered against the District in any such action, suit or legal proceeding.

VII. ENTIRETY OF AGREEMENT

This Agreement supersedes any and all agreements, either oral or written, between the parties hereto with respect to the rendering of services by Contractor for the

District and contains all the covenants and agreements between the parties. Each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement, statement or promise not contained in this Agreement shall be valid or binding. Any modification of this Agreement will be effective only if it is in writing, signed and dated by both the Contractor and the District.

If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

VIII. ATTORNEY FEES

If any action at law or in equity, including an action for declaratory relief, is brought to enforce or interpret the provisions of this Agreement, the prevailing party will be entitled to reasonable attorney fees, which may be set by the court in the same action or in a separate action brought for the purpose, in addition to any other relief to which the party may be entitled.

This Agreement will be governed by and construed in accordance with the laws of the State of California.

EXECUTED AT Albany, California, on the date first written above.

ALBANY UNIFIED SCHOOL DISTRICT

By: _____
District Superintendent

Betsy Kaye Oct 22, 2009 _____
Independent Contractor Date Social Security or Federal I.D. #

Exhibit "A"

Description of Services

Description of Services Provide vision goals for low vision student. Make appropriate modifications and adaptations to support VI children in classroom. Consult and provide direct service. Cost not to exceed \$15,535.00.

Date(s) of Services to be performed:

July 1, 2009 to June 30, 2010

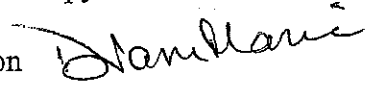
Exhibit "B"

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of November 4, 2009

ITEM: Approve Master Contract for Progressus Therapy

PREPARED BY: Diane Marie, Director of Special Education



TYPE OF ITEM: Consent Calendar – Student Services

BACKGROUND INFORMATION:

Approve one (1) Master Contract between Albany Unified School District and Progressus Therapy for Speech/Language Services to cover Leave of Absence. Cost not to exceed \$30,784.00.

FINANCIAL INFORMATION:

Funding Source: Special Education

RECOMMENDATION: Approve Master Contract at a cost not to exceed \$30,784.00.

2009-2010

CONTRACT NUMBER:

LEA: ALBANY UNIFIED SCHOOL DISTRICT

NONPUBLIC SCHOOL/AGENCY/RELATED SERVICES PROVIDER:

Progressus Therapy, LLCNONPUBLIC, NONSECTARIAN SCHOOL/AGENCY SERVICES
MASTER CONTRACT*AUTHORIZATION FOR MASTER CONTRACT AND GENERAL PROVISIONS*

1. MASTER CONTRACT

This Master Contract is entered into this 1st day of November, 2009, between the Albany Unified School District (hereinafter referred to as "LEA") and Progressus Therapy, LLC (hereinafter referred to as "CONTRACTOR") for the purpose of providing special education and/or related services to LEA pupils with exceptional needs under the authorization of California Education Code sections 56157, 56361 and 56365 *et seq.* and Title 5 of the California Code of Regulations section 3000 *et seq.*, AB490 (Chapter 862, Statutes of 2003) and AB1858 (Chapter 914, Statutes of 2004). It is understood that this Master Contract does not commit LEA to pay for special education and/or related services provided to any LEA pupil, or CONTRACTOR to provide such special education and/or related services, unless and until an authorized LEA representative approves the provision of special education and/or related services by CONTRACTOR pursuant to an Individualized Education Plan (hereinafter referred to as "IEP"), Individual Family Service Plan (hereinafter referred to as IFSP) or Rehabilitation Act Section 504 plan.

SELPA Collaborative. The LEA is a member of the Bay Area SELPA Collaborative. Nonpublic schools and nonpublic agencies that are geographically located in one of the participating SELPAs agree to participate in this collaborative process to establish a uniform contract for identified services and standards. The established system provides NPA/Ss with an opportunity to have input to the development of the process, contract issues, etc., and a simplified, standard process for rate negotiation with the participating SELPAs. Issues listed on the Rate Schedule portion of this Master Contract may be reviewed on an annual basis upon request of the CONTRACTOR using the established Bay Area SELPA Collaborative system. CONTRACTOR agrees that the rates set forth in this Master Contract will remain unchanged from July 1 through June 30 of the term of contract, with no changes in the services provided, unless changed in a duly executed amendment to this Master Contract signed by both parties. Increases in rates will be considered on an annual basis and remain unchanged for the term of the contract from July 1 through June 30, with no changes in level of service provided without written approval by both parties.

NPA/Ss that are not geographically located in a participating SELPA should negotiate rates with their geographically corresponding SELPA(s). The LEA will contact the corresponding SELPA to verify established rates. Increases in rates will be considered on an annual basis and

62. CONTRACTOR	CONTRACTOR NUMBER	2009-2010
(NONPUBLIC SCHOOL OR AGENCY)		(CONTRACT YEAR)

Per CDE Certification, total enrollment may not exceed _____

The attached rate schedule limits the number of LEA students that may be enrolled and maximum dollar amount of the contract. It may also limit the maximum number of students that can be provided specific services. Per diem rates for LEA students whose IEPs authorize less than a full instructional day shall be adjusted proportionally. Special education and/or related services offered by CONTRACTOR, shall be provided by qualified personnel as per State and Federal law, and the codes and charges for such educational and/or related services during the term of this contract, shall be as stated in section 62.

Rate Schedule. Special education and/or related services offered by CONTRACTOR, and the charges for such educational and/or related services during the term of this contract shall be as follows:

	Rate	Period
A. Basic Education Program/Special Education Instruction		
Basic Education Program/Dual Enrollment*		

*Per Diem rates for LEA pupils whose IEP/IFSPs authorize less than a full instructional day shall be adjusted proportionally. In such cases only, the adjustments in basic rate shall be based on the percentage of a 240-minute instructional day.

B. Related Services

(1)	a. Transportation – Round Trip			
	b. Transportation – One Way			
	c. Transportation-Dual Enrollment			
	d. MTA			
	e. Parent*			
(2)	a. Educational Counseling – Individual			
	b. Educational Counseling – Group of			
	c. Counseling – Parent			
(3)	a. Adapted Physical Education – Individual			
	b. Adapted Physical Education – Group of			
	c. Adapted Physical Education – Group of			
(4)	a. Language and Speech Therapy – Individual			
	b. Language and Speech Therapy – Group of 2			
	c. Language and Speech Therapy – Group of 3			
	d. Language and Speech Therapy – Per diem	592.00		
	e. Language and Speech - Consultation Rate			
(5)	a. Additional Adult Assistance - Individual (must be authorized on IEP/IFSP)			
	b. Additional Adult Assistance – Group of 2			
	c. Additional Adult Assistance – Group of 3			
(6)	Intensive Special Education Instruction, by credentialed special education teacher			
(7)	a. Occupational Therapy – Individual			

	b. Occupational Therapy - Group of 2				
	c. Occupational Therapy - Group of 3				
	d. Occupational Therapy - Group of 4 - 7				
	e. Occupational Therapy - Consultation Rate				
(9)	Physical Therapy				
(10)	a. Behavior Intervention - BII				
	b. Behavior Intervention - BID				
	Provided by:				
(11)	Nursing Services				
(12)	Other: Psychological Services other than Assessment and IEP				
(13)	Home or Hospital Instruction				
(14)	Other				

The parties hereto have executed this Contract by and through their duly authorized agents or representatives. This contract is effective on the 1st day of July 2009 and terminates at 5:00 P.M. on June 30, 2010, unless sooner terminated as provided herein.

CONTRACTOR,		ALBANY UNIFIED SCHOOL DISTRICT	
Nonpublic School/Agency			
By:	<i>Don Scheeler</i> 10-28-09	By:	<i>Diane Marie</i>
	Signature Don Scheeler, President and CEO		Date Diane Marie, Director of Special Education
	Name and Title of Authorized Representative		<u>10/28/09</u> Date
Notices to CONTRACTOR shall be addressed to: Name Alexia Farnett, Contracts Manager		By: Notices to LEA shall be addressed to: Name: Diane Marie, Director of Special Education	
Nonpublic School/Agency Service Provider Progressus Therapy, LLC		Albany Unified School District	
Address 2701 N. Rocky Point Drive, Suite 650		Address: 601 San Gabriel Avenue	
City Tampa State FL Zip 33607		City: Albany State: CA Zip: 94706	
Phone 800-892-0640		Phone: 510-559-6536	
Fax 800-892-0648		Fax: 510-559-6543	
Email alexia.farnett@progressustherapy.com		Email: diane.marie@albany.k12.ca.us	
Website www.progressustherapy.com		Website	

**INDIVIDUAL SERVICE AGREEMENT FOR NONPUBLIC, NONSECTARIAN
SCHOOL/AGENCY SERVICES**

(Education Code sections 56365, 56366, et seq.) (Page 1 of 2)

NAME OF LOCAL EDUCATION AGENCY: ALBANY UNIFIED SCHOOL DISTRICT

NAME OF NONPUBLIC SCHOOL/AGENCY: Progressus Therapy, LLC

PUPIL NAME: Various Students SEX: () M () F
(Last) (First) (Middle)

PUPIL I.D./S.S. #: _____ BIRTHDATE: _____ GRADE: _____
RESIDENTIAL SETTING: () HOME () FOSTER () LCI LCI PHONE # _____
PARENT/GUARDIAN: _____ PHONE: () _____ () _____
Residence (Business)

PUPIL'S ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

NON EDUCATIONAL PLACING AGENCY: (If applicable) _____

CONTRACT TERMS:

1. The pupil's teacher/service provider will hold the following credential/ license: _____ (Generic description, i.e., LH credential).
2. The class size for the pupil will not exceed _____ and/or the therapist/pupil ratio will not exceed _____.
3. The length of the instructional program will be consistent with the Master Contract unless otherwise specified.
4. Authorized educational services as specified in the IEP shall be provided by the CONTRACTOR under other provisions up to the amount specified.
5. Method for complying with statewide standardized assessment requirements: _____
6. Other Provisions (attachments as necessary). _____

A. BASIC EDUCATION PROGRAM (Applies to Nonpublic schools only.)

Number of Days _____ × Per Diem \$ _____ = Total Basic Education Costs (A) \$ _____
(Include extended school year days as appropriate to the pupil's IEP.)

B. DESIGNATED INSTRUCTION AND SERVICES/RELATED SERVICES:

	SERVICE PROVIDER			TOTAL MINUTES HR/LY/PER WEEK/OR SESSION	COST PER SESSION				# OF WKS	ANNUAL MAX TOTAL COST FOR CONTRACT PERIOD
	LEA	NPS/A	OTHER		DLY	WKLY	HRLY	GROUP		
1. O.T.										
2. Lang/Spch		X		4 days/week	592				13	30,784.00
3. Transport.										
4. Counseling										
5. P.T.										
6.1:1 aide 6/29-7/29/09										
7.1:1 aide 8/29-10/30/09										

MAXIMUM TOTAL RELATED SERVICES COST (B) \$ 30,784.00
MAXIMUM TOTAL BASIC EDUCATION AND RELATED SERVICES COST (A+B) \$
MAXIMUM PER DIEM FOR BASIC EDUCATION AND RELATED SERVICES \$ 30,784.00

**INDIVIDUAL SERVICE AGREEMENT FOR NONPUBLIC, NONSECTARIAN
SCHOOL/AGENCY SERVICES**
(Education Code sections 56365, 56366, et seq.) (Page 2 of 2)

PUPIL NAME:

Janine student

(Last)

(First)

(Middle)

All terms and conditions of the current Master Contract for Nonpublic, Nonsectarian School/Agency Service (NPS/NPA), hereinafter referred to as the Master Contract, previously executed by the parties hereto, are incorporated herein by reference. The Contractor will implement the Individualized Education Program (IEP) in accordance with this Agreement and the Master Contract, and will request an IEP review prior to any change in the service program. Pursuant to 34 CFR 300.9 and 34 CFR 300.300 parents and legal guardians are allowed, at any time subsequent to the initial provision of special education and related services to revoke their consent for special education and related services for their child/ward. Upon such revocation of consent, the responsible LEA may not continue to implement the child's last agreed upon and implemented IEP. However, the LEA must provide the parent/guardian with a 34 CFR 300.503 prior written notice before ceasing to provide the child with the special education and related services contained in his/her last agreed upon and implemented IEP. The Individual Services agreement attached to the student's last agreed upon IEP will end at the date noticed on the prior written notice and all associated nonpublic, nonsectarian school/agency services will cease as of the noticed date.

Invoices shall be submitted based on actual service provided and attendance standards addressed in the Master Contract.

The parties hereto have executed this contract by and through their duly authorized agents or representatives. This contract is effective on July 1, 2009 and terminates at 5:00 p.m. on June 30, 2010 unless sooner terminated as provided herein.

-CONTRACTOR--LOCAL EDUCATIONAL AGENCY-

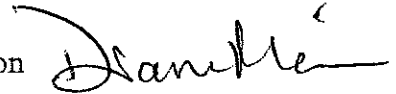
<u>Tracey Reamy</u>	<u>10/28/09</u>	<u>Laurie Harden, Asst. Supt., Business Services</u>	<u></u>
(Authorized Signature)	(Date)	(Date)	
Tracey Reamy		Laurie Harden	
(Type or Print Name)	(Date)	(Type or Print Name)	(Date)
Progressus Therapy, LLC		Albany Unified School District	
(Name of NPS/NPA)		(Name of District, SELPA, County Office)	
321 Karen Way		904 Talbot Avenue	
(Mailing Address)		(Mailing Address)	
Tiburon, CA 94920		Albany, CA 94706	
(City/State/Zip Code)		(City/State/Zip Code)	

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of November 4, 2009

ITEM: Approve Master Contract for Speech/Language Therapy Services

PREPARED BY: Diane Marie, Director of Special Education



TYPE OF ITEM: Consent Calendar – Student Services

BACKGROUND INFORMATION:

Approve one (1) Master Contract between Albany Unified School District and Speech/Language Therapy Services for AAC Consultation and Training at a rate of \$84.00/hour. Cost not to exceed \$1,700.00.

FINANCIAL INFORMATION:

Funding Source: Special Education

RECOMMENDATION: Approve Master Contract at a cost not to exceed \$1,700.00.

2009-2010

RECEIVED
CONTRACT NUMBER: 061-28-1000LEA: ALBANY UNIFIED SCHOOL DISTRICTSpeech/Language Therapy Office
Albany Unified School District

NONPUBLIC SCHOOL/AGENCY/RELATED SERVICES PROVIDER:

Speech/Language Therapy Services/Judith Lunger-BerghNONPUBLIC, NONSECTARIAN SCHOOL/AGENCY SERVICES
MASTER CONTRACTAUTHORIZATION FOR MASTER CONTRACT AND GENERAL PROVISIONSI. MASTER CONTRACT

This Master Contract is entered into this 1st day of Oct, 2009, between the Albany Unified School District (hereinafter referred to as "LEA") and Judith Lunger-Bergh (hereinafter referred to as "CONTRACTOR") for the purpose of providing special education and/or related services to LEA pupils with exceptional needs under the authorization of California Education Code sections 56157, 56361 and 56365 *et seq.* and Title 5 of the California Code of Regulations section 3000 *et seq.*, AB490 (Chapter 862, Statutes of 2003) and AB1858 (Chapter 914, Statutes of 2004). It is understood that this Master Contract does not commit LEA to pay for special education and/or related services provided to any LEA pupil, or CONTRACTOR to provide such special education and/or related services, unless and until an authorized LEA representative approves the provision of special education and/or related services by CONTRACTOR pursuant to an Individualized Education Plan (hereinafter referred to as "IEP"), Individual Family Service Plan (hereinafter referred to as IFSP) or Rehabilitation Act Section 504 plan.

SELPA Collaborative. The LEA is a member of the Bay Area SELPA Collaborative. Nonpublic schools and nonpublic agencies that are geographically located in one of the participating SELPAs agree to participate in this collaborative process to establish a uniform contract for identified services and standards. The established system provides NPA/Ss with an opportunity to have input to the development of the process, contract issues, etc., and a simplified, standard process for rate negotiation with the participating SELPAs. Issues listed on the Rate Schedule portion of this Master Contract may be reviewed on an annual basis upon request of the CONTRACTOR using the established Bay Area SELPA Collaborative system. CONTRACTOR agrees that the rates set forth in this Master Contract will remain unchanged from July 1 through June 30 of the term of contract, with no changes in the services provided, unless changed in a duly executed amendment to this Master Contract signed by both parties. Increases in rates will be considered on an annual basis and remain unchanged for the term of the contract from July 1 through June 30, with no changes in level of service provided without written approval by both parties.

NPA/Ss that are not geographically located in a participating SELPA should negotiate rates with their geographically corresponding SELPA(s). The LEA will contact the corresponding

62. CONTRACTOR	CONTRACTOR NUMBER	2009-2010
(NONPUBLIC SCHOOL OR AGENCY)		(CONTRACT YEAR)

Per CDE Certification, total enrollment may not exceed _____

The attached rate schedule limits the number of LEA students that may be enrolled and maximum dollar amount of the contract. It may also limit the maximum number of students that can be provided specific services. Per diem rates for LEA students whose IEPs authorize less than a full instructional day shall be adjusted proportionally. Special education and/or related services offered by CONTRACTOR, shall be provided by qualified personnel as per State and Federal law, and fee codes and charges for such educational and/or related services during the term of this contract, shall be as stated in section 62.

Rate Schedule. Special education and/or related services offered by CONTRACTOR, and the charges for such educational and/or related services during the term of this contract shall be as follows:

	Rate	Period
A. Basic Education Program/Special Education Instruction		
Basic Education Program/Dual Enrollment*		

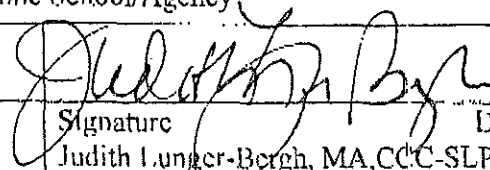
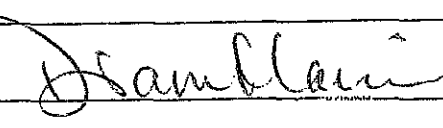
*Per Diem rates for LEA pupils whose IEP/IFSPs authorize less than a full instructional day shall be adjusted proportionally. In such cases only, the adjustments in basic rate shall be based on the percentage of a 240-minute instructional day.

B. Related Services

(1)	a. Transportation – Round Trip			
	b. Transportation – One Way			
	c. Transportation-Dual Enrollment			
	d. MTA			
	e. Parent*			
(2)	a. Educational Counseling – Individual			
	b. Educational Counseling – Group of			
	c. Counseling – Parent			
(3)	a. Adapted Physical Education – Individual			
	b. Adapted Physical Education – Group of			
	c. Adapted Physical Education – Group of			
(4)	a. Language and Speech Therapy – Individual			
	b. Language and Speech Therapy – Group of 2			
	c. Language and Speech Therapy – Group of 3			
	d. Language and Speech Therapy – Per diem	\$85		Per hour
	e. Language and Speech – Consultation Rate			
(5)	a. Additional Adult Assistance - Individual (must be authorized on IEP/IFSP)			
	b. Additional Adult Assistance – Group of 2			
	c. Additional Adult Assistance – Group of 3			
(6)	Intensive Special Education Instruction, by credentialed special education teacher			
(7)	a. Occupational Therapy – Individual			

	b. Occupational Therapy - Group of 2			
	c. Occupational Therapy - Group of 3			
	d. Occupational Therapy - Group of 4 - 7			
	e. Occupational Therapy - Consultation Rate			
(9)	Physical Therapy			
(10)	a. Behavior Intervention - BII			
	b. Behavior Intervention - BID			
	Provided by:			
(11)	Nursing Services			
(12)	Other: Psychological Services other than Assessment and IEP			
(13)	Home or Hospital Instruction			
(14)	Other			

The parties hereto have executed this Contract by and through their duly authorized agents or representatives. This contract is effective on the 1st day of July 2009 and terminates at 5:00 P.M. on June 30, 2010, unless sooner terminated as provided herein.

CONTRACTOR, Speech/Language Therapy Services		ALBANY UNIFIED SCHOOL DISTRICT	
Nonpublic School/Agency			
By:		By:	
	Signature Judith Langer-Bergh, MA, CCC-SLP		Diane Marie, Director of Special Education
	Name and Title of Authorized Representative		<u>10/28/09</u> Date
		By:	
Notices to CONTRACTOR shall be addressed to: Name Judith Langer-Bergh, MA, CCC-SLP		Notices to LEA shall be addressed to: Name: Diane Marie, Director of Special Education	
Nonpublic School/Agency Service Provider Speech/Language Therapy Services		Albany Unified School District	
Address 2550 9 th Street Suite 115		Address: 601 San Gabriel Avenue	
City Berkeley State CA Zip 945710		City: Albany State: CA Zip: 94706	
Phone 510-845-7510		Phone: 510-559-6536	
Fax 925-254-1723		Fax: 510-559-6543	
Email judilb@aol.com		Email: diane.marie@albany.k12.ca.us	
Website		Website	

INDIVIDUAL SERVICE AGREEMENT FOR NONPUBLIC, NONSECTARIAN
SCHOOL/AGENCY SERVICES

(Education Code sections 56365, 56366, et seq.) (Page 1 of 2)

OCT 27 1999

NAME OF LOCAL EDUCATION AGENCY: ALBANY UNIFIED SCHOOL DISTRICT

NAME OF NONPUBLIC SCHOOL/AGENCY: Speech/Language Therapy Services

AAC Consultation +

PUPIL NAME: _____ SEX: () M () F
(Last) (First) (Middle)

Trainia

PUPIL I.D./S.S. #: _____ BIRTHDATE: _____ GRADE: _____

RESIDENTIAL SETTING: () HOME () FOSTER () LCI LCI PHONE # _____

PARENT/GUARDIAN: _____ PHONE: () ()
(Residence) (Business)

PUPIL'S ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

NON EDUCATIONAL PLACING AGENCY: (If applicable) _____

CONTRACT TERMS:

- The pupil's teacher/service provider will hold the following credential/ license: _____ (Generic description, i.e., LH credential).
- The class size for the pupil will not exceed _____ and/or the therapist/pupil ratio will not exceed _____
- The length of the instructional program will be consistent with the Master Contract unless otherwise specified.
- Authorized educational services as specified in the IEP shall be provided by the CONTRACTOR under other provisions up to the amount specified.
- Method for complying with statewide standardized assessment requirements: _____
- Other Provisions (attachments as necessary). per student's IEPs

A. BASIC EDUCATION PROGRAM (Applies to Nonpublic schools only.)

Number of Days _____ x Per Diem \$ _____ = Total Basic Education Costs (A) \$ _____
(Include extended school year days as appropriate to the pupil's IEP.)

B. DESIGNATED INSTRUCTION AND SERVICES/RELATED SERVICES:

	SERVICE PROVIDER			TOTAL MINUTES HRLY/PER WEEK/OR SESSION	COST PER SESSION				# OF WKS	ANNUAL MAX TOTAL COST FOR CONTRACT PERIOD
	LEA	NPS/A	OTHER		DLY	WKLY	HRLY	GROUP		
1. O.T.										
2. Lang/Spch		X		20 hrs/year			\$85			
3. Transport.										
4. Counseling										
5. P.T.										
6.										
7.										

MAXIMUM TOTAL RELATED SERVICES COST (B)

\$ 1700.

MAXIMUM TOTAL BASIC EDUCATION AND RELATED SERVICES COST (A+B)

\$ 1700.00

MAXIMUM PER DIEM FOR BASIC EDUCATION AND RELATED SERVICES

\$ N/A

INDIVIDUAL SERVICE AGREEMENT FOR NONPUBLIC, NONSECTARIAN SCHOOL/AGENCY SERVICES

(Education Code sections 56365, 56366, et seq.) (Page 2 of 2)

PUPIL NAME: Conquella hon + training for SAC/SLP

All terms and conditions of the current Master Contract for Nonpublic, Nonsectarian School/Agency Service (NPS/NPA), hereinafter referred to as the Master Contract, previously executed by the parties hereto, are incorporated herein by reference. The Contractor will implement the Individualized Education Program (IEP) in accordance with this Agreement and the Master Contract, and will request an IEP review prior to any change in the service program. Pursuant to 34 CFR 300.9 and 34 CFR 300.300 parents and legal guardians are allowed, at any time subsequent to the initial provision of special education and related services to revoke their consent for special education and related services for their child/ward. Upon such revocation of consent, the responsible LEA may not continue to implement the child's last agreed upon and implemented IEP. However, the LEA must provide the parent/guardian with a 34 CFR 300.503 prior written notice before ceasing to provide the child with the special education and related services contained in his/her last agreed upon and implemented IEP. The Individual Services agreement attached to the student's last agreed upon IEP will end at the date noticed on the prior written notice and all associated nonpublic, nonsectarian school/agency services will cease as of the noticed date.

Invoices shall be submitted based on actual service provided and attendance standards addressed in the Master Contract.

The parties hereto have executed this contract by and through their duly authorized agents or representatives. This contract is effective on Oct 1 2019 and terminates at 5:00 p.m. on June 30, 2010 unless sooner terminated as provided herein.

-CONTRACTOR-

-LOCAL EDUCATIONAL AGENCY-

(Authorized Signature) (Date)

(Authorized Signature)

(Date)

(Authorized Signature)

(Date)

Judith Lungers-Bergh

(Type or Print Name)

(Date)

Laurie Harden, Asst. Supt., Business Services

(Type or Print Name)

(Date)

Albany Unified School District

Speech/Language Therapy Services

(Name of NPS/NPA)

(Name of District, SELPA, County Office)

904 Talbot Avenue

2550 9th Street Suite 115

(Mailing Address)

(Mailing Address)

Albany, CA 94706

Berkeley, CA 94710

(City/State/Zip Code)

(City/State/Zip Code)

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of November 4, 2009

ITEM: Increase to Purchase Order for Children's Learning Center

PREPARED BY: Diane Marie, Director of Special Education

TYPE OF ITEM: Consent Calendar – Student Services

BACKGROUND INFORMATION:

Approve increase to Purchase Order P10-00114 for Basic Education and related services for one (1) student. Cost not to exceed \$34,615.50.

FINANCIAL INFORMATION:

Funding Source: Special Education

RECOMMENDATION: Approve increase in the amount not to exceed \$34,615.50.

CONFIDENTIAL INFORMATION

CONTRACT TERMS:

1. The pupil's teacher/service provider will hold the following credential/license: Education Specialist, LH, SH, or appropriate Intern Credential (Generic description, i.e., Education Specialist M/M credential).
2. The class size for the pupil will not exceed 14 and/or the staff or therapist/pupil ratio will not exceed 1:4.
3. The length of the instructional program will be consistent with the Master Contract unless otherwise specified.
4. Authorized educational services as specified in the IEP shall be provided by the CONTRACTOR under other provisions up to the amount specified.
5. Method for complying with Statewide standardized assessments requirements: Statewide standardized assessments will be administered in accordance with the IEP, including modifications or accommodations.
6. Other Provisions (attachments as necessary). CLC School Calendar attached hereto reflects all attendance days, minimum days, vacation/recess periods, and length of school days. CLC's curriculum and instructional materials meet state standards and are adapted and modified as necessary for each individual student.

BASIC EDUCATION PROGRAM (Applies to Nonpublic schools only.)

Number of Days 205 x Per Diem \$ 165.00 = Total Basic Education Costs (A) \$33,825.00
 (Includes extended school year days as appropriate to the pupil's IEP.)

B. DESIGNATED INSTRUCTION AND SERVICE/RELATED SERVICES:

	SERVICE PROVIDER			TOTAL MINUTES HOURLY/PER WEEK/OR SESSION	COST PER SESSION				# OF WKS	ANNUAL MAX TOTAL COST FOR CONTRACT PERIOD
	LEA	NPS/A	OTHER		DLY	WKLY	HRLY	GROUP		
1. O.T.		X		30 min 2x/wk + 10 hrs consult			93		3	511.50
2. Lang/Speech		X		30 min 2x/wk			93		3	279.00
3. Transport.	X									
4. Counseling										
5. P.T.										
6.										
7.										

MAXIMUM TOTAL RELATED SERVICES COST (B) \$ 790.50
 MAXIMUM TOTAL BASIC EDUCATION AND RELATED SERVICES COST (A+B) \$ 34,615.50
 MAXIMUM PER DIEM FOR BASIC EDUCATION AND RELATED SERVICES \$ 168.86

**INDIVIDUAL SERVICE AGREEMENT FOR NONPUBLIC, NONSECTARIAN
SCHOOL/AGENCY SERVICES**

(Education Code sections 56365, 56366, et seq.) (Page 2 of 2)

P55

PUPIL NAME: _____

All terms and conditions of the current Master Contract for Nonpublic, Nonsectarian School/Agency Service (NPS/NPA), hereinafter referred to as the Master Contract, previously executed by the parties hereto, are incorporated herein by reference. The Contractor will implement the Individualized Education Program (IEP) in accordance with this Agreement and the Master Contract, and will request an IEP review prior to any change in the service program. Invoices shall be submitted based on actual service provided and attendance standards addressed in the Master Contract.

The parties hereto have executed this contract by and through their duly authorized agents or representatives. This contract is effective on July 1, 2009 and terminates at 5:00 p.m. on June 30, 2010 unless sooner terminated as provided herein.

-CONTRACTOR-

-LEA-: Albany Unified School District

Patricia Dilks

09/30/09

(Authorized Signature)

(Date)

(Authorized Signature)

(Date)

PATRICIA DILKS

(Type or Print Name)

(Type or Print Name)

CHILDREN'S LEARNING CENTER

(Name of NPS/NPA)

Albany Unified School District

(Name of District, SELPA, County Office)

1910 Central Avenue

(Mailing Address)

904 Talbot Avenue

(Mailing Address)

Alameda, CA 94501

(City/State/Zip Code)

510-769-7100

510-769-1824 fax

<http://www.clcalameda.com>

Albany, CA 94706

(City/State/Zip Code)

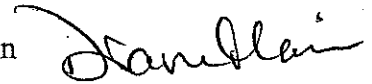
CLC'S SCHOOL CALENDAR IS ATTACHED TO AND INCORPORATED INTO THIS INDIVIDUAL SERVICE AGREEMENT; THE CALENDAR INDICATES REGULAR SESSION DATES, EXTENDED YEAR SESSION DATES AND SCHOOL DAY HOURS (bell times).

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of November 4, 2009

ITEM: Increase Purchase Order for Oak Hill School

PREPARED BY: Diane Marie, Director of Special Education



TYPE OF ITEM: Consent Calendar – Student Services

BACKGROUND INFORMATION:

Approve increase to Purchase Order #P10-00090 for related services for one (1) student.
Cost not to exceed \$6,260.80.

FINANCIAL INFORMATION:

Funding Source: Special Education

RECOMMENDATION: Approve increase in the amount not to exceed \$6,260.80.

CONFIDENTIAL INFORMATION

CONTRACT TERMS:

1. The pupil's teacher/service provider will hold the following credential/ license: moderate to severe credential (Generic description, i.e., LH credential).
2. The class size for the pupil will not exceed 12 and/or the therapist/pupil ratio will not exceed 1:6.
3. The length of the instructional program will be consistent with the Master Contract unless otherwise specified.
4. Authorized educational services as specified in the IEP shall be provided by the CONTRACTOR under other provisions up to the amount specified.
5. Method for complying with statewide standardized assessment requirements: _____
6. Other Provisions (attachments as necessary): _____

A. BASIC EDUCATION PROGRAM (Applies to Nonpublic schools only.)

Number of Days 205 × Per Diem \$ 190 = Total Basic Education Costs (A) \$ 38,950.00
(Include extended school year days as appropriate to the pupil's IEP.)

B. DESIGNATED INSTRUCTION AND SERVICES/RELATED SERVICES: UPDATED 10/22/09

	SERVICE PROVIDER			TOTAL MINUTES HR/PER WEEK/OR SESSION	COST PER SESSION				# OF WKS	ANNUAL MAX TOTAL COST FOR CONTRACT PERIOD
	LEA	NPS/A	OTHER		DLY	WKLY	HR/	GRU P		
1. O.T.		X		0.5 hrs/week			\$75		42	1,575.00
2. Lang/Spch		X		1.0 hrs/week			\$75		42	3,150.00
3. Transport.										
4. Counseling										
5. P.T.										
6.1:1 aide 6/29-7/29/09		X		5.5 hrs/day			\$26		5	2,574.00
7.1:1 aide 8/29-10/30/09		X		5.6 hrs/day (28 hrs/week)			\$26		43 days	6,208.00

MAXIMUM TOTAL RELATED SERVICES COST (B)

MAXIMUM TOTAL BASIC EDUCATION AND RELATED SERVICES COST (A+B)

MAXIMUM PER DIEM FOR BASIC EDUCATION AND RELATED SERVICES

559.80
\$ 13,448.00
~~\$ 52,398.00~~ 559.80
~~\$ 273.78~~ 276.37

**INDIVIDUAL SERVICE AGREEMENT FOR NONPUBLIC, NONSECTARIAN
SCHOOL/AGENCY SERVICES**

(Education Code sections 56365, 56366, et seq.) (Page 2 of 2)

PUPIL NAME:

(Last)

(First)

(Middle)

All terms and conditions of the current Master Contract for Nonpublic, Nonsectarian School/Agency Service (NPS/NPA), hereinafter referred to as the Master Contract, previously executed by the parties hereto, are incorporated herein by reference. The Contractor will implement the Individualized Education Program (IEP) in accordance with this Agreement and the Master Contract, and will request an IEP review prior to any change in the service program. Pursuant to 34 CFR 300.9 and 34 CFR 300.300 parents and legal guardians are allowed, at any time subsequent to the initial provision of special education and related services to revoke their consent for special education and related services for their child/ward. Upon such revocation of consent, the responsible LEA may not continue to implement the child's last agreed upon and implemented IEP. However, the LEA must provide the parent/guardian with a 34 CFR 300.503 prior written notice before ceasing to provide the child with the special education and related services contained in his/her last agreed upon and implemented IEP. The Individual Services agreement attached to the student's last agreed upon IEP will end at the date noticed on the prior written notice and all associated nonpublic, nonsectarian school/agency services will cease as of the noticed date.

Invoices shall be submitted based on actual service provided and attendance standards addressed in the Master Contract.

The parties hereto have executed this contract by and through their duly authorized agents or representatives. This contract is effective on July 1, 2009 and terminates at 5:00 p.m. on June 30, 2010 unless sooner terminated as provided herein.

-CONTRACTOR-

-LOCAL EDUCATIONAL AGENCY-

[Signature]
(Authorized Signature)

10/23/09
(Date)

Laurie Harden, Asst. Supt., Business Services (Date)

Heidi Rosevear
(Type or Print Name)

10/23/09
(Date)

Laurie Harden

(Type or Print Name) (Date)

Oak Hill School
(Name of NPS/NPA)

Albany Unified School District

(Name of District, SELPA, County Office)

300 Sunny Hills Dr.
(Mailing Address)

904 Talbot Avenue

(Mailing Address)

San Anselmo, CA 94760
(City/State/Zip Code)

Albany, CA 94706

(City/State/Zip Code)

**INITIAL PROPOSAL FOR CONTRACT REOPENERS FOR 2009-2010
BETWEEN
ALBANY UNIFIED SCHOOL DISTRICT
AND
CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION
ALBANY CHAPTER 679**

CSEA proposes the following:

F. WAGES AND SALARY SCHEDULE PROVISIONS

1. Salary Schedules

The District and CSEA agree to a 0% increase to the salary schedule for the 2009-2010 school year.

G. HEALTH AND WELFARE BENEFITS

1. Benefits for each full-time employee shall be set forth in Exhibit D. All benefits for part-time employees shall be prorated based on 7.5 hour day (37.5 hours/week) on the same basis as his/her salary proration.


2. The District will provide payment of medical premiums up to the Kaiser or Blue Shield HMO family plans offered by CalPERS, whichever is higher. An employee may choose any available CalPERS plan. The employee shall pay for any cost of the plan that exceeds the higher of Kaiser or Blue Shield HMO individual, two party, or family plans.

This agreement on medical benefits shall not be changed, or modified without mutual agreement of the parties through ~~June 30, 2009.~~ June 30, 2010.

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of November 4, 2009

ITEM: Conduct 2nd Reading and Approve Board Policy
Update/Revision Section 3000 – Business and Operations
(Under Separate Cover)

PREPARED BY: Marla Stephenson, Superintendent 

TYPE OF ITEM: Action Item

BACKGROUND INFORMATION:

Pursuant to Governing Board Bylaws, staff members shall regularly review Governing Board policies, administrative regulations, and exhibits to compare them against the latest sample materials from California School Boards Association (CSBA). After comparison, appropriate updates and revisions are presented for Governing Board consideration for appropriate action as recommended by staff.

FINANCIAL INFORMATION:

No fiscal impact

**RECOMMENDATION: Conduct 2nd reading and adopt Board Policy Section 3000 –
Business and Operations**

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES, ALAMEDA COUNTY,
STATE OF CALIFORNIA**

RESOLUTION NO. 2009-10-06

**DENIAL OF REQUEST BY THE GLOBAL TIDES @ ALAMEDA COUNTY
TO APPROVE A PETITION TO BECOME A CHARTER SCHOOL OF THE
ALBANY UNIFIED SCHOOL DISTRICT**

WHEREAS, Education Code Section 47600 et seq. provides for the enactment of the Charter Schools Act of 1992; and

WHEREAS, on or about September 9, 2009, Global Tides @ Alameda County presented its Charter Petition for approval to the Albany Unified School District ("District"); and

WHEREAS, Education Code Section 47605(b) provides that no later than 30 days after receiving a petition, the governing board of a school district shall hold a public hearing on the provisions of the charter petition; and

WHEREAS, on October 6, 2009, the Board of Trustees of the Albany Unified School District convened a public hearing to comply with the provisions of Education Code Section 47605(b) and afforded to every interested person an opportunity to address the merits of the Global Tides @ Alameda County Charter Petition either in writing or orally; and

WHEREAS, the Board of Trustees has considered the level of public support for Global Tides and has reviewed the Petition and all information received with respect to the Petition, including all supporting documentation, and has considered information related to the operation of Global Tides @ Alameda County; and

WHEREAS, in reviewing the Petition, the Board of Trustees has been guided by the intent of the California Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged; and

WHEREAS, on November 4, 2009, at the direction of the Board, the Superintendent presented her findings and conclusions related to the Global Tides @ Alameda County Charter Petition to the Board of Trustees;

WHEREAS, Education Code Section 47605(b) provides that the governing board of a school district shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth the specific facts to support a finding that the Petitioners are demonstrably unlikely to successfully implement the program set forth in the Global Tides @ Alameda County Charter Petition;

WHEREAS, it is the recommendation of the Superintendent that the Global Tides @ Alameda County Charter Petition be denied on the grounds that Global Tides presents an unsound educational program for the pupils to be enrolled in Global Tides @ Alameda County, the petitioners are demonstrably unlikely to successfully implement the program set forth in the

Petition, and the Petition does not contain reasonably comprehensive descriptions of certain specific aspects of its program and operations, as required by the California Education Code. The specific Findings of Fact are attached hereto as Exhibit A and incorporated herein by this reference; and

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE ALBANY UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the above recitals are all true and correct.

Section 2. That the Board of Trustees hereby denies the Global Tides @ Alameda County Charter Petition.

Section 3. That the Board of Trustees specifically adopts as its findings of fact in support of this decision and in accordance with Education Code Section 47605(b) Exhibit A attached hereto and incorporated herein by this reference.

Section 4. That the Board directs the Superintendent and/or designee to forward a copy of this Resolution to Global Tides @ Alameda County and the County Superintendent.

PASSED and ADOPTED this 4th day of November, 2009, by the Albany Unified School District Board of Trustees, of the County of Alameda, to wit:

AYES: _____
 NOES: _____
 ABSTAIN: _____
 ABSENT: _____

 President, Board of Trustees

Attest:

 Clerk, Albany Unified School District

**EXHIBIT A
IN AND BEFORE THE BOARD OF TRUSTEES
OF THE
ALBANY UNIFIED SCHOOL DISTRICT**

In the Matter of the Global Tides @ Alameda County Charter School Petition for Establishment of a Charter School in the Albany Unified <u>School District</u>))))	Decision of the Board of Trustees and Findings of Fact
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I. Decision

After careful consideration of the Global Tides @ Alameda County Charter Petition and comments received at the public hearing on the Charter Petition at which the Board of Trustees afforded to every interested person an opportunity to address this issue either in writing or orally, it is the decision of the Board of Trustees of the Albany Unified School District to deny the Global Tides @ Alameda County Charter Petition on the grounds that:

- (A) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (B) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- (C) The petition does not contain reasonably comprehensive descriptions of certain specific aspects of its program and operations as required by law.

II. Standard for Review

The Charter Schools Act of 1992 includes Education Code Section 47605, subdivision (b), which states that a school district governing board considering whether to grant a charter petition "shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged." With this legislative intent in mind, a school district's governing board may not deny a petition unless it makes written factual findings, specific to the particular petition, setting forth specific facts to support one, or more, of the following findings:

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- (3) The petition does not contain the number of signatures prescribed by the Education Code.

- (4) The petition does not contain an affirmation of each of the conditions prescribed by the Education Code.
- (5) The petition does not contain reasonably comprehensive descriptions of certain specific aspects of its program and operations.

III. Findings of Fact

A. Global Tides @ Alameda County Charter Petition Presents An Unsound Educational Program

- The Petition fails to describe how the unique needs of the proposed target population will be met through the academic program, including the “catch up” and acceleration of student achievement required (Pages 11-17);
- The description of student outcomes within the Petition is not specifically aligned with the needs of the stated target population and not sufficient to adequately improve or accelerate achievement (Pages 32-34);
- The Petition fails to make a connection between the proposed curriculum and the academic, social, and emotional needs of the target population (Page 34);
- The Petition provides limited information regarding the intended educational program and does not provide developed curriculum for any single grade level or course area. While the Petition states that Global Tides has contracted with eTap, Inc. for K-12 curriculum and identifies the subject areas that will be taught there is no information regarding the actual educational materials that will be utilized or provided to students and no explanation as to how some of the goals will be implemented that require physical classroom space such as advanced laboratory science, conversational Spanish, et cetera. Therefore, the District is unable to evaluate the proposed curriculum. (Pages 10, 14-16, 21);
- The Petition also states that it will use the Ed Futures curriculum for core curriculum subjects. Again, while the Petition identifies subject areas that will be taught there is no information regarding the actual educational materials that will be utilized or provided to students. Therefore, the District is unable to evaluate the proposed curriculum. (Page 21)
- The Petition’s discussion regarding curriculum implementation identifies its partnership with Knowledge Elements, Inc. and eTap. Knowledge Elements, Inc. is purportedly a “company that specializes in creating customized platforms to deliver online education.” The Petition states that Knowledge Elements, Inc. has a “client base of 111 colleges and universities” but fails to specify whether the company has any experience developing online education for K-12 programs. Therefore, the District is unable to evaluate the soundness of the proposed online education program based on this limited description of the experience of Knowledge Elements, Inc. (Page 10)
- The Petition provides that, under the non-site based independent study program, parents (or responsible adults) will guide students through their daily coursework. The Petition goes on to state that parents (or responsible adults) will access school lessons and lesson assessments, enter attendance, and track academic progress through the online school. California Education Code section 51747.5 requires that the work of students engaged in independent study, including virtual learning, must be coordinated, evaluated, and under the general supervision of a

properly credentialed employee of the District. The Petition charges the responsible adult with more responsibilities than the supervising credentialed teacher. (Pages 20-21)

- The Petition includes a general description of curriculum and instructional strategies and states a general commitment to following California Standards Tests (CST's) but the Petition fails to align curriculum to CST's or provide sufficient detail to meaningfully analyze whether the curriculum is aligned with CST's.
- The Petition does not indicate a comprehensive understanding of the ELL requirements. The petition fails to address the legally required primary language testing, program options, parental waivers, appropriately certified teachers, criteria for reclassification process, a plan for evaluation, et cetera. The Petition fails to specify whether English language development classes will be available in addition to the standard curriculum or how Global Tides will meet the minimum program elements of an English Language Development ("ELD") program. The Petition also fails to describe how the bilingual programs will accommodate varied levels of English proficiency and address both elementary level language development and secondary level language development. (Pages 25-26)
- The Petition does not indicate a comprehensive understanding of the special education requirements. While there the Petition references services to be provided, the Petition did not demonstrate an understanding of federal and state law requirements for educating special education pupils, there were no criteria to determine eligibility, no assessment plan for evaluating those disabilities, no description of a plan for disciplining children with disabilities, no information regarding funding, no information provided for the teacher licenses for working with children with disabilities, no information regarding child find obligations, et cetera. The District is unable to evaluate the soundness of Global Tides proposed plan for meeting the needs of special education students in compliance with both state and federal law. The Petition also fails to include recognition that Special Education is a shared obligation of Global Tides and the District when it states that Global Tides "is to offer special education services independent of the District". (Pages 27-31)
- The Petition fails to consistently or properly identify the level of staffing required to implement the program set forth in the Petition. While on the one hand, the Petition indicates that during the 2010-11 school year Global Tides will have enrollment of 100 students and two (2) classroom teachers (Page 50, 56), on the other hand the Petition's budget is built upon an ADA of 164 for the 2010-11 school year. (Page 56) The projected number of students and certificated staff is inconsistent and the proposed student-to-teacher ratio exceeds the statutory maximum which will result in adverse implications to Global Tides in the funding determination process since maintenance of the 25:1 ratio is required to receive 100% funding for ADA.
- As stated above, the budget indicates that Global Tides will employ two (2) classroom teachers for the 2010-11 school year, three (3) classroom teachers for the 2011-12 school year, and four (4) classroom teachers for the 2012-13 school year. However, inconsistent staffing levels are reported elsewhere in the Petition. Specifically, the Petition indicates that Global Tides will employ nine (9) part-time equivalent teachers for the 2010-11 school year, eighteen (18) part-time equivalent teachers for the 2011-12 school year,

and twenty-seven (27) part-time equivalent teachers for the 2012-13 school year. The teacher salaries reported elsewhere in the Petition are not consistent with these staffing levels.

- The Petition indicates that during each year of operation the student-to-teacher ratio will be 82:1 or 90:1. State law requires that the average daily attendance to full-time equivalent certificated employees shall not exceed either the fixed ratio of 25:1 or the student-to-teacher ratios for all other educational programs operated by the largest unified school district in the county or counties in which the charter school operates. (Ed. Code § 51745.6, subd. (e); 5 C.C.R. § 11704.) Global Tides projected student-to-teacher ratios far exceed the statutory maximum.

B. Petitioners Are Demonstrably Unlikely To Successfully Implement The Program Set Forth In The Global Tides @ Alameda County Charter Petition (Pages 50-57)

- Global Tides's financials will not support a planned start date of January 2, 2010 (first date students to be served on Page 17). The Petition appears to contemplate that the school will not receive any revenue until July 2010 at which time the only revenue being received is a \$250,000 loan and an approximately \$10,416 payment from the implementation grant. (Page 54) Global Tide's petition fails to identify what funding or expenses will be in place for the time period of January 2, 2010-June 30, 2010 to financially support the school/program. Global Tide's petition also fails to identify the source of funding for the six figure start-up costs that Global Tides anticipates it will incur or how those expenses are accounted for in the cash-flow submitted.
- Global Tides financials will also not support a planned start date of January 2, 2010 because while the Petition provides that the proposed first day of operation for the 2010-11 school year will be January 2, 2010, Global Tides will actually commence operation during the 2009-10 school year. Under Education Code section 47652, subdivision (c), a charter school in its first year of operation is required to commence instruction within the first three months of the fiscal year to be eligible for apportionment. The proposed first date of operation raises questions regarding Global Tides' eligibility for apportionment and concerns regarding Global Tides' financial viability from January 2, 2010 until the commencement of the 2010-11 school year as well as concerns about Global Tides familiarity with the intricacies of charter school funding or school accounting procedures.
- Global Tides provides a five-year proposed budget, but only three years of budget assumptions and one year of cash flow, but no supporting documentation; thus, we are unable to analyze data for any school year but the 2010-11 year.
- The Petition appears to fail to meet legal requirements of: "(b) In order to be funded pursuant to (a) above, a virtual or on-line charter school, must demonstrate that: "(1) The school has met its overall and subgroup API growth targets ..." and (2) Instructional expenditures are at least 85 percent of the overall school budget. A substantial portion of these expenditures (at least 25 percent of the charter school's general purpose entitlement and categorical block grant as defined in Education Code section 47632), are spent on technology that directly benefits students and teachers and results in improved student

achievement. The financials do not appear to support these legal requirements. For the 2010/11 school year, the Administrative cost ratio to instructional expenditures is 266%, for the 2011/12 school year the administrative cost ratio is 245%, and for the 2012/13 school year the administrative cost ratio is 238%. The Petition has a tremendous amount of money being spent on its Charter Management Organizations ("CMO"), which are primarily for-profit companies and are companies which it appears that Global Tide's executive director has a financial or other material interest in.

- The Petition used charter school funding rates approximately \$125 per ADA higher than the most recent School Service of California rates and relies on the premise that it will receive 100% funding, which is highly unlikely given the failure of Petitioners to meet the minimum staffing ratio of 25:1 requirement as discussed above.
- Global Tides' projected enrollment and ADA has a significantly large spike in year two – increasing 100%, which is highly improbably and the same for year three. Again the budgeted ADA versus budget assumptions stated in the Petition are inconsistent for all three fiscal years.
- The Petition states that there will be 9 part-time teachers, but the financials only show salaries for three teachers, which even at part time would be 6;
- The Petition fails to identify any PERS contributions or health and welfare benefits for classified employees;
- The Petition fails to provide any increase in budget to health and welfare benefits in year two, when additional teachers is supposed to be added to serve the additional 81 students.
- The Petition fails to appropriately assess the special education encroachment number. There is no indication regarding what data Global Tides relied upon in compiling its budget or how those numbers are aligned with the District's actual historical costs for servicing the needs of special education pupils. Furthermore, as discussed above, Global Tides states on the one hand that it will provide all special education services and access SELPA funds for low incidence equipment and materials as appropriate, on the other hand, unless Global Tides obtains LEA status such actions simply cannot happen.
- The Petition fails to identify or budget for the 3% oversight fee.
- The Petition fails to identify or budget for the state mandated reserve.
- It is troubling that the primary mission statement on Page 73 of the Petition states that "the principal must outperform competition in the local marketplace while improving revenue and profit performance." Global Tides is to be a non-profit corporation, this statement is inconsistent with that premise and calls into question whether Global Tides is a "shell" corporation that is actually controlled by the for-profit companies that will receive a substantial portion of monies under the proposed financials.
- The Petition also fails to identify any data on the type and size of facility space, the cost of facility space or the costs to maintain that space to analyze whether or not Global Tides has appropriately budgeted for these expenditures. As a non-classroom based charter, Global Tides has no Prop. 39 facility entitlement. It does not appear based on the information presented that Global Tides can secure the facility space contemplated in the Petition and maintain the same for the costs shown in the budget.

- It is readily apparent that in applying the above analysis to the proposed budgets and making only the obvious adjustments such as to the ADA numbers versus budget assumptions, that Global Tides will run a \$300,000+ deficit in each year of operation.
- The Petition reports that "[e]ach of the teachers employed by Global Tides will, at a minimum: hold a Bachelor's degree; hold a valid California Teaching Credential authorizing service in the grade levels or subject area assigned; meet the definition of "highly qualified" according to the No Child Left Behind Act; demonstrate proficiency in technology and technology support; demonstrate a shared view of the school's vision; have a cleared background review through the Department of Justice process; and hold CLAD and/or BCLAD certification." (Page 9) Despite these explicit requirements, of the six teachers who signed the Petition, only one teacher has CLAD and BCLAD certification. (Information available at <https://teachercred.ctc.ca.gov/teachers/PublicSearchProxy>.) Additionally, one of the six teachers who signed the Petition does not have a California Teacher Credential. Therefore, this teacher is precluded from serving as a "highly qualified teacher" under the No Child Left Behind Act. In sum, of the six teachers who signed the Petition only one appears to satisfy the minimum requirements identified in the Petition.
- The Petition states that "[a]ll teachers will be hired from the same geographical region as the students." (Page 9) However, Global Tides submitted the same Petition to approximately ninety-one (91) different school districts and each Petition contained the same six (6) teacher signatures. Therefore, the commitment to hiring teachers from the same geographical region as students is questionable and the use of the same six teacher signatures calls into question whether Global Tides has met the legal requirements for signatures to support its Petition.
- The Petition reports that Dr. L. Vernon Allwood will serve as the Master Teacher of Curriculum, Testing, and Student Records. However, Dr. Allwood does not have a California Teacher Credential or a background in curriculum or testing. Thus, the Petition charges Dr. Allwood with duties for curricular oversight for which he demonstrates no prior experience, formal experience, or education. (Page 8).

C. The Global Tides @ Alameda County Charter Petition Does Not Contain Reasonably Comprehensive Descriptions Required By The California Education Code

- The Petition indicates that Global Tides shall operate as a nonprofit California Public Benefit Corporation. The Petition provides that board elections, terms, term limits, resignations, removals, and vacancies will be handled in accordance with the corporate bylaws. However, a copy of the nonprofit corporation's bylaws were not provided or even discussed. (Page 38)
- The Petition states there will be an initial 3-member board, expanding to a 5-member board, and that the District may have a representative on the board but fails to recognize the right of the District board member to be a voting or non-voting member. (Page 38)
- The Petition indicates staff from both Ed Futures and Charter School Development Systems are involved in the day-to-day management of the school, which would include the decisions concerning expenditures of taxpayer funds,

letting of contracts, et cetera. (Page 9) There is a serious concern about the conflict of interest that this relationship creates in light of the fact that both Ed Futures and CSDS are both contemplated to be under contract with Global Tides for a significant portion of the annual budget. There is no indication as to how these entities were selected by Global Tides or whether a competitive selection process was used to acquire services.

- The Petition provides that each board member will satisfy the reporting requirements under the Fair Political Practices Commission. (Page 38.) Although the Petition indicates that board members will comply with reporting requirements, the Petition fails to indicate that petitioners will comply with all the other requirements set forth in the Political Reform Act (Govt. Code § 87100 et seq.). Further, Global Tides should be held accountable to the public for the same conflict of interest laws that are applicable to public school districts, including those set forth in Government Code section 1090. The absence of compliance with these laws allows for too much opportunity for "self-dealing," and too little opportunity for public accountability.
- The Petition indicates that Global Tides shall implement strategies to attempt to achieve a racial and ethnic balance among its students that is reflective of the general population residing in the territorial jurisdiction of the District. (Page 49) However, the Petition provides no data or statistics regarding the racial and ethnic composition of the District nor the Global Tides' student body. Further, Global Tides submitted the same petition to approximately 91 school districts. This action alone evidences their lack of understanding of the racial and ethnic composition of the Albany community and the appropriateness of the proposed educational program for this community. The discussion regarding racial and ethnic balance is insufficient for the District to evaluate the means by which Global Tides will achieve the requisite racial and ethnic balance.
- The Petition contains no substantive discussion of the standards the Governing Board will develop and apply in evaluating student suspensions/expulsions. (Page 50) Although not required to adhere to the Education Code's disciplinary procedures, constitutional due process requires that Global Tides make clear the circumstances under which a student may be eligible for suspension, as opposed to expulsion. The Petition fails to provide such information.
- As discussed in detail above, the Petition contains several flaws and omissions relating to special education and related services. The Petition fails to provide a sufficiently comprehensive description or demonstrate the required understanding for meeting state and federal special education mandates.
- Petition did not include comprehensive policies or sufficient detail to ensure health and safety of the staff and students;
- Petition did not contain provisions for compliance with seismic standards (per Education Code section 47610.5) or provide any detail concerning facility needs/useage.
- Education Code section 47604.33 sets forth several financial reports that a charter school must produce. In addition to the September 15 report, charter schools must produce a preliminary budget on or before July 1, an interim financial report on or before December 15, and a second interim financial report on or before March 15. The Petition states that it will provide annual statements of receipts and expenditures for the prior fiscal year by September 15. (Page 58) However, the Petition fails to reference the three other financial reports required

under the Education Code. The fact that these financial reporting requirements are not specified in the Petition evidences that Petitioners are not are familiar with the intricacies of charter school funding or school accounting procedures.

- The scope of the audit is not provided in detail.
- The process for resolving audit exceptions and deficiencies to the satisfaction of the District is not mentioned.
- The Petition addresses the procedures in the event of school closure; however, the provided procedures do not comply with section 11962 of Title 5 of the California Code of Regulations. Specifically, the Petition fails to designate a responsible entity to conduct closure-related activities, provide for the transfer and maintenance of personnel records, or provide for the filing of any annual reports required pursuant to Education Code section 47604.33. Further, petitioners point to a "Proposed Management Contract" for a more detailed description of the firm's roles and responsibilities. However, no such Contract was provided with or otherwise discussed in the Petition. (Pages 60-63)

**DISTRICT
ADMINISTRATION**

Marla Stephenson
Superintendent

Laurie Harden
Assistant Superintendent

**ALBANY UNIFIED SCHOOL DISTRICT**

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**BOARD OF
EDUCATION**

David Glasser
President
Ronald Rosenbaum
Vice President
Miriam Walden
Dr. Patricia Low
Paul Black

October 30, 2009

Albany City Council
405 Kains Ave.
Albany, CA 94708

Dear Members:

Over the past few years, the Albany Unified District has been encouraging students and their parents to 'be green' and walk to school. This effort is part of the Albany community's desire to become a healthier and environmentally responsible population. The District has been successful in creating a "walking school bus" program, a collaborative effort with the students, the District and the parents to get our children walking safely to school. The crossing guards are an integral part of this program, ensuring our students safely cross busy streets on their way to school. So it is with dismay that the Board has learned the City had reduced the number of crossing guard positions and has been sporadically staffing the remaining posts, leaving dangerous intersections unattended.

The Board has received complaints from parents about the absence of the crossing guards. This placed the District in the uncomfortable position of having to explain the lack of staffing for a City program without being aware that changes had been made. The Adopted City budget shows no reduction in the staffing levels (12 for FY 2009 and FY 2010) of the crossing guard program. There have been several instances where the remaining positions haven't been staffed for weeks at a time. The Board recognizes that our primary responsibility, even before education, is to keep the students entrusted to us safe. The Board is therefore deeply concerned about the reduced and inconsistent staffing of the crossing guards and its impact on student safety.

The Board is therefore requesting the following actions from the City:

1. Fully staff crossing guard positions at the published FY 2009 levels.
2. Coordinate with District staff to ensure parents are timely informed of any changes in staffing of positions.

Thank you for your consideration of this request.

Sincerely,

David Glasser, President
Albany Unified School District, Board of Education

**ALBANY UNIFIED SCHOOL DISTRICT
BOARD AGENDA BACKUP**

Regular Meeting of November 4, 2009

**ITEM: CONDUCT 1ST READING OF BOARD POLICY
SECTION 6000 - 6145.5(C) – INSTRUCTION**

PREPARED BY: Marla Stephenson, Superintendent

TYPE OF ITEM: Review and Discussion

BACKGROUND INFORMATION:

Per Education Code the Governing Board shall adopt written policies to convey its expectations for actions that will be taken in the district, clarify roles and responsibilities of the Board and Superintendent, and communicate Board philosophy and positions to the students, staff, parents/guardians and the community. Board policies are binding on the district to the extent that they do not conflict with federal or state law and are consistent with the district's collective bargaining agreements.

The Board shall review the newly adopted policies on Instruction and suggest any revisions that are presented for a first and second reading prior to adoption. Board-requested changes or revisions will be made prior to the second reading at the next scheduled regular board meeting. Policies will be presented for 2nd reading and adoption.

FINANCIAL INFORMATION:

No fiscal impact

RECOMMENDATION:

It is recommended that the Governing Board:

- (1) Accept for a first-reading board policy section 6000-6145(c) – Instruction, administrative regulations and/or exhibits.
- (2) Direct the Superintendent or her designee to further refine the documents as necessary and return them for a second reading at the November 17, 2009 meeting at which time the Governing Board will vote to adopt, approve or delete them as recommended.

Instruction

BP 6000(a)

CONCEPTS AND ROLES

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

The Board of Education desires to provide a comprehensive, research-based curriculum that motivates every student to succeed. The district's educational program shall provide students with opportunities to attain the skills, knowledge, and abilities they need to be successful in school and develop to their full potential.

(cf. 9000 - Role of the Board)

Strategies for improving the educational program shall take into consideration the needs of individual students and subpopulations of students. Students who are failing or at risk of failing to meet academic standards shall be provided with alternative programs and/or supplemental assistance designed to raise achievement.

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 6158 - Independent Study)
(cf. 6159 - Individualized Education Program)
(cf. 6164.5 - Student Success Teams)
(cf. 6164.6 - Identification and Education Under Section 504)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6177 - Summer School)
(cf. 6179 - Supplemental Instruction)
(cf. 6183 - Home and Hospital Instruction)
(cf. 6184 - Continuation Education)

Inasmuch as parents/guardians are critical partners in their children's education, parents/guardians shall be provided with opportunities to be meaningfully involved both in support of their children's education program at school and with learning at home.

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

The Board shall:

1. Establish standards of student achievement for core subjects at each grade level that are aligned with the district's vision for student learning, the specific needs and strengths of the students, the expectations of parents/guardians and the community, and available resources

(cf. 0100 - Philosophy)
(cf. 0200 - Goals for the School District)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 6011 - Academic Standards)

2. Establish graduation requirements

BP 6000(b)

CONCEPTS AND ROLES (continued)*(cf. 6146.1 - High School Graduation Requirements)**(cf. 6146.5 - Elementary/Middle School Graduation Requirements)*

3. Ensure that a process is in place, involving teachers, administrators, students, and parents/guardians, for the development and review of the district's curriculum

(cf. 6141 - Curriculum Development and Evaluation)

4. Adopt the district curriculum and courses of study to be offered

The Board shall provide a comprehensive instructional program to serve the educational needs of the children of this district. In furtherance of this goal and pursuant to law, the Board may from time to time adopt courses of study, each of which addresses one or more of the goals of this district.

For purposes of this policy, a course of study shall be defined as the planned content of a series of classes, courses, subjects, studies, or related activities. Courses will meet the criteria as established by the State Department of Education, where such conformity is appropriate and serves the needs of the district.

No Course of study shall be taught in the schools of this district unless it has been adopted by the Board. The Board reserves the right to determine which units of the instructional program constitute courses of study and are thereby subject to the adoption procedures of the Board.

(cf. 6143 - Courses of Study)

5. Adopt textbooks and other instructional materials

*(cf. 1312.2 - Complaints Concerning Instructional Materials)**(cf. 6161 - Equipment, Books and Materials)**(cf. 6161.1 - Selection and Evaluation of Instructional Materials)**(cf. 6161.11 - Supplementary Instructional Materials)*

6. Support the professional staff's implementation of the curriculum by providing consistent policy direction, allocating resources based on educational program priorities, ensuring that collective bargaining agreements do not constrain the district's ability to achieve curricular goals, recognizing staff accomplishments, and including reasonable annual goals related to student learning in the Superintendent evaluation process

*(cf. 2140 - Evaluation of the Superintendent)**(cf. 3100 - Budget)**(cf. 4143 - Negotiations/Consultation)**(cf. 9310 - Board Policies)*

BP 6000(c)

CONCEPTS AND ROLES (continued)

7. Provide a continuing program of professional development to keep instructional staff, administrators, and Board members updated about current issues and research pertaining to curriculum, instructional strategies, and student assessment

(cf. 4131 - Staff Development)

(cf. 4222 - Teacher Aides/Paraprofessionals)

(cf. 4331 - Staff Development)

(cf. 9240 - Board Development)

8. Review and evaluate the educational program on the basis of state and federal accountability measures, disaggregated student achievement data, and other indicators and ensure that evaluation results are used to improve programs, curriculum, and/or instructional practices as necessary to enhance student achievement

(cf. 0500 - Accountability)

(cf. 6162.5 - Student Assessment)

(cf. 6161.51 - Standardized Testing and Reporting Program)

(cf. 6162.51 - High School Exit Examination)

(cf. 6190 - Evaluation of the Instructional Program)

9. Communicate clear information about district instructional goals, programs, and progress in student achievement to the community and media

(cf. 0510 - School Accountability Report Card)

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

The Superintendent or designee shall:

1. Review research related to curriculum issues
2. Select and/or develop curricula for recommendation to the Board in accordance with the district's curriculum development and review process
3. Ensure the articulation of the curriculum between grade levels and with postsecondary education and the workplace

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

4. Determine the general methods of instruction to be used
5. Assign instructors and schedule classes for all curricular offerings

(cf. 4113 - Assignment)

(cf. 6112 - School Day)

BP 6000(d)

CONCEPTS AND ROLES (continued)

6. Recommend instructional materials to the Board and direct the purchase of approved materials and equipment

(cf. 3310 - *Expenditures and Purchases*)

7. Evaluate and report to the Board on student achievement as demonstrated through testing and other types of appraisal, and recommend necessary changes in curriculum, programs, and instruction as indicated by student performance data

Comparability in Instruction

Note: The following section is optional. 5 CCR 4424 requires districts to demonstrate comparability of services as a condition of receiving grants for compensatory education programs. In addition, 20 USC 6321 mandates districts receiving Title I funds to have policy on comparability in instruction; see BP/AR 6171 - Title I Programs for language fulfilling this mandate.

The district shall provide comparable educational opportunities for all students. Instruction in the core curriculum shall be in no way diminished when students receive supplementary services funded by special governmental programs. Services funded by any categorical program shall supplement, not supplant, the district-provided core curriculum and any services which may be provided by other categorical programs.

(cf. 0410 - *Nondiscrimination in District Programs and Activities*)
 (cf. 6171 - *Title I Programs*)

Legal Reference:**EDUCATION CODE**

51000-51007 *Legislative intent, educational program*

CODE OF REGULATIONS, TITLE 5

3940 *Maintenance of effort*

4424 *Comparability of services*

UNITED STATES CODE, TITLE 20

6321 *Fiscal requirements/comparability of services*

Management Resources:**CSBA PUBLICATIONS**

Maximizing School Board Leadership: Curriculum, 1996

WEB SITES

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

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

Instruction

BP 6011(a)

ACADEMIC STANDARDS

Note: SB 2X (Ch. 1, First Extraordinary Session, Statutes of 1999) repealed Education Code 51215 which required local Boards to adopt standards of proficiency in basic skills. However, Education Code 60605 requires the State Board of Education to adopt statewide standards that serve as the basis for assessing the academic achievement of individual students and of schools, school districts and the California education system. The SBE has adopted content standards for language arts, mathematics, history/social science and science and initiated the development of performance standards by adopting three performance levels: basic, proficient and advanced. SB 366 (Ch. 735, Statutes of 1999) added Education Code 60605.5 requiring the SBE to adopt, by November 15, 2001, a system of performance standards aligned to the state's content standards. Although the state standards are "models" rather than mandates, it is expected that districts will develop local standards that meet or exceed the state standards. In addition, Education Code 44662 has long required local Boards to adopt standards of expected student achievement at each grade level in each area of study for use in evaluating certificated employees; see BP/AR 4115 - Evaluation/Supervision. The following optional policy may be revised as desired to reflect district practice.

The Board of Education recognizes that content and performance standards are necessary to clarify for students, parents/guardians and staff what students are expected to know and be able to do at each grade level and in each area of study. The Board shall adopt high standards for student achievement that meet or exceed statewide standards and challenge all students to reach their full potential.

District standards shall be developed through a process that involves staff, students, parents/guardians and community members. Standards shall be based on a review of state model standards and an assessment of the skills that students will need in order to be successful in the workplace and in higher education, including basic skills, problem-solving abilities and conceptual thinking. Special care shall be taken to ensure the proper articulation of standards among district schools.

Staff shall continually assess students' progress toward meeting the standards and shall offer remedial assistance in accordance with Board policy. The standards shall also provide a basis for evaluating the instructional program, making decisions about curriculum and assessment, and, as required by law, evaluating teacher performance.

- (cf. 4115 - Evaluation/Supervision)*
- (cf. 5121 - Grades/Evaluation of Student Achievement)*
- (cf. 5123 - Promotion/Acceleration/Retention)*
- (cf. 6141 - Curriculum Development and Evaluation)*
- (cf. 6143 - Courses of Study)*
- (cf. 6146.1 - High School Graduation Requirements)*
- (cf. 6146.5 - Elementary/Middle School Graduation Requirements)*
- (cf. 6162.5 - Student Assessment)*
- (cf. 6177- Summer School)*
- (cf. 6190 - Evaluation of the Instructional Program)*

While desiring district standards to be specific and comprehensive, the Board does not intend that these standards be so extensive as to describe everything that will be taught in the classroom. Staff shall have sufficient time and flexibility to provide instruction that supplements the standards. Staff shall also have flexibility to determine the best instructional methods to use in preparing students to meet the standards.

BP 6011(b)

ACADEMIC STANDARDS (continued)

The Superintendent or designee shall ensure that district standards are regularly reviewed and updated as necessary.

*Legal Reference:***EDUCATION CODE***44662 Evaluation of certificated employees**51003 Statewide academic standards**60605-60605.5 Adoption of statewide academically rigorous content and performance standards**Management Resources:***WEB SITES***CDE: <http://www.cde.ca.gov>*

Instruction

BP 6020(a)

PARENT INVOLVEMENT

The Board of Education recognizes that parents/guardians are their children's first and most influential teachers and that sustained parent involvement in the education of their children contributes greatly to student achievement and a positive school environment. The Superintendent or designee shall work with staff and parents/guardians to develop meaningful opportunities at all grade levels for parents/guardians to be involved in district and school activities; advisory, decision-making, and advocacy roles; and activities to support learning at home.

(cf. 0420 - School Plans/Site Councils)
(cf. 0420.1 - School-Based Program Coordination)
(cf. 0420.5 - School-Based Decision Making)
(cf. 0520.1 - High Priority Schools Grant Program)
(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 1220 - Citizen Advisory Committees)
(cf. 1230 - School-Connected Organizations)
(cf. 1240 - Volunteer Assistance)
(cf. 1250 - Visitors/Outsiders)

Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall regularly evaluate and report to the Board on the effectiveness of the district's parent involvement efforts, including, but not limited to, input from parents/guardians and school staff on the adequacy of parent involvement opportunities and barriers that may inhibit parent/guardian participation.

(cf. 0500 - Accountability)

Title I Schools

Each year the Superintendent or designee shall identify specific objectives of the district's parent involvement program for schools that receive Title I funding. He/she shall ensure that parents/guardians are consulted and participate in the planning, design, implementation, and evaluation of the parent involvement program. (Education Code 11503)

(cf. 6171 - Title I Programs)

The Superintendent or designee shall ensure that the district's parent involvement strategies are jointly developed with and agreed upon by parents/guardians of students participating in Title I programs. Those strategies shall establish expectations for parent involvement and describe how the district will carry out each activity listed in 20 USC 6318. (20 USC 6318)

BP 6020(b)

PARENT INVOLVEMENT (continued)

Note: Pursuant to 20 USC 6318, the Board must reserve at least one percent of the district's Title I funding to carry out parent involvement activities, including promotion of family literacy and parenting skills, provided that one percent of the allocation received by the district totals more than \$5,000. At least 95 percent of the reserved funds must be distributed to eligible schools.

The Superintendent or designee shall consult with parents/guardians of participating students in the planning and implementation of parent involvement programs, activities, and regulations. He/she also shall involve parents/guardians of participating students in decisions regarding how the district's Title I funds will be allotted for parent involvement activities. (20 USC 6318)

(cf. 3100 - Budget)

The Superintendent or designee shall ensure that each school receiving Title I funds develops a school-level parent involvement policy in accordance with 20 USC 6318.

Non-Title I Schools

The Superintendent or designee shall develop and implement strategies applicable to each school that does not receive federal Title I funds to encourage the involvement and support of parents/guardians in the education of their children, including, but not limited to, strategies describing how the district and schools will address the purposes and goals described in Education Code 11502. (Education Code 11504)

Legal Reference: (see next page)

BP 6020(c)

PARENT INVOLVEMENT (continued)*Legal Reference:*EDUCATION CODE

11500-11506 Programs to encourage parent involvement

48985 Notices in languages other than English

51101 Parent rights and responsibilities

64001 Single plan for student achievement

LABOR CODE

230.8 Time off to visit child's school

UNITED STATES CODE, TITLE 20

6311 Parental notice of teacher qualifications and student achievement

6312 Local educational agency plan

6314 Schoolwide programs

6316 School improvement

6318 Parent involvement

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions, auxiliary aids and services

35.160 Communications

*Management Resources:*CSBA PUBLICATIONSParent Involvement: Development of Effective and Legally Compliant Policies, Governance and Policy Services Policy Briefs, August 2006STATE BOARD OF EDUCATION POLICIES

89-01 Parent Involvement in the Education of Their Children, rev. 1994

U.S. DEPARTMENT OF EDUCATION NON-REGULATORY GUIDANCEParental Involvement: Title I, Part A, April 23, 2004WEB SITESCSBA: <http://www.csba.org>California Department of Education, Family, School, Community Partnerships:
<http://www.cde.ca.gov/ls/pf>California Parent Center: <http://parent.sdsu.edu>California State PTA: <http://www.capta.org>National Coalition for Parent Involvement in Education: <http://www.ncpie.org>National PTA: <http://www.pta.org>No Child Left Behind: <http://www.ed.gov/nclb>Parent Information and Resource Centers: <http://www.pirc-info.net>Parents as Teachers National Center: <http://www.parentsteachers.org>U.S. Department of Education: <http://www.ed.gov>

Instruction

AR 6020(a)

PARENT INVOLVEMENT

Note: The following administrative regulation contains parent involvement strategies that meet legal requirements applicable to districts and schools receiving federal Title I funds and those that do not receive Title I funds. The district should use and adapt the section(s) applicable to its circumstances. If desired, the district may develop one set of strategies applicable to all schools, provided that all the provisions required by law for both types of schools are included.

District Strategies for Title I Schools

Note: The following section is for use by districts that receive Title I, Part A, funds. 20 USC 6318 mandates that such districts develop a policy that describes the means by which the district will address the components specified in items #1-6 below. Under each required component, the district should list specific strategies, developed jointly with parents/guardians of participating students, that describe how it will address the component. In the state's Categorical Program Monitoring process, California Department of Education (CDE) staff will check to ensure that the district has identified such strategies.

To ensure that parents/guardians of students participating in Title I programs are provided with opportunities to be involved in their children's education, the Superintendent or designee shall:

1. Involve parents/guardians of participating students in the joint development of the Title I local educational agency (LEA) plan pursuant to 20 USC 6312 and the process of school review and improvement pursuant to 20 USC 6316 (20 USC 6318)

(cf. 6171 - Title I Programs)

2. Provide coordination, technical assistance, and other support necessary to assist Title I schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance (20 USC 6318)
3. Build the capacity of schools and parents/guardians for strong parent involvement (20 USC 6318)

Note: 20 USC 6318 mandates that the district's policy or regulation include items #a-f below. The district may expand these items to describe methods the district will use to carry out each activity.

The Superintendent or designee shall: (20 USC 6318)

- a. Assist parents/guardians in understanding such topics as the state's academic content standards and academic achievement standards, state and local academic assessments, the requirements of Title I, and how to monitor a child's progress and work with educators to improve the achievement of their children

(cf. 6011 - Academic Standards)

(cf. 6162.5 - Student Assessment)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

AR 6020(b)

PARENT INVOLVEMENT (continued)

- b. Provide materials and training to help parents/guardians work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parent involvement
- c. Educate teachers, student services personnel, principals, and other staff, with the assistance of parents/guardians, in the value and utility of parent/guardian contributions and in how to reach out to, communicate with, and work with parents/guardians as equal partners, implement and coordinate parent/guardian programs, and build ties between parents/guardians and the schools

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

Note: The district may revise item #d below to specify programs offered by the district.

- d. To the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, Home Instruction Programs for Preschool Youngsters, Parents as Teachers Program, public preschool, and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents/guardians in more fully participating in their children's education
- e. Ensure that information related to school and parent/guardian programs, meetings, and other activities is sent to the parents/guardians of participating students in a format and, to the extent practicable, in a language the parents/guardians can understand
- f. Provide other such reasonable support for parent involvement activities as parents/guardians may request

Note: Although not mandated to be included in the district's policy or regulation, item #g reflects a legal requirement in 20 USC 6318(g) to inform parents/guardians about the existence of parent information and resource centers in the state that work with Title I schools, districts, and parents/guardians. See the management resources in the accompanying Board policy for resources that can help districts locate the centers closest to them.

- g. Inform parents/guardians and parent organizations of the existence and purpose of parent information and resource centers in the state that provide training, information, and support to parents/guardians of participating students

Note: The district may revise item #4 below to specify programs offered by the district.

AR 6020(c)

PARENT INVOLVEMENT (continued)

4. Coordinate and integrate Title I parent involvement strategies with Head Start, Reading First, Early Reading First, Even Start, Home Instruction Program for Preschool Youngsters, Parents as Teachers Program, public preschool, and other programs (20 USC 6318)

(cf. 6300 - Preschool/Early Childhood Education)

Note: Items #a-d below are optional and should be revised to reflect strategies jointly developed by district staff and parents/guardians of participating students.

5. Conduct, with involvement of parents/guardians, an annual evaluation of the content and effectiveness of the parent involvement policy in improving the academic quality of the schools served by Title I (20 USC 6318)

Note: 20 USC 6318 mandates that the district's policy or regulation include items #a-b below. The district may expand these items to describe methods the district will use to carry out each activity.

The Superintendent or designee shall:

- a. Ensure that the evaluation include the identification of barriers to greater participation in parent involvement activities, with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background (20 USC 6318)
- b. Use the evaluation results to design strategies for more effective parent involvement and, if necessary, to recommend changes in the parent involvement policy (20 USC 6318)

Note: Although not mandated to be included in the district's policy or regulation, item #c below reflects a legal requirement of Education Code 11503 pertaining to evaluation of the district's parent involvement efforts.

- c. Assess the district's progress in meeting annual objectives for the parent involvement program, notify parents/guardians of this review and assessment through regular school communications mechanisms, and provide a copy to parents/guardians upon their request (Education Code 11503)

Note: Pursuant to 20 USC 6318, the district's parent involvement policy must be incorporated into the district's Title I local educational agency plan. See BP/AR 6171 - Title I Programs for language regarding the plan's development.

AR 6020(d)

PARENT INVOLVEMENT (continued)

The district's Board policy and administrative regulation containing parent involvement strategies shall be incorporated into the LEA plan and distributed to parents/guardians of students participating in Title I programs. (20 USC 6318)

(cf. 5145.6 - Parental Notifications)

School-Level Policies for Title I Schools

Note: The following section is for use by districts that receive federal Title I funds. 20 USC 6318 mandates that each individual school receiving Title I funds have a written parent involvement policy, developed jointly with and agreed upon by parents/guardians of participating students, that describes the means for carrying out the requirements of 20 USC 6318(c) through (f), reflected in items #1-8 below. The following section lists the required components but does not include specific strategies which should be added by each school.

At each school receiving Title I funds, a written policy on parent involvement shall be developed jointly with and agreed upon by parents/guardians of participating students. Such policy shall describe the means by which the school will: (20 USC 6318)

1. Convene an annual meeting, at a convenient time, to which all parents/guardians of participating students shall be invited and encouraged to attend, in order to inform parents/guardians of their school's participation in Title I and to explain Title I requirements and the right of parents/guardians to be involved
2. Offer a flexible number of meetings, such as meetings in the morning or evening, for which related transportation, child care, and/or home visits may be provided as such services relate to parent involvement

Note: As provided in item #3 below, 20 USC 6318 requires parent/guardian involvement in the development of the comprehensive plan required by 20 USC 6314 for schoolwide programs. Under state law (Education Code 64001), this plan must be incorporated into the single plan for student achievement covering all categorical programs in the state's consolidated application; see AR 6171 - Title I Programs and BP/AR 0420 - School Plans/Site Councils for further information about the development of this plan.

3. Involve parents/guardians in an organized, ongoing, and timely way in the planning, review, and improvement of Title I programs, including the planning, review, and improvement of the school's parent involvement policy and, if applicable, the joint development of the plan for schoolwide programs pursuant to 20 USC 6314

The school may use an existing process for involving parents/guardians in the joint planning and design of the school's programs provided that the process includes adequate representation of parents/guardians of participating students.

4. Provide the parents/guardians of participating students all of the following:

AR 6020(e)

PARENT INVOLVEMENT (continued)

- a. Timely information about Title I programs
- b. A description and explanation of the school's curriculum, forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet

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

(cf. 5123 - Promotion/Acceleration/Retention)

- c. If requested by parents/guardians, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions related to their children's education, and, as soon as practicably possible, responses to the suggestions of parents/guardians
5. If the schoolwide program plan is not satisfactory to the parents/guardians of participating students, submit any parent/guardian comments when the school makes the plan available to the district

Note: 20 USC 6318 requires Title I schools to develop a school-parent compact as provided in item #6 below. In addition, Education Code 51101 requires all schools participating in the state's High Priority Schools Grant Program, whether or not they receive Title I funds, to develop a school-parent compact as described below; see AR 0520.1 - High Priority Schools Grant Program for language reflecting this requirement.

U.S. Department of Education non-regulatory guidance, Parental Involvement: Title I, Part A, provides a sample template that schools may use in the development of the school-parent compact.

6. Jointly develop with the parents/guardians of participating students a school-parent compact that outlines how parents/guardians, the entire school staff, and students will share responsibility for improved student academic achievement and the means by which the school and parents/guardians will build a partnership to help students achieve state standards

(cf. 0520.1 - High Priority Schools Grant Program)

This compact shall address:

- a. The school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables participating students to achieve the state's student academic achievement standards

AR 6020(f)

PARENT INVOLVEMENT (continued)

- b. Ways in which parents/guardians will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, and television viewing; volunteering in the classroom; and participating, as appropriate, in decisions related to their children's education and the positive use of extracurricular time

(cf. 1240 - *Volunteer Assistance*)

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

(cf. 5113 - *Absences and Excuses*)

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

(cf. 6154 - *Homework/Makeup Work*)

- c. The importance of communication between teachers and parents/guardians on an ongoing basis through, at a minimum:
 - (1) Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the student's achievement
 - (2) Frequent reports to parents/guardians on their children's progress
 - (3) Reasonable access to staff, opportunities to volunteer and participate in their child's classroom, and observation of classroom activities
- 7. Build the capacity of the school and parents/guardians for strong parent involvement by implementing the activities described in items #3a-f in the section "District Strategies for Title I Schools" above
- 8. To the extent practicable, provide full opportunities for the participation of parents/guardians with limited English proficiency, parents/guardians with disabilities, and parents/guardians of migrant children, including providing information and school reports required under 20 USC 6311(h) in a format and language such parents/guardians can understand

If the school has a parent involvement policy that applies to all parents/guardians, it may amend that policy to meet the above requirements. (20 USC 6318)

Each school's parent involvement policy shall be made available to the local community and distributed to parents/guardians of participating students in an understandable and uniform format and, to the extent practicable, provided in a language the parents/guardians can understand. (20 USC 6318)

AR 6020(g)

PARENT INVOLVEMENT (continued)

Note: The following paragraph is optional. Education Code 64001 requires that the single plan for student achievement covering the categorical programs in the state's consolidated application, including Title I schoolwide programs, be annually reviewed by the school site council and submitted to the Board for approval; see BP/AR 0420 - School Plans/Site Councils.

Each school receiving Title I funds shall annually evaluate the effectiveness of its parent involvement policy. Such evaluation may be conducted during the process of reviewing the school's single plan for student achievement in accordance with Education Code 64001.

The principal or designee, jointly with parents/guardians of participating students, shall periodically update the school's policy to meet the changing needs of parents/guardians and the school. (20 USC 6318)

District Strategies for Non-Title I Schools

Note: The following section is for use by districts that do not receive any Title I funds or that have one or more individual schools that do not receive Title I funds. Education Code 11504 mandates the Board to adopt a policy on parent involvement, applicable to each school that does not receive Title I funds, that is consistent with the purposes and goals in Education Code 11502 as reflected in items #1-5 below. Subitems under items #1-5 are optional strategies for carrying out the legal requirement and should be revised to reflect district practice.

For each school that does not receive federal Title I funds, the Superintendent or designee shall, at a minimum:

1. Engage parents/guardians positively in their children's education by helping them develop skills to use at home that support their children's academic efforts at school and their children's development as responsible members of society (Education Code 11502, 11504)
2. Inform parents/guardians that they can directly affect the success of their children's learning, by providing them with techniques and strategies that they may use to improve their children's academic success and to assist their children in learning at home (Education Code 11502, 11504)

Note: Items #a-b below are optional and should be revised to reflect district practice.

The Superintendent or designee may:

- a. Provide parents/guardians with information regarding ways to create an effective study environment at home and to encourage good study habits
- b. Encourage parents/guardians to monitor their children's school attendance, homework completion, and television viewing

AR 6020(h)

PARENT INVOLVEMENT (continued)

- c. Encourage parents/guardians to volunteer in their child's classroom and to participate in school advisory committees
- 3. Build consistent and effective communication between the home and school so that parents/guardians may know when and how to assist their children in support of classroom learning activities (Education Code 11502, 11504)

Note: Items #a-g below are optional and should be revised to reflect district practice.

The Superintendent or designee may:

- a. Ensure that teachers provide frequent reports to parents/guardians on their children's progress and hold parent-teacher conferences at least once per year with parents/guardians of elementary school students
 - b. Provide opportunities for parents/guardians to observe classroom activities and to volunteer in their child's classroom
 - c. Provide information about parent involvement opportunities through district, school, and/or class newsletters, the district's web site, and other written or electronic communications
 - d. To the extent practicable, provide notices and information to parents/guardians in a format and language they can understand
 - e. Develop mechanisms to encourage parent/guardian input on district and school issues
 - f. Identify barriers to parent/guardian participation in school activities, including parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background
 - g. Encourage greater parent/guardian participation by adjusting meeting schedules to accommodate parent/guardian needs and, to the extent practicable, by providing translation or interpreter services, transportation, and/or child care
- 4. Train teachers and administrators to communicate effectively with parents/guardians (Education Code 11502, 11504)

AR 6020(i)

PARENT INVOLVEMENT (continued)

Note: Items #a-b below are optional and should be revised to reflect district practice.

The Superintendent or designee may:

- a. Provide staff development to assist staff in strengthening two-way communications with parents/guardians, including parents/guardians who have limited English proficiency or limited literacy
 - b. Invite input from parents/guardians regarding the content of staff development activities pertaining to home-school communications
5. Integrate parent involvement programs into school plans for academic accountability

Note: Items #a-b below are optional and should be revised to reflect district practice.

The Superintendent or designee may:

- a. Include parent involvement strategies in school reform or school improvement initiatives
- b. Involve parents/guardians in school planning processes

Instruction

BP 6111(a)

SCHOOL CALENDAR

Note: The Public Employment Relations Board has determined that certain issues related to the school calendar are subject to negotiations.

The Superintendent or designee shall recommend to the Board of Education a calendar for each school that will meet the requirements of law as well as the needs of the community, students and the work year as negotiated for represented personnel.

(cf. 4143/4243 - Negotiations/Consultation)

Each school calendar shall show the beginning and ending school dates, legal and local holidays, orientation meeting days, minimum days, vacation periods and other pertinent dates.

(cf. 6112 - School Day)

(cf. 6115 - Ceremonies and Observances)

(cf. 6177 - Summer School)

Note: Education Code 41420 establishes 175 days of instruction as the minimum requirement to receive full ADA reimbursement. Education Code 46200 provides incentive funding for districts to increase to 180 days of instruction, although financial penalties will be imposed if a district accepts the incentive funding and then offers fewer than 180 days. However, Education Code 46200 provides two exceptions to this requirement. The first exception allows districts to avoid penalty up to the end of a collective bargaining contract that is in force on January 1, 2002 that provides for fewer than 180 instructional days, as long as the minimal number of instructional minutes is met. The second exception avoids penalties for multi-track year-round schools as long as the district certifies to the Superintendent of Public Instruction that it maintains its schools for five more days than maintained in the 1982-83 fiscal year.

The following paragraph provides for 180 days of instruction. Districts that provide fewer than 180 days should modify the following paragraph accordingly.

The district shall offer 180 days of instruction per school year.

(cf. 1431 - Waivers)

Note: AB 825 (Ch. 871, Statutes of 2004) repealed Education Code 44579-44579.6, the Instructional Time and Staff Development Reform Program. Funding for that program, and others, was consolidated into the Professional Development Block Grant, Education Code 41530-41532. Professional Development Block Grant funding may be expended for any of the purposes authorized by the repealed programs as those statutes read on January 1, 2004.

Education Code 46300 identifies educational activities that are included in the computation of ADA. School districts may not receive ADA reimbursement for staff development programs conducted on regular school days.

Staff development days shall not be counted as instructional days.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

BP 6111(b)

SCHOOL CALENDAR (continued)

Notification of the schedule of minimum days shall be sent to all parents/guardians at the beginning of the school year. If any minimum days are added to the schedule, the Superintendent or designee shall notify parents/guardians of the affected students as soon as possible and at least one month before the scheduled minimum day. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

Note: Pursuant to Elections Code 12283, the Board may determine whether to keep a school open or closed on an election day when the school will be used as a polling place. Elections officials are required to request the use of the school within sufficient time in advance of the school year so that the Board can make this determination before school calendars are printed and distributed to parents/guardians.

If a school will be used as a polling place on an election day, the Board shall determine whether to continue school in session, designate the day for staff training and development, or close the school to students and nonclassified staff. (Elections Code 12283)

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

(cf. 5113 - Absences and Excuses)

Legal Reference:**EDUCATION CODE**

37200-37202 School calendar

37220-37223 Holidays

37252-37254.1 Summer school

37300-37307 Year-Round School Demonstration Project

37600-37672 Continuous school programs: year-round schools, especially:

37618 School calendar

37700-37711 Four-day week

41422 Schools not maintained for 175 days

41530-41532 Professional Development Block Grant

46200-46206 Incentives for longer instructional day and year

46300 Method of computing ADA

48980 Notice at beginning of term

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

44579-44579.6 Instructional Time and Staff Development Reform Program

ELECTIONS CODE

12283 School closures, election days

Management Resources:**WEB SITES**

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

Secretary of State's Office: <http://www.ss.ca.gov>

Instruction

BP 6115

CEREMONIES AND OBSERVANCES

The Board of Education recognizes the importance of having students observe holidays, celebrate events of cultural or historical significance, and acknowledge the contributions of outstanding individuals in society. On days designated by the Board, staff shall provide students with appropriate commemorative exercises so that they may acquire the knowledge, skills, and principles essential for informed, responsible citizenship in a democratic society.

- (cf. 6111 - *School Calendar*)
 (cf. 6141.2 - *Recognition of Religious Beliefs and Customs*)
 (cf. 6141.6 - *Multicultural Education*)
 (cf. 6142.3 - *Civic Education*)
 (cf. 6142.4 - *Learning Through Community Service*)

*Legal Reference:*EDUCATION CODE37220-37223 *Saturdays and holidays*44015.1 *Week of the School Administrator*45203 *Paid holidays*45460 *Classified Employee Week*52720 *Daily performance of patriotic exercises in public schools*52730 *Patriotic exercises, daily instruction*GOVERNMENT CODE430-439 *Display of flags*3540-3549.3 *Meeting and negotiating*UNITED STATES CODE, TITLE 46 *Time and occasion for display of flag*7 *Position and manner of display of flag*UNITED STATES CODE, TITLE 36106 Note *Constitution Day and Citizenship Day*COURT DECISIONS*West Virginia State Board of Education et al v. Barnette et al*, 319 U.S. 624 (1943)*Management Resources:*CSBA PUBLICATIONS*Constitution Day: New Mandate for Districts Receiving Federal Funds*, CSBA Advisory, August 2005FEDERAL REGISTER70 Fed. Reg. 29727 *Constitution Day and Citizenship Day* (2005)WEB SITESCSBA: <http://www.csba.org>

California Department of Education, History/Social Science Instructional Materials:

<http://www.cde.ca.gov/ci/hs/im>

Instruction

AR 6115(a)

CEREMONIES AND OBSERVANCES**Holidays**

Note: The following list may be expanded to reflect district practice. Education Code 37220 allows the Board of Education to designate any other day as a holiday. In addition, Education Code 37220 provides that the Board, by adoption of a resolution, may revise the date upon which district schools close in observance of any of these holidays except Veterans Day, which must be celebrated on its actual date. Education Code 37220 also provides that a district may, if it so chooses, allow community groups to use school facilities on those dates when the school is closed for a holiday. See BP/AR 1330 - Use of School Facilities.

District schools shall be closed in observance of the following holidays:

New Year's Day	January 1
Dr. Martin Luther King, Jr. Day	Third Monday in January or the Monday or Friday of the week in which January 15 occurs
Lincoln Day	The Monday or Friday of the week in which February 12 occurs
Washington Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	That Thursday in November designated by the President
Christmas Day	December 25

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

Holidays which fall on a Sunday shall be observed the following Monday. Holidays which fall on a Saturday shall be observed the preceding Friday. If any of the above holidays occurs under federal law on a date different from that indicated above, the Board may close the schools on the date recognized by federal law instead of on the date above. (Education Code 37220)

(cf. 6111 - School Calendar)

AR 6115(b)

CEREMONIES AND OBSERVANCES (continued)**Commemorative Exercises**

Note: As listed below, Education Code 37220, 37221, and 45460 require the observance of special days with suitable commemorative exercises. In addition, districts that have not reached an agreement with the exclusive representative to close schools for Cesar Chavez and/or Native American Day may instead hold commemorative exercises on those dates. The State Board of Education has adopted model curriculum, which can be found on the California Department of Education's website, for school use on these days.

Both federal and state law (36 USC 106, Note and Education Code 37221) require districts to hold commemorative exercises for U.S. Constitution Day and Citizenship Day each year on or near September 17; see BP 6142.3 - Civic Education.

Education Code 37222, 37220.7, 51009, as well as various legislative resolutions, have designated other days of special significance on which schools are encouraged, but not required, to hold appropriate commemorative exercises, including: (1) School Board Recognition Month in January, (2) Week of the School Administrator on the first full week of March, (3) the Day of the Teacher on the second Wednesday in May, (4) Bill of Rights Day on December 15, (5) John Muir Day on April 21, (6) California Poppy Day on April 6, (7) California Agriculture Day on the first day of spring each year, and (8) Labor History Week during the first week of April. The list below may be modified to include any optional days of special significance so designated by the Board.

District schools shall hold exercises to commemorate the following special days: (Education Code 37220, 37221, 45460)

U.S. Constitution and Citizenship Day, including exercises and instruction in the purpose, meaning, and importance of the Constitution and Bill of Rights	On or near September 17
Dr. Martin Luther King, Jr. Day	The Friday before the day schools are closed for this holiday
Lincoln's Birthday	The school day before the day schools are closed for this holiday
Susan B. Anthony Day	February 15
George Washington's Birthday	The Friday preceding the third Monday in February
Black American Day	March 5
Conservation, Bird, and Arbor Day	March 7
Classified Employee Week	Third Week in May

AR 6115(c)

CEREMONIES AND OBSERVANCES (continued)**Patriotic Exercises**

Note: Education Code 52720 requires all schools to conduct patriotic exercises daily and specifies that participation in the Pledge of Allegiance satisfies this requirement. As added by SB 1274 (Ch. 523, Statutes of 2008), Education Code 52730 specifies that districts may, in combination with reciting the pledge, satisfy this requirement by providing instruction that promotes the understanding of concepts in the pledge and the importance of the pledge as an expression of patriotism, as specified below. Federal courts have held that individuals may not be compelled to salute the flag or to stand during the salute. (West Virginia State Board of Education et al v. Barnette et al). The phrase "under God" as used in the pledge has been challenged in court, but there has been no final ruling on the matter.

Each school shall conduct patriotic exercises daily. These patriotic exercises shall consist of the reciting of the Pledge of Allegiance and may also include instruction that promotes understanding of the concepts of "pledge," "allegiance," "republic," and "indivisible" and understanding of the importance of the pledge as an expression of patriotism, love of country, and pride in the United States. (Education Code 52720, 52730)

Individuals may choose not to participate in the flag salute for personal reasons.

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

At elementary schools, such exercises shall be conducted at the beginning of each school day. (Education Code 52720)

Note: For secondary schools, Education Code 52720 requires that the patriotic exercises be conducted in accordance with mandated regulations adopted by the Board. Districts maintaining secondary schools should modify the following paragraph to reflect district practice.

At secondary schools, such exercises shall be conducted during the homeroom period.

Display of Flag

The flag of the United States and the flag of California shall be displayed during school days at the entrance or on the grounds of every school. At all times, the national flag shall be placed in the position of first honor. (Government Code 431, 436; 4 USC 6)

The national flag shall fly at half-staff on the following occasions: (4 USC 7)

1. For 30 days from the death of the President or a former President
2. For 10 days from the death of the Vice President, the Chief Justice or a retired Chief Justice, or the Speaker of the House of Representatives

AR 6115(d)

CEREMONIES AND OBSERVANCES (continued)

3. From the day of death until interment of an Associate Justice of the Supreme Court, a secretary of executive or military department, former Vice President, and the Governor of a state
4. On the day of death and the following day for a Member of Congress
5. On Peace Officers Memorial Day (May 15), unless that day is also Armed Forces Day

Note: As amended by P.L. 110-41, 4 USC 7 authorizes the Governor to issue a proclamation to fly the flag at half-staff upon the death of a member of the Armed Forces from the state who has died while serving on active duty.

In addition, upon order of the President, the national flag shall be flown at half-staff upon the death of principal figures of the United States government and the Governor of a state, as a mark of respect to their memory. In the event of death of other officials or foreign dignitaries, the flag shall be displayed at half-staff according to presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of the state or the death of a member of the Armed Forces from the state who has died while serving on active duty, the Governor may proclaim that the flag be flown at half-staff. (4 USC 7)

Instruction

BP 6116

CLASSROOM INTERRUPTIONS

Note: Education Code 32212 expresses the Legislature's intent that all governing boards formally address the problem of classroom interruptions and adopt a policy to control them.

The Board of Education recognizes that class time should be dedicated to student learning. The Board believes that classroom interruptions which are not related to the educational program should be kept at an absolute minimum.

The Superintendent or designee shall establish administrative regulations to govern classroom interruptions.

*Legal Reference:*EDUCATION CODE*32212 Classroom interruptions*

Instruction

AR 6116

CLASSROOM INTERRUPTIONS

Note: This sample regulation should be revised to reflect district practice.
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The principal or designee shall keep announcements made through intercom or public address systems to a minimum and limit announcements to specific times during the day. Announcements that apply only to teachers shall be distributed in writing.

The principal shall establish a fixed time for the delivery of messages to students, except in the case of emergencies.

School maintenance operations involving noise or classroom disruption shall be performed before or after school hours whenever possible.

School visitors and observers shall make appointments in advance.

(cf. 1250 - Visitors/Outsiders)

Regulation
approved:

ALBANY UNIFIED SCHOOL DISTRICT
Albany, California

Instruction

BP 6141(a)

CURRICULUM DEVELOPMENT AND EVALUATION

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

The Board of Education desires to provide a research-based, sequential curriculum which promotes high levels of student achievement and emphasizes the development of basic skills, problem solving, and decision making. Upon recommendation of the Superintendent or designee, the Board shall adopt a written district curriculum which describes, for each subject area and grade level, the content objectives which are to be taught in all district schools.

(cf. 6000 - Concepts and Roles)
(cf. 6141.6 - Multicultural Education)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6142.3 - Civic Education)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6142.5 - Environmental Education)
(cf. 6142.6 - Visual and Performing Arts Education)
(cf. 6142.7 - Physical Education)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6142.91 - Reading/Language Arts Instruction)
(cf. 6142.92 - Mathematics Instruction)
(cf. 6142.93 - Science Instruction)
(cf. 6143 - Courses of Study)
(cf. 6178 - Career Technical Education)
(cf. 6178.2 - Regional Occupational Center/Program)
(cf. 9000 - Role of the Board)

The district's curriculum shall be aligned with the district's vision and goals for student learning, Board policies, academic content standards, state curriculum frameworks, state and district assessments, graduation requirements, school and district improvement plans, and, when necessary, related legal requirements.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 0420 - School Plans/Site Councils)
(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 6011 - Academic Standards)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)
(cf. 6171 - Title I Programs)
(cf. 9310 - Board Policies)

The Superintendent or designee shall establish a process for curriculum development, selection, and/or adaptation which utilizes the professional expertise of teachers, principals, and district administrators representing various grade levels, disciplines, special programs, and categories of students as appropriate. The process also may provide opportunities for input from students, parents/guardians, representatives of local businesses and postsecondary institutions, and other community members.

BP 6141(b)

CURRICULUM DEVELOPMENT AND EVALUATION (continued)*(cf. 1220 - Citizen Advisory Committees)**(cf. 1700 - Relations Between Private Industry and the Schools)*

Note: Since instructional materials are often an important component of the curriculum, the process of adopting instructional materials should be coordinated with the curriculum review and adoption process. See BP/AR 6161.1 - Selection and Evaluation of Instructional Materials.

The selection and evaluation of instructional materials shall be coordinated with the curriculum development and evaluation process.

*(cf. 1312.2 - Complaints Concerning Instructional Materials)**(cf. 6161 - Equipment, Books and Materials)**(cf. 6161.1 - Selection and Evaluation of Instructional Materials)**(cf. 6161.11 - Supplementary Instructional Materials)**(cf. 6163.1 - Library Media Centers)*

When presenting a recommended curriculum for adoption, the Superintendent or designee shall provide research, data, or other evidence demonstrating the proven effectiveness of the proposed curriculum. He/she also shall present information about the resources that would be necessary to successfully implement the curriculum and describe any modifications or supplementary services that would be needed to make the curriculum accessible to all students.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)**(cf. 3100 - Budget)**(cf. 4131 - Staff Development)**(cf. 4143/4243 - Negotiations/Consultation)**(cf. 5149 - At-Risk Students)**(cf. 6141.5 - Advanced Placement)**(cf. 6159 - Individualized Education Program)**(cf. 6174 - Education for English Language Learners)**(cf. 6179 - Supplemental Instruction)*

Note: The following optional paragraph may be revised to reflect district practice. Education Code 52376 requires districts with high schools to compare their career technical education programs with state model curriculum standards at least every three years; see AR 6178 - Career Technical Education. At their discretion, districts may choose to establish a schedule of regular reviews in other subject areas to ensure continued alignment of district curricula with state standards.

The Board shall establish a review cycle for regularly evaluating the district's curriculum in order to ensure continued alignment with state and district goals for student achievement. At a minimum, these reviews shall be conducted whenever the State Board of Education adopts new or revised content standards or the curriculum framework for a particular subject or when new law requires a change or addition to the curriculum.

BP 6141(c)

CURRICULUM DEVELOPMENT AND EVALUATION (continued)

In addition, the Board may require a review of the curriculum in one or more subject areas as needed in response to student assessment results; feedback from teachers, administrators, or parent/guardians; new research on program effectiveness; or changing student needs.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:**EDUCATION CODE**

221.5 Equal opportunity

35160 Authority of governing boards

35160.1 Broad authority of school districts

51050-51057 Enforcement of courses of study

51200-51263 Required courses of study

51500-51540 Prohibited instruction

51720-51879.9 Authorized classes and courses of instruction

60000-60424 Instructional materials

GOVERNMENT CODE

3543.2 Scope of representation

CODE OF REGULATIONS, TITLE 5

4000-4091 School improvement programs

4400-4426 Improvement of elementary and secondary education

Management Resources:**CSBA PUBLICATIONS**

Maximizing School Board Leadership: Curriculum, 1996

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Content Standards for California Public Schools: Kindergarten Through Grade 12

Curriculum Frameworks for California Public Schools: Kindergarten Through Grade 12

WEB SITES

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

Association for Supervision and Curriculum Development: <http://www.ascd.org>

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

California Association for Supervision and Curriculum Development: <http://www.cascd.org>

California Department of Education, Curriculum and Instruction: <http://www.cde.ca.gov/ci>

Instruction

AR 6141(a)

CURRICULUM DEVELOPMENT AND EVALUATION

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

Curriculum Review Committee

Note: The following optional section may be revised to reflect the composition of the district's curriculum review committee. Also see AR 6161.1 - Selection and Evaluation of Instructional Materials for legal requirements for substantial teacher involvement in the selection of instructional materials, which may include establishment of an instructional materials evaluation committee.

The Superintendent or designee may establish a curriculum review committee to evaluate and recommend curriculum for Board of Education approval. This committee shall consist of a majority of teachers and may also include administrators, other staff who have subject-matter expertise, parents/guardians, representatives of local businesses and postsecondary institutions, other community members, and students as appropriate. This committee may be the same committee charged with the evaluation and recommendation of instructional materials pursuant to Board policy and administrative regulation.

(cf. 1220 - Citizen Advisory Committees)
(cf. 1700 - Relations Between Private Industry and the Schools)
(cf. 6143 - Courses of Study)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

Curriculum Development/Selection Process

The Superintendent or designee shall research and identify available curriculum in the subject area(s) and grade level(s) scheduled for review. He/she may select a limited number of programs to present to the curriculum review committee for evaluation.

The committee shall recommend the curriculum that best meets the district's needs based on the following criteria and any additional factors deemed relevant by the committee:

1. Analysis of the effectiveness of the existing district curriculum for all students, including student achievement data disaggregated by grade level and student population

(cf. 0500 - Accountability)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)
(cf. 6190 - Evaluation of the Instructional Program)

2. Alignment of the proposed curriculum with expectations established by the Board and the State Board of Education as to what students need to know and be able to do in the subject(s) and grade level(s) under consideration

AR 6141(b)

CURRICULUM DEVELOPMENT AND EVALUATION (continued)*(cf. 0000 - Vision)**(cf. 0200 - Goals for the School District)**(cf. 6011 - Academic Standards)*

3. Evidence of proven effectiveness of the proposed curriculum in raising student achievement, including the research and learning theory upon which the curriculum is based
4. Applicability and accessibility of the curriculum to all students, including, but not limited to, underperforming students, students with disabilities, and English learners

*(cf. 0410 - Nondiscrimination in District Programs and Activities)**(cf. 0520.2 - Title I Program Improvement Schools)**(cf. 5149 - At-Risk Students)**(cf. 6159 - Individualized Education Program)**(cf. 6164.6 - Identification and Education Under Section 504)**(cf. 6174 - Education for English Language Learners)**(cf. 6179 - Supplemental Instruction)*

5. The estimated cost to purchase, adapt, and/or develop the curriculum
6. Resources required to implement the curriculum, such as time, facilities, instructional materials and technology, staffing, staff development, and funding

*(cf. 0440 - District Technology Plan)**(cf. 3100 - Budget)**(cf. 4131 - Staff Development)**(cf. 4143/4243 - Negotiations/Consultation)**(cf. 7110 - Facilities Master Plan)*

7. If the curriculum includes instructional materials, the extent to which the materials meet criteria established by law and the district
8. Any potential impact on other parts of the educational program

If it is determined that available prepackaged curriculum is not cost effective or is inadequate to meet the needs of the district's students, the Superintendent or designee may adapt curriculum or develop new curriculum. Curriculum modification or development shall be performed by teachers, school administrators, and district administrators, with support and assistance, when available, from curriculum experts from the county office of education, postsecondary institutions, and/or curriculum or professional associations. Any modified or new curriculum shall be reviewed by the curriculum committee in accordance with the above criteria prior to being recommended to the Board.

AR 6141(c)

CURRICULUM DEVELOPMENT AND EVALUATION (continued)

Upon approval by the Board, a new curriculum may be implemented in a limited number of schools or classrooms on a pilot basis so that modifications may be made as necessary before implementing the curriculum districtwide.

Regulation
approved:

ALBANY UNIFIED SCHOOL DISTRICT
Albany, California

Instruction

BP 6141.2(a)

RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS

Note: In February 2003, the U.S. Department of Education issued guidance on constitutionally protected prayer in public schools. Pursuant to 20 USC 7904, added by the No Child Left Behind Act, districts must annually certify to the California Department of Education that it does not have a policy that prevents, or otherwise denies participation in, constitutionally protected school prayer. While the guidance may provide some direction to school districts regarding issues surrounding religion in public schools, certain provisions may not give a complete picture of the state of the law for school districts in California. Because decisions of the 9th Circuit Court of Appeal (of which California is a part) and state court decisions reflecting the California Constitution may not be reflected in the guidance, districts with questions regarding religious issues in schools should consult legal counsel.

Use of school facilities by student religious clubs and other religious groups is governed by the Equal Access Act (20 USC 4071-4074) and Civic Center Act (Education Code 38130-38138), respectively; see BP/AR 6145.5 - Student Organizations and Equal Access and BP/AR 1330 - Use of School Facilities. For policy regarding distribution of flyers, including flyers containing religious materials, see BP/AR 1325 - Advertising and Promotion. For policy regarding absences for religious instruction or exercises pursuant to Education Code 46014, see BP/AR 5113 - Absences and Excuses. For policy regarding invocation at graduation ceremonies, see BP 5127 - Graduation Ceremonies and Activities.

The following optional policy should be carefully reviewed and modified to reflect district practice.

The Board of Education recognizes that students' education would be incomplete without an understanding of the role of religion in society. As appropriate for a particular course, teachers may objectively discuss the influences of various religions, using religious works and symbols to illustrate their relationship with culture, literature or the arts. The Board expects that such instruction will identify principles common to all religions and foster respect for the diversity of religions and customs in the world.

(cf. 6143 - Courses of Study)

In order to respect each student's individual right to freedom of religious practice, religious indoctrination is clearly forbidden in the public schools. Instruction about religion shall not promote or denigrate the beliefs or customs of any particular religion or sect, nor should a preference be shown for one religious viewpoint over another. Staff members shall be highly sensitive to their obligation not to interfere with the religious development of any student in whatever tradition the student embraces.

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

(cf. 1330 - Use of School Facilities)

(cf. 1325 - Advertising and Promotion)

(cf. 5113 - Absences and Excuses)

(cf. 6145.5 - Student Organizations and Equal Access)

BP 6141.2(b)

RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS (continued)

Staff shall not endorse, encourage or solicit religious or anti-religious expression or activities among students during class time. As part of their official duties, staff shall not lead students in prayer or other religious activities. However, staff shall not prohibit or discourage any student from praying or otherwise expressing his/her religious belief as long as this does not disrupt the classroom.

(cf. 5127 - Graduation Ceremony and Activities)

Students may express their beliefs about religion in their homework, artwork and other class work if the expression is germane to the assignment. Such work shall be judged by ordinary academic standards.

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

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 6144 - Controversial Issues)

(cf. 6154 - Homework/Make-up Work)

While teaching about religious holidays is a permissible part of the educational program, celebrating religious holidays is not allowed in the public schools. School-sponsored programs shall not be, nor have the effect of being, religiously oriented or a religious celebration. School and classroom decorations may express seasonal themes that are not religious in nature.

Music, art, literature or drama programs having religious themes are permitted as part of the curriculum for school-sponsored activities and programs if presented in an objective manner and as a traditional part of the cultural and religious heritage. The use of religious symbols that are part of a religious holiday is permitted as a teaching aid or resource provided that such symbols are displayed as an example of cultural and religious heritage of the holiday and are temporary in nature.

Legal Reference: (see next page)

BP 6141.2(c)

RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS (continued)*Legal Reference:*EDUCATION CODE

38130-38138 Civic Center Act

46014 Absences for religious purposes

51511 Religious matters properly included in courses of study

51938 Right of parent/guardian to excuse from sexual health instruction

UNITED STATES CODE, TITLE 20

4071-4074 Equal Access Act

6061 School prayer

7904 School prayer

COURT DECISIONSLassonde v. Pleasanton Unified School District, (2003, 9th Cir.) 320 F.3d 979Cole v. Oroville Union High School District, (2000, 9th Cir.) 228 F.3d 1092Lemon v. Kurtzman, (1971) 403 U.S. 602*Management Resources:*U.S. DEPARTMENT OF EDUCATION PUBLICATIONSGuidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools,
February 2003Religion in the Public Schools: A Joint Statement of Current Law, April 1995WEB SITESCalifornia Department of Education: <http://www.cde.ca.gov>U.S. Department of Education: <http://www.ed.gov>CSBA: <http://www.csba.org>

Instruction

AR 6141.2

RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS

Note: The following administrative regulation is optional and should be modified to reflect district practice.

Education Code 51938 specifies that a parent/guardian may request that his/her child be excused from sexual health and HIV/AIDS prevention education; see BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction for language implementing this requirement.

Staff shall make every effort to schedule one-time events, such as examinations, school-sponsored trips, special laboratories, picture-taking days and class parties, to minimize conflicts with major religious holidays of all faiths.

(cf. 6111 - School Calendar)

Programs and Exhibits

When school programs and exhibits are in any way related to instruction about religion or religious holidays, the following guidelines shall be observed:

1. The principal or designee shall ensure that school-sponsored programs are presented in an objective manner, consistent with Board policy.
2. The principal or designee shall be kept informed of the program's development.
3. Program or exhibit planners shall take into consideration the diverse religious faiths represented in the community, student body and staff.

Instruction

BP 6141.5(a)

ADVANCED PLACEMENT

Note: The following optional policy and administrative regulation are for use by districts that maintain high schools and may be revised to reflect district practice. Students who participate in Advanced Placement (AP) courses and pass AP examinations conducted by the College Board will receive college credit for those courses.

Education Code 52200-52212 provide funding for districts to develop educational opportunities for high-achieving and underachieving students in California public elementary and secondary schools who have been identified as gifted and talented. High schools often focus on AP and honors courses for their gifted and talented education program; see BP/AR 6172 - Gifted and Talented Student Program.

To encourage students to challenge themselves academically and to enable students to be more competitive when applying for admission to postsecondary institutions, the Board of Education shall provide opportunities for college-level coursework that will prepare interested high school students to pass Advanced Placement (AP) examinations.

(cf. 0200 - Goals for the School District)

(cf. 6172.1 - Concurrent Enrollment in College Classes)

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

The Board desires to provide at least four AP courses at each high school. The Superintendent or designee shall recommend subject areas for AP courses at each school based on student interest and the availability of qualified certificated staff, instructional materials, and other resources. The Superintendent or designee shall also explore alternative methods of delivering AP courses, such as online courses or distance learning.

The Superintendent or designee shall ensure that the district's educational program provides opportunities for students to acquire the skills necessary to successfully undertake AP coursework. To the extent possible, the Superintendent or designee shall collaborate with feeder middle schools in developing and implementing a preparation program.

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 6143 - Courses of Study)

All students who meet course prerequisites shall have equal access to AP courses.

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

Grades for AP courses shall be assigned in accordance with Board policy and administrative regulation.

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

BP 6141.5(b)

ADVANCED PLACEMENT (continued)

The Superintendent or designee shall make efforts to encourage students to participate in AP courses and to take end-of-course AP exams by creating support systems for AP students, such as resource centers and programs to recognize student accomplishments. In addition, the Superintendent or designee shall explore partnerships with colleges and universities to help encourage students to pursue postsecondary education.

(cf. 5126 - Awards for Achievement)

(cf. 6164.2 - Guidance/Counseling Services)

To increase the capacity of district schools to offer these courses, the Superintendent or designee shall provide staff development and support to AP teachers. Such professional development may include, but not be limited to, opportunities for teachers to obtain course-specific information, as well as information on instructional methods and data-driven decisions; mentoring for prospective AP teachers; and opportunities for staff within the district to share course syllabi and practices.

(cf. 4111 - Recruitment and Selection)

(cf. 4113 - Assignment)

(cf. 4131 - Staff Development)

Note: The College Board has created a voluntary audit process in order to provide guidelines for administrators and AP teachers regarding the curricular and resource requirements for AP courses. The AP audit specifies a set of expectations established by college and university faculty for college-level courses. Courses that meet or exceed these expectations will be authorized to use the "AP" designation on students' transcripts. In addition, approved courses are listed in the AP Course Ledger, which is used by colleges to confirm high school course content. Schools that offer the AP exam without labeling the school's courses as AP on students' transcripts do not need to participate in the audit.

The following optional paragraph is for use by districts that wish to participate in the AP audit.

The Board desires that every district AP course receive authorization to use the AP designation by the College Board. To that end, the Superintendent or designee shall coordinate the process for submitting courses for approval as part of the AP course audit.

Legal Reference: (see next page)

BP 6141.5(c)

ADVANCED PLACEMENT (continued)*Legal Reference:*EDUCATION CODE

48980 Parental notifications

52200-52212 Gifted and talented education program

52240-52244 Advanced Placement program

CODE OF REGULATIONS, TITLE 5

3840 Advanced Placement as program option for gifted and talented students

*Management Resources:*WEB SITESCSBA: <http://www.csba.org>Advancement Via Individual Determination: <http://www.avidcenter.org>California Colleges.edu: <http://californiacolleges.edu>

California Department of Education, Advanced Placement Programs:

<http://www.cde.ca.gov/ci/gs/ps/apgen.asp>College Board: <http://www.collegeboard.org/ap>U.S. Department of Education: <http://www.ed.gov>

Instruction

AR 6141.5

ADVANCED PLACEMENT

Note: The following regulation is for use by districts that receive state funding pursuant to Education Code 52244 to cover the costs of Advanced Placement examination fees for economically disadvantaged students.

SB 1689 (Ch. 73, Statutes of 2001) amended Education Code 48980 to require the following notification to parents/guardians.

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians on the availability of state funds to cover the costs of Advanced Placement examination fees pursuant to Education Code 52244. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

Any economically disadvantaged student, as defined in Education Code 52241, who is enrolled in an Advanced Placement course may apply to the Superintendent or designee to cover the costs of Advanced Placement examination fees minus five dollars which shall be paid by the student. (Education Code 52244)

Regulation
approved:

ALBANY UNIFIED SCHOOL DISTRICT
Albany, California

Instruction

BP 6141.6

MULTICULTURAL EDUCATION

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

To foster intercultural understanding, communication and respect in an increasingly diverse society, curriculum and instruction at all grade levels shall reflect the perspective and experiences of various cultural, ethnic, racial and social groups. The Board of Education desires that multicultural education be integrated across the curriculum into as many subjects as possible rather than providing isolated lessons on different cultures.

The district's comprehensive multicultural education program shall recognize the contributions of different groups of people to the history, life and culture of the local community, California, the United States and other nations. It may include but not be limited to instruction about the languages, cultural characteristics, significant events and individuals, and social, political and economic conditions of various ethnic groups.

While recognizing the unique aspects of different cultures and peoples, multicultural education shall also emphasize commonalities and challenge the stereotypes and biases that inhibit intergroup understanding. Multicultural education also shall be designed to contribute to the personal development of students through greater self-understanding, positive self-concept and pride in one's ethnic identity.

(cf. 0410 - *Nondiscrimination in District Programs and Activities*)
 (cf. 5137 - *Positive School Climate*)
 (cf. 6115 - *Ceremonies and Observances*)
 (cf. 6141.2 - *Recognition of Religious Beliefs and Customs*)
 (cf. 6161.1 - *Selection and Evaluation of Instructional Materials*)

*Legal Reference:*EDUCATION CODE60040 *Portrayal of cultural and racial diversity**Management Resources:*WEB SITES*California Arts Project: www.ucop.edu/tcap*

Instruction

BP 6142.1(a)

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION

Note: The following policy and accompanying administrative regulation are optional. Education Code 51934 requires districts to provide HIV/AIDS prevention instruction to students in grades 7-12. Pursuant to Education Code 51933, districts are not required to provide comprehensive sexual health education; however, if such instruction is provided, it must satisfy all of the criteria listed in Education Code 51933. See the accompanying administrative regulation.

During the Categorical Program Monitoring (CPM) review, California Department of Education (CDE) staff will review the district's policies and procedures regarding HIV/AIDS instruction. The following paragraph reflects the purposes of the law as stated in Education Code 51930, as well as the desired outcomes of the CPM review.

The Board of Education recognizes that the purpose of the district's sexual health and HIV/AIDS prevention instruction is to provide students with the knowledge and skills necessary to protect them from unintended pregnancy and sexually transmitted diseases and to encourage students to develop healthy attitudes concerning adolescent growth and development, body image, gender roles, sexual orientation, dating, marriage, and family. The Board therefore desires to provide a well-planned sequence of instruction on comprehensive sexual health and HIV/AIDS prevention.

(cf. 5030 - Student Wellness)

(cf. 6142.8 - Comprehensive Health Education)

Note: In 2008, the State Board of Education adopted voluntary content standards for health education as required by Education Code 51210.8. One of the six content areas is growth, development, and sexual health. See BP/AR 6142.8 - Comprehensive Health Education.

The district's curriculum shall be aligned with the state's content standards, based on medically accurate and factual information, and designed to teach students to make healthy choices and reduce high-risk behaviors. The district's program shall comply with the requirements of law, Board policy, and administrative regulation and shall respect the rights of parents/guardians to supervise their children's education on these subjects and to impart values regarding human sexuality to their children.

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.25 - Availability of Condoms)

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

(cf. 6143 - Courses of Study)

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

The Superintendent or designee may appoint a coordinator and/or an advisory committee regarding the district's comprehensive sexual health program. The advisory committee shall represent a divergence of viewpoints and may participate in planning, implementing, and evaluating the district's comprehensive sexual health education program. The Board shall consider the advisory committee's recommendations when approving the district's program.

(cf. 1220 - Citizen Advisory Committees)

BP 6142.1(b)

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)**Parent/Guardian Consent**

Note: Prior to providing instruction in sexual health or HIV/AIDS prevention, Education Code 51938 requires districts to notify parents/guardians of the instruction and of the opportunity to request that their child not receive the instruction. See the accompanying administrative regulation for details of the required notice.

According to the CDE, Education Code 51938 requires districts to use a "passive consent" or "opt-out" model regarding HIV/AIDS prevention instruction, whereby the student receives the instruction unless the parent/guardian otherwise notifies the district. However, according to the CDE, districts may choose to use an "active consent" or "opt-in" model regarding comprehensive sexual health instruction, whereby the parent/guardian must first give affirmative consent before his/her child receives sexual health instruction. Districts that wish to adopt an active consent/opt-in model for sexual health instruction should modify the following paragraph accordingly.

A parent/guardian may request in writing that his/her child be excused from participating in HIV/AIDS prevention or sexual health education. Students so excused by their parents/guardians shall be given an alternative educational activity. (Education Code 51240, 51939)

(cf. 5022 - Student and Family Privacy Rights)

A student shall not be subject to disciplinary action, academic penalty, or other sanction if the student's parent/guardian declines to permit the student to receive the instruction. (Education Code 51939)

Note: Pursuant to Education Code 51938 and 51513, the district may administer to students in grades 7-12 an anonymous, voluntary survey regarding sexual behaviors upon providing written parent/guardian notification and allowing parents/guardians to request in writing that the survey not be administered (i.e., "passive consent"). Parents/guardians of students below grade 7 must give permission (i.e., "active consent") before the research instrument is administered to their child. In addition, 20 USC 1232h mandates districts to adopt a policy regarding the district's arrangements to protect student privacy when such a survey is administered. See BP/AR 5022 - Student and Family Privacy Rights for language implementing this requirement.

Legal Reference: (see next page)

BP 6142.1(c)

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)**Legal Reference:****EDUCATION CODE**

220 Prohibition of discrimination

48980 Notice at beginning of term

51202 Instruction in personal and public health and safety

51210.8 Health education curriculum

51240 Excuse from instruction due to religious beliefs

51513 Materials containing questions about beliefs or practices

51930-51939 Comprehensive Sexual Health and HIV/AIDS Prevention Education Act

HEALTH AND SAFETY CODE

1255.7 Parents surrendering physical custody of a baby

PENAL CODE

243.4 Sexual battery

261.5 Unlawful sexual intercourse

271.5 Parents voluntarily surrendering custody of a baby

UNITED STATES CODE, TITLE 20

1232h Protection of student rights

7906 Sex education

Management Resources:**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS****Health Education Content Standards for California Public Schools, Kindergarten Through Grade 12, 2008****Health Framework for California Public Schools: Kindergarten through Grade 12, 2003****WEB SITES**CSBA: <http://www.csba.org>American Academy of Pediatrics: <http://www.aap.org>American College of Obstetricians and Gynecologists: <http://www.acog.org>American Public Health Association: <http://www.apha.org>

California Department of Education, Sex Education and HIV/STD Instruction:

<http://www.cde.ca.gov/ls/he/se>California Department of Public Health: <http://www.cdph.ca.gov>California Healthy Kids Resource Center: <http://www.californiahealthykids.org>California Safe Schools Coalition: <http://www.casafeschools.org>Centers for Disease Control and Prevention: <http://www.cdc.gov>National Academy of Sciences: <http://www.nationalacademies.org>

U.S. Department of Health and Human Services, Office of the Surgeon General:

<http://www.surgeongeneral.gov>U.S. Food and Drug Administration: <http://www.fda.gov>

Instruction

AR 6142.1(a)

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION

Note: The following administrative regulation is optional. Education Code 51934 requires districts to provide HIV/AIDS prevention instruction to students in grades 7-12. Pursuant to Education Code 51933, districts are not required to provide comprehensive sexual health education; however, if such instruction is provided, it must contain all of the components listed in Education Code 51933.

Instruction and Materials

Note: The following section lists the requirements of Education Code 51933 and 51934 that are applicable to both HIV/AIDS prevention and sexual health instruction. Districts that do not offer comprehensive sexual health instruction should delete references to that program. During the Categorical Program Monitoring (CPM) process, California Department of Education (CDE) staff will check to see if the district's HIV/AIDS prevention instruction and materials comply with items #1-7 below.

The Superintendent or designee shall ensure that the district's sexual health and HIV/AIDS prevention instruction and materials are: (Education Code 51933, 51934):

1. Age appropriate

Age appropriate refers to topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

2. Factually and medically accurate and objective

Medically accurate means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists.

3. Available on an equal basis to a student who is an English learner, consistent with the existing curriculum and alternative options for an English learner, as otherwise provided in the Education Code

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

4. Appropriate for use with students of all races, genders, sexual orientations, and ethnic and cultural backgrounds, and students with disabilities

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

AR 6142.1(b)

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)*(cf. 1312.3 - Uniform Complaint Procedures)*

5. Accessible to students with disabilities, including, but not limited to, the provision of a modified curriculum, materials, and instruction in alternative formats and auxiliary aids
6. Not teaching or promoting religious doctrine
7. Not reflecting bias or promoting prejudice against students in protected categories of discrimination pursuant to Education Code 220

(cf. 5145.3 - Nondiscrimination/Harassment)

Note: Education Code 51931 defines "HIV/AIDS prevention instruction" as instruction on the nature of HIV/AIDS, methods of transmission, strategies to reduce the risk of HIV infection, and social and public health issues related to HIV/AIDS. Education Code 51931 defines "comprehensive sexual health instruction" as education regarding human development and sexuality, including education on pregnancy, family planning, and sexually transmitted diseases. Education Code 51932 specifies that, when human reproductive organs are described in a separate instructional context, such as an illustration in a physiology textbook, this instruction shall not be considered comprehensive sexual health instruction or HIV/AIDS prevention instruction. Similarly, when gender, sexual orientation, and family life are addressed in a separate instructional context, such as social studies, which does not also discuss human reproductive organs and their function, this instruction shall not be considered comprehensive sexual health instruction or HIV/AIDS prevention instruction. Education Code 51930-51939 requirements pertaining to instructional content, teacher training, and parental notification and consent do not apply to instruction that is not sexual health instruction or HIV/AIDS prevention instruction as defined.

Other district courses that may include subject matter related to that which is presented in either HIV/AIDS prevention or comprehensive sexual health instruction, shall not be subject to the requirements of Education Code 51930-51939 pertaining to instructional content, teacher training, and parental notification and consent, if such courses contain: (Education Code 51932)

1. Solely a description or illustration of human reproductive organs that may appear in a textbook adopted pursuant to law on physiology, biology, zoology, general science, personal hygiene, or health

*(cf. 6142.8 - Comprehensive Health Education)**(cf. 6142.93 - Science Instruction)*

2. Instruction or materials that discuss gender, sexual orientation, or family life and do not discuss human reproductive organs and their function

(cf. 6143 - Courses of Study)

AR 6142.1(c)

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)**Additional Requirements for HIV/AIDS Prevention Instruction**

HIV/AIDS prevention instruction shall be offered at least once in junior high or middle school and once in high school. (Education Code 51934)

Note: Education Code 51934 requires districts to provide HIV/AIDS prevention instruction to students in grades 7-12. In addition to items #1-7 listed in the section entitled "Instruction and Materials" above, during the CPM process, CDE staff will check to ensure that the district's instruction includes all of the components listed in items #1-7 below.

Instruction shall accurately reflect the latest information and recommendations from the United States Surgeon General, the federal Centers for Disease Control and Prevention, and the National Academy of Sciences. The district's curriculum shall satisfy the criteria listed in items #1-7 in the section entitled "Instruction and Materials" above and shall also include: (Education Code 51931, 51934)

1. Information on the nature of HIV/AIDS and its effects on the human body
2. Information on the manner in which HIV is and is not transmitted, including information on activities that present the highest risk of HIV infection
3. Discussion of methods to reduce the risk of HIV infection, including:
 - a. Emphasis that sexual abstinence, monogamy, the avoidance of multiple sexual partners, and abstinence from intravenous drug use are the most effective means for HIV/AIDS prevention
 - b. Statistics based upon the latest medical information citing the failure and success rates of condoms and other contraceptives in preventing sexually transmitted HIV infection
 - c. Information on other methods that may reduce the risk of HIV transmission from intravenous drug use
4. Discussion of the public health issues associated with HIV/AIDS
5. Information on local resources for HIV testing and medical care
6. Development of refusal skills to assist students in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities
7. Discussion about societal views on HIV/AIDS, including stereotypes and myths

AR 6142.1(d)

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)

regarding persons with HIV/AIDS and emphasizing compassion for persons living with HIV/AIDS

Additional Requirements for Sexual Health Instruction

Note: Education Code 51933 specifies that, if a district elects to provide sexual health instruction, the instruction must comply with all of the criteria specified below as well as items #1-7 in the section entitled "Instruction and Materials" above. The following optional section is for use by districts that provide sexual health instruction and should be deleted by districts that do not offer such curriculum.

The district's sexual health education curriculum shall satisfy the criteria listed in items #1-7 in the section entitled "Instruction and Materials" above as well as the following criteria: (Education Code 51931, 51933)

1. Instruction and materials shall encourage a student to communicate with his/her parents/guardians about human sexuality.
2. Instruction and materials shall teach respect for marriage and committed relationships.

Note: Pursuant to Education Code 51933, a district's sexual health education program for students in grades 7-12 must also include the criteria listed in items #3-7 below. At their discretion, districts offering sexual health instruction for students in grades 1-6 may also offer medically accurate and age-appropriate instruction on any of the general topics listed in items #3-7 below.

3. Beginning in grade 7, instruction and materials shall teach that abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy, teach that abstinence from sexual activity is the only certain way to prevent sexually transmitted diseases, and provide information about the value of abstinence while also providing medically accurate information on other methods of preventing pregnancy and sexually transmitted diseases.
4. Beginning in grade 7, instruction and materials shall provide information about sexually transmitted diseases. This instruction shall include how sexually transmitted diseases are and are not transmitted, the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods of reducing the risk of contracting sexually transmitted diseases, and information on local resources for testing and medical care for sexually transmitted diseases.
5. Beginning in grade 7, instruction and materials shall provide information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception.

(cf. 5141.25 - Availability of Condoms)

AR 6142.1(e)

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)

6. Beginning in grade 7, instruction and materials shall provide students with skills for making and implementing responsible decisions about sexual conduct.

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

7. Beginning in grade 7, instruction and materials shall provide students with information on the law concerning surrendering physical custody of a minor child 72 hours or younger, pursuant to Health and Safety Code 1255.7 and Penal Code 271.5.

(cf. 6143 - Courses of Study)

Professional Development

The district's instruction shall be provided by instructors trained in the appropriate courses who are knowledgeable of the most recent medically accurate research on human sexuality, pregnancy, and sexually transmitted diseases. (Education Code 51932, 51933, 51934)

Note: During the CPM process, CDE staff will check to ensure that the district has provided professional development in accordance with the requirements of Education Code 51935 as specified below.

The Superintendent or designee shall cooperatively plan and conduct in-service training for all district personnel who provide HIV/AIDS prevention education, through regional planning, joint powers agreements, or contract services. (Education Code 51935)

(cf. 4131 - Staff Development)

In developing and providing in-service training, the Superintendent or designee shall cooperate and collaborate with the teachers who provide HIV/AIDS prevention education and with the California Department of Education (CDE). (Education Code 51935)

The district shall periodically conduct in-service training to enable district personnel to learn new developments in the scientific understanding of HIV/AIDS. In-service training shall be voluntary for district personnel who have demonstrated expertise or received in-service training from the CDE or federal Centers for Disease Control and Prevention. (Education Code 51935)

Note: The following optional paragraph is for use by districts that choose to offer in-service training for instructors of sexual health education.

The Superintendent or designee may expand HIV/AIDS in-service training to cover the topic of comprehensive sexual health education for district personnel teaching sexual health education to learn new developments in the scientific understanding of sexual health. (Education Code 51935)

AR 6142.1(f)

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)**Use of Consultants or Guest Speakers**

Note: Pursuant to Education Code 51933 and 51934, the district's HIV/AIDS prevention or sexual health instruction may be taught by outside consultants or delivered by guest speakers at an assembly and any such instruction must comply with the same requirements as instruction provided by the district and in accordance with Education Code 51930-51939.

If the district elects to use guest speakers, parents/guardians must be provided additional notice about the speaker and his/her organization; see item #4 in the section below entitled "Parent/Guardian Notification."

The Superintendent or designee may contract with outside consultants with expertise in comprehensive sexual health or HIV/AIDS prevention education, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver the instruction or to provide training for district personnel. The Superintendent or designee shall ensure that any instruction provided by an outside speaker or consultant complies with Board policy, administrative regulation, and Education Code 51930-51939. (Education Code 51933, 51934, 51936)

(cf. 6145.8 - Assemblies and Special Events)

Parent/Guardian Notification

Note: Education Code 51938 requires the district to provide parents/guardians the following notification. During the CPM review, the CDE will check to ensure that the notification was provided and contains the information required by Education Code 51938, as listed in items #1-4 below. A sample notification letter is available on the CDE's web site. Districts that do not offer curriculum in sexual health education should delete references to that program.

At the beginning of each school year, or at the time of a student's enrollment, parents/guardians shall be notified about instruction in comprehensive sexual health education and HIV/AIDS prevention education, as well as research on student health behaviors and risks, planned for the coming year. The notice shall advise parents/guardians: (Education Code 48980, 51938)

1. That written and audiovisual educational materials to be used in comprehensive sexual health and HIV/AIDS prevention education are available for inspection
2. That parents/guardians may request in writing that their child not receive comprehensive sexual health or HIV/AIDS prevention education
3. That parents/guardians have a right to request a copy of Education Code 51930-51939
4. Whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by district personnel or outside consultants

AR 6142.1(g)

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)

If the district chooses to use outside consultants or to hold an assembly with guest speakers to teach the comprehensive sexual health or HIV/AIDS prevention education, the notification shall include: (Education Code 51938)

- a. The date of the instruction
- b. The name of the organization or affiliation of each guest speaker
- c. Information stating the right of the parent/guardian to request a copy of Education Code 51933-51934

If the arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the district shall notify parents/guardians by mail or another commonly used method of notification no fewer than 14 days before the instruction is given. (Education Code 51938)

(cf. 5145.6 - Parental Notifications)

Note: The following paragraph is optional and should be modified to reflect district practice. For information regarding parent/guardian consent for the instruction, see the section entitled "Parent/Guardian Consent" in the accompanying Board policy.

Parents/guardians shall be asked to sign and return to the school an acknowledgment that they have received the notification. If a parent/guardian wishes to excuse his/her child from instruction, he/she must provide a separate written request, as specified in Board policy.

Instruction

BP 6142.7(a)

PHYSICAL EDUCATION

The Board of Education recognizes the positive benefits of physical activity for student health and academic achievement and encourages each student to take advantage of the various opportunities for physical activity offered by the district.

The Board desires to provide a physical education program which builds interest and proficiency in movement skills and encourages students' lifelong fitness through physical activity. Besides promoting high levels of personal achievement and a positive self-image, physical education activities should teach students how to cooperate in the achievement of common goals.

(cf. 5121 – Grades/Evaluation of Student Achievement)
(cf. 6142.8 – Comprehensive Health Education)
(cf. 6145.2 – Athletic Competition)
(cf. 6146.1 – High School Graduation Requirements)

The Board shall approve the components of the physical education program.

(cf. 6143 – Courses of Study)
(cf. 6146.1 – High School Graduation Requirements)

Physical education staff shall take special care to ensure that excessive physical exertion is not required of students who have informed staff of a heart or respiratory condition or other physical disability that may restrict such activity. An appropriate alternative shall be provided for these students.

(cf. 6164.6 – Identification and Education under Section 504)

Physical education staff shall appropriately limit the amount or type of physical exercise required of students during air pollution episodes, hot weather, or other inclement conditions.

(cf. 3516 – Emergencies and Disaster Preparedness Plan)

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

- A student is enrolled for one-half time or less.
- A student is ill or injured and a modified program to meet his/her needs cannot be provided.

The Superintendent or designee may grant permanent exemptions from physical education for a student who is either:

- Age 16 years or older and has been in grade 10 for one or more academic years

BP 6142.7(b)

PHYSICAL EDUCATION (continued)

- Enrolled as a postgraduate student
- Enrolled in a juvenile home, ranch, camp or forestry camp school with recreation and exercise scheduled

The Superintendent or designee may exempt a high school student from physical education if he/she is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code 51242)

*Legal Reference:*EDUCATION CODE

33126 School accountability report card
 33350-33354 CDE responsibilities re: physical education
 35256 School accountability report card
 49066 Grades; physical education class
 51210 Course of study, grades 1-6
 51220 Course of study, grades 7-12
 51222 Physical education
 51223 Physical education, elementary schools
 51241 Temporary or permanent exemption from physical education
 51242 Exemption from physical education for athletic program participants
 52316 Excuse from attending physical education classes
 60800 Physical performance test

CODE OF REGULATIONS, TITLE 5

1040-1048 Physical performance test
 3051.5 Adapted physical education for individuals with exceptional needs
 10060 Criteria for high school physical education programs

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

1751 Note Local wellness policy

ATTORNEY GENERAL OPINIONS

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

Management Resources: (see next page)

BP 6142.7(c)

PHYSICAL EDUCATION (continued)*Management Resources:***CSBA PUBLICATIONS***Physical Education and California Schools, Policy Brief, rev. October 2007**Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007**Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006***CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES***0418.89 Physical Education, April 18, 1989***CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS***Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12, January 2005**Physical Education Framework for California Public Schools: Kindergarten Through Grade 12, 1996***CALIFORNIA DEPARTMENT OF HEALTH SERVICES PUBLICATIONS***School Idea and Resource Mini Kit, 2000***CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS***School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2000***NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS***Fit, Healthy and Ready to Learn, 2000***WEB SITES***CSBA: <http://www.csba.org>**California Department of Education, Physical Fitness Testing: <http://www.cde.ca.gov/ta/tg/pf>**California Department of Health Services, School Health Connections:**<http://www.dhs.ca.gov/ps/cdic/shc/default.htm>**California Healthy Kids Resource Center: <http://www.californiahealthykids.org>**Centers for Disease Control and Prevention: <http://www.cdc.gov>**Educational Data System, California physical fitness: <http://www.eddata.com/projects/current/cpf>**FITNESSGRAM[®], Cooper Institute: <http://www.fitnessgram.net>**Healthy People 2010: <http://www.healthypeople.gov>**National Association for Sports and Physical Education: <http://www.aahperd.org/naspe>**National Association of State Boards of Education (NASBE): <http://www.nasbe.org>**National School Boards Association: <http://www.nsba.org>**The California Endowment: <http://www.calendow.org>*

Instruction

AR 6142.7

PHYSICAL EDUCATION

Instruction in physical education shall be provided for a total period of time of not less than 200 minutes each 10 school days for students in grades 1 through 6 and not less than 400 minutes each 10 school days for students in grades 7 through 12. (Education Code 51210, 51222)

During the month of February, April or May, students in grades 5, 7, and 9 shall undergo the physical performance testing designated by the State Board of Education. Students with a physical disability and students who are physically unable to take the entire test shall undergo as much of the test as their physical condition will permit. (Education Code 60800)

In order to ensure that students engage in healthful levels of vigorous physical activity:

1. Schools shall establish specific learning goals and objectives for physical education. A sequential, developmentally appropriate curriculum shall be designed, implemented, and evaluated to help students develop the knowledge, motor skills, self-management skills, attitudes, and confidence needed to become and remain physically active throughout their lives.
2. Professional development opportunities for physical education should be available to teachers and administrators.
3. Students shall be encouraged to walk, bike or otherwise "actively commute" to and from school.
4. Expanded opportunities for lunchtime and after school physical activity for students and staff will continue to be developed.

Instruction

BP 6142.8(a)

COMPREHENSIVE HEALTH EDUCATION

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

The Board of Education believes that health education should foster the knowledge, skills, and attitudes that students need in order to lead healthy lives and avoid high-risk behaviors. The district's health education program shall be part of a coordinated school health system which supports the well-being of students and is linked to district and community services and resources.

(cf. 1020 - Youth Services)
 (cf. 3513.3 - Tobacco-Free Schools)
 (cf. 3514 - Environmental Safety)
 (cf. 3550 - Food Service/Child Nutrition Program)
 (cf. 3554 - Other Food Sales)
 (cf. 5131.6 - Alcohol and Other Drugs)
 (cf. 5131.63 - Steroids)
 (cf. 5141.22 - Infectious Diseases)
 (cf. 5141.23 - Asthma Management)
 (cf. 5141.3 - Health Examinations)
 (cf. 5141.32 - Health Screening for School Entry)
 (cf. 5141.4 - Child Abuse Prevention and Reporting)
 (cf. 5141.6 - School Health Services)
 (cf. 5141.7 - Sun Safety)
 (cf. 5142 - Safety)
 (cf. 5146 - Married/Pregnant/Parenting Students)
 (cf. 6164.2 - Guidance/Counseling Services)

Note: The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1751 Note) requires each district participating in the National School Lunch program (42 USC 1751-1769) or any program in the Child Nutrition Act of 1966, including the School Breakfast Program (42 USC 1771-1791), to adopt a districtwide school wellness policy which includes goals for nutrition education and physical education. See BP 5030 - Student Wellness for language fulfilling this mandate.

Goals for the district's health education program shall be designed to promote student wellness and shall include, but not be limited to, goals for nutrition education and physical activity.

(cf. 0200 - Goals for the School District)
 (cf. 5030 - Student Wellness)
 (cf. 6142.7 - Physical Education)

Note: The following optional paragraph should be revised as necessary to reflect grade levels offered by the district. Education Code 51210 requires that the adopted course of study for grades 1-6 include instruction in health, including instruction in the principles and practices of individual, family, and community health.

BP 6142.8(b)

COMPREHENSIVE HEALTH EDUCATION (continued)

Education Code 51202 requires that certain health-related topics be addressed at the appropriate elementary and secondary grade levels and in appropriate subject areas, as determined by the district. Education Code 51934 requires that students be provided HIV/AIDS prevention instruction at least once in middle school or junior high school and at least once in high school. See AR 6143 - Courses of Study and BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction.

In March 2008, the State Board of Education adopted voluntary content standards for health education as required by Education Code 51210.8; see the accompanying administrative regulation. The state's Health Framework for California Public Schools, scheduled to be revised in 2010 to reflect the content standards, provides nonprescriptive guidance on the scope and sequence of the health curriculum.

The district shall provide a planned, sequential, research-based, and developmentally appropriate health education curriculum for students in grades K-12 which is aligned with the state's content standards and curriculum framework. The Superintendent or designee shall determine the grade levels and subject areas in which health-related topics will be addressed, in accordance with law, Board policy, and administrative regulation.

(cf. 6011 - Academic Standards)

(cf. 6141 - Curriculum Development and Evaluation)

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

(cf. 6143 - Courses of Study)

Note: The following optional paragraph may be revised to reflect district practice. Education Code 51890 defines a "comprehensive health education program" as one that includes community participation in the classroom. Education Code 51891 defines "community participation" as including participation by parents/guardians, practicing health care and public safety personnel, and public and private health care and service agencies in the planning, implementation, and evaluation of the program.

As appropriate, the Superintendent or designee shall involve school administrators, teachers, school nurses, health professionals representing various fields of health care, parents/guardians, community-based organizations, and other community members in the development, implementation, and evaluation of the district's health education program. Health and safety professionals may be invited to provide related instruction in the classroom, school assemblies, and other instructional settings.

(cf. 1220 - Citizen Advisory Committees)

(cf. 1240 - Volunteer Assistance)

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

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

(cf. 6020 - Parent Involvement)

(cf. 6145.8 - Assemblies and Special Events)

(cf. 6162.8 - Research)

The Superintendent or designee shall provide professional development as needed to ensure that health education teachers are knowledgeable about academic content standards and effective instructional methodologies.

BP 6142.8(c)

COMPREHENSIVE HEALTH EDUCATION (continued)*(cf. 4131 - Staff Development)*

Note: The following optional paragraph should be revised to reflect indicators agreed upon by the Board of Education and Superintendent for evaluating the district's health education program.

The Superintendent or designee shall provide periodic reports to the Board regarding the implementation and effectiveness of the district's health education program which may include, but not be limited to, a description of the district's program and the extent to which it is aligned with the state's content standards and curriculum framework, the amount of time allotted for health instruction at each grade level, and student achievement of district standards for health education.

*(cf. 0500 - Accountability)**(cf. 6190 - Evaluation of the Instructional Program)***Legal Reference:****EDUCATION CODE**8850.5 *Family relationships and parenting education*35183.5 *Sun protection*49413 *First aid training*49430-49436 *Pupil Nutrition, Health and Achievement Act of 2001*49490-49494 *School breakfast and lunch programs*49500-49505 *School meals*51202 *Instruction in personal and public health and safety*51203 *Instruction on alcohol, narcotics and dangerous drugs*51210 *Areas of study*51210.8 *State content standards for health education*51220.5 *Parenting skills; areas of instruction*51260-51269 *Drug education*51513 *Personal beliefs*51880-51881.5 *Health education, legislative findings and intent*51890-51891 *Comprehensive health education programs*51913 *District health education plan*51920 *Inservice training, health education*51930-51939 *Comprehensive sexual health and HIV/AIDS prevention education***CALIFORNIA CODE OF REGULATIONS, TITLE 5**11800-11801 *District health education plan***Management Resources:****CSBA PUBLICATIONS***Asthma Management in the Schools, Policy Brief, March 2008**Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007**Physical Education and California Schools, Policy Brief, rev. October 2007**Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, Policy Brief, March 2007**Management Resources continued: (see next page)*

BP 6142.8(d)

COMPREHENSIVE HEALTH EDUCATION (continued)*Management Resources: (continued)*CSBA PUBLICATIONS (continued)*Sun Safety in Schools, Policy Brief, July 2006**Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006*AMERICAN ASSOCIATION FOR HEALTH EDUCATION PUBLICATIONS*National Health Education Standards: Achieving Excellence, 2007*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve, 2008**Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003*WEB SITESCSBA: <http://www.csba.org>American Association for Health Education: <http://www.aahperd.org>American School Health Association: <http://www.ashaweb.org>California Association of School Health Educators: <http://www.cashe.org>California Department of Education, Health Education: <http://www.cde.ca.gov/ci/he>California Department of Public Health: <http://www.cdph.ca.gov>California Healthy Kids Resource Center: <http://www.californiahealthykids.org>California Subject Matter Project, Physical Education-Health Project: <http://csmp.ucop.edu/cpehp>Center for Injury Prevention Policy and Practice: <http://www.cipp.org>Centers for Disease Control and Prevention: <http://www.cdc.gov>National Center for Health Education: <http://www.nche.org>National Hearing Conservation Association: <http://www.hearingconservation.org>

Instruction

AR 6142.8(a)

COMPREHENSIVE HEALTH EDUCATION**Content of Instruction**

Note: Items #1-6 below reflect six content areas delineated in the voluntary content standards for health education adopted by the State Board of Education in March 2008. The district may revise the following list to reflect the topics to be addressed in the district's program.

The district's health education program shall include instruction at the appropriate grade levels in the following content areas:

1. Alcohol, tobacco, and other drugs

(cf. 3513.3 - *Tobacco-Free Schools*)
 (cf. 5131.6 - *Alcohol and Other Drugs*)
 (cf. 5131.63 - *Steroids*)

2. Human growth, development, and sexual health

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

Note: The optional paragraph under item #3 below includes examples of topics that are addressed in the state content standards within the content area of injury prevention and safety. In addition, pursuant to Education Code 51940, districts may, on a voluntary basis, use curricula distributed by the California Healthy Kids Resource Center that focuses on prevention of brain and spinal cord injuries.

3. Injury prevention and safety

Instruction related to injury prevention and safety may include, but is not limited to, first aid, protective equipment such as helmets, prevention of brain and spinal cord injuries, violence prevention, topics related to bullying and harassment, and Internet safety.

(cf. 0450 - *Comprehensive Safety Plan*)
 (cf. 3543 - *Transportation Safety and Emergencies*)
 (cf. 5131 - *Conduct*)
 (cf. 5138 - *Conflict Resolution/Peer Mediation*)
 (cf. 5142 - *Safety*)
 (cf. 5145.3 - *Nondiscrimination/Harassment*)
 (cf. 5145.7 - *Sexual Harassment*)
 (cf. 5145.9 - *Hate-Motivated Behavior*)
 (cf. 6163.4 - *Student Use of Technology*)

4. Mental, emotional, and social health

(cf. 5137 - *Positive School Climate*)
 (cf. 5141.52 - *Suicide Prevention*)
 (cf. 5149 - *At-Risk Students*)

AR 6142.8(b)

COMPREHENSIVE HEALTH EDUCATION (continued)**5. Nutrition and physical activity***(cf. 3550 - Food Service/Child Nutrition Program)**(cf. 5030 - Student Wellness)**(cf. 6142.7 - Physical Education)*

Note: The optional paragraph under item #6 below includes examples of topics that are addressed in the state content standards within the content area of personal and community health.

6. Personal and community health

Instruction in personal and community health may include, but is not limited to, oral health, personal hygiene, sun safety, hearing protection, transmission of germs and communicable diseases, symptoms of common health problems and chronic diseases such as asthma and diabetes, emergency procedures, and the effect of behavior on the environment.

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)**(cf. 5141 - Health Care and Emergencies)**(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)**(cf. 5141.22 - Infectious Diseases)**(cf. 5141.23 - Asthma Management)**(cf. 5141.7 - Sun Safety)**(cf. 5146 - Married/Pregnant/Parenting Students)**(cf. 6142.5 - Environmental Education)*

Note: Items #1-6 below combine eight "overarching standards" described in the state content standards as essential concepts and skills to be taught to students.

Within each of the above content areas, instruction shall be designed to assist students in developing:

1. An understanding of essential concepts related to enhancing health
2. The ability to analyze internal and external influences that affect health
3. The ability to access and analyze health information, products, and services

(cf. 5141.6 - School Health Services)

4. The ability to use interpersonal communication skills, decision-making skills, and goal-setting skills to enhance health
5. The ability to practice behaviors that reduce risk and promote health

AR 6142.8(c)

COMPREHENSIVE HEALTH EDUCATION (continued)

6. The ability to promote and support personal, family, and community health

Exemption from Health Instruction

Note: Pursuant to Education Code 51513, districts may not administer exams, surveys, or questionnaires containing questions about a student's or his/her family's personal beliefs or practices in sex, family life, morality, and religion unless the student's parent/guardian has provided prior written consent. See AR 5022 - Student and Family Privacy Rights.

Upon written request from a parent/guardian, a student shall be excused from any part of health instruction that conflicts with his/her religious training and beliefs, including personal moral convictions. (Education Code 51240)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5022 - Student and Family Privacy Rights)

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

(cf. 6145.8 - Assemblies and Special Events)

Students so excused shall be given an alternative educational activity.

Involvement of Health Professionals

Health care professionals, health care service plans, health care providers, and other entities participating in a voluntary initiative with the district are prohibited from communicating about a product or service in a way that is intended to encourage persons to purchase or use the product or service. However, the following activities may be allowed: (Education Code 51890)

1. Health care or health education information provided in a brochure or pamphlet that contains the logo or name of a health care service plan or health care organization, if provided in coordination with the voluntary initiative
2. Outreach, application assistance, and enrollment activities relating to federal, state, or county-sponsored health care insurance programs

(cf. 1325 - Advertising and Promotion)

All schools are encouraged to develop school gardens. Gardens can promote the link between food choices, physical activity, and health in a way that is hands-on and integrated into the standards-based curriculum.

Ways to establish on-site cooking equipment/facilities shall be explored, and methods to incorporate cooking into class nutrition lessons shall be pursued.

Regulation
approved:

ALBANY UNIFIED SCHOOL DISTRICT
Albany, California

Instruction

BP 6142.91(a)

READING/LANGUAGE ARTS INSTRUCTION

The Board of Education recognizes that reading and other language arts constitute the basic foundation for learning in other areas of study. Students should develop an appreciation for literature and for reading as a means to acquire knowledge. They also should develop oral and written language skills that enable them to effectively communicate with others.

(cf. 0200 - Goals for the School District)
(cf. 6143 - Courses of Study)

The Board desires to offer a comprehensive, balanced reading/language arts program that ensures all students have the skills necessary to read fluently and for meaning. The program shall integrate reading, writing, speaking, and listening activities in order to build effective communication skills.

For each grade level, the Board shall adopt academic standards in reading, speaking, and writing, including spelling and grammar, that meet or exceed state standards. The district's program also shall be aligned with the state framework for reading/language arts instruction.

(cf. 6011 - Academic Standards)

Teachers are encouraged to use a variety of instructional strategies to accommodate the needs of beginning readers and the varying abilities of more advanced readers.

Note: Education Code 41530-41532 establish the Professional Development Block Grant which provides funding for the purposes authorized by (1) the Teaching as a Priority Block Grant pursuant to Education Code 44735; (2) staff development pursuant to Education Code 44735 as that repealed statute read on January 1, 2004; and (3) intersegmental programs funded pursuant to Item 6110-197-0001 of Section 2.00 of the annual Budget Act. Other funding opportunities include (1) a professional development program in reading instruction for teachers of grades K-3 (Education Code 44755-44757.5); (2) the Mathematics and Reading Professional Development Program, commonly referred to as the AB 466 (2001) trainings, which provides 40 hours of institute training plus 80 hours of follow-up practicum for grades K-12 classroom teachers (Education Code 99230-99242); and (3) grants awarded through the federal Reading First program (Education Code 51700-51702; 20 USC 6361-6368) which support professional development in reading/language arts for teachers of grades K-3 and special education teachers of grades K-1. See BP/AR 4131 - Staff Development.

The Superintendent or designee shall provide professional development opportunities that are designed to provide instructional staff with knowledge about how students develop language skills, the ability to analyze students' developing literacy, and the ability to draw from a variety of instructional strategies and materials.

(cf. 4131 - Staff Development)
(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 4231 - Staff Development)

BP 6142.91(b)

READING/LANGUAGE ARTS INSTRUCTION (continued)

The Superintendent or designee shall ensure that the district's reading/language arts program offers sufficient access to textbooks and other instructional materials of varying levels of difficulty, including fiction and nonfiction works, so that students are continually reading at an appropriate level. In addition, technology should be available to support all areas of literacy.

(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6163.1 - Library Media Centers)

The Superintendent or designee shall regularly provide the Board with data from state and district reading assessments and program evaluations to enable the Board to monitor program effectiveness.

(cf. 0500 - Accountability)
(cf. 6000 - Concepts and Roles)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)
(cf. 6190 - Evaluation of the Instructional Program)
(cf. 9000 - Role of the Board)

Note: Districts may choose one or both of the following optional sections describing goals of the reading/language arts program for grades K-3 and 4-12. Either section may be revised to reflect district practice.

Grades K-3

The goal of the district's early literacy program shall be to ensure that students are able to read fluently and at grade level by the end of third grade. To reach this goal, the Superintendent or designee shall design a balanced and comprehensive reading/language arts program with the following components:

1. Explicit skill development for beginning readers that includes phonemic awareness, phonics and decoding skills, and sufficient practice and repetition of these skills
2. A strong literature, language, and comprehension program that includes a balance of oral and written language
3. Ongoing diagnosis of students' skills

BP 6142.91(c)

READING/LANGUAGE ARTS INSTRUCTION (continued)

4. An early intervention program that provides assistance to students at risk of reading failure

Grades 4-12

The Board recognizes that reading/language arts instruction is an integral component of the curriculum at all grade levels. Continuous progress in fluency and comprehension shall be the goal of reading/language arts instruction in grades 4-12.

The program in these grades shall promote reading for subject matter comprehension, developing understanding of progressively more advanced reading material, analyzing and discussing a variety of reading materials, increasing the frequency of reading, developing more complex writing skills with attention to composition and vocabulary, and developing other communications skills.

When students in these grades do not have fully developed reading/language arts skills, the Superintendent or designee shall make resources available to assist them in reaching a reading level sufficient to meet the demands of grade-level material. Staff at all grade levels and in every subject shall take responsibility for supporting and expanding students' literacy skills.

Supplementary Reading Instruction for Grades K-4

Note: The Pupil Retention Block Grant (Education Code 41505-41508) may be used to fund the purposes of a supplementary, intensive reading program for grades K-4 (Education Code 53025-53032 as those repealed statutes read on January 1, 2004). Districts receiving funds under this block grant are required to have a single school plan developed by a school site council; see BP/AR 0420 - School Plans/Site Councils for plan details.

The following optional paragraph reflects the general purposes of this program.

When state funding is available, the Board may offer students in grades K-4 increased instructional opportunities before or after school and/or outside the regular school session to assist those students who are experiencing difficulty learning to read and to increase the reading skills and reading enjoyment of all students.

(cf. 0420 - School Plans/Site Councils)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 5148.2 - Before/After School Programs)
(cf. 6176 - Weekend/Saturday Classes)
(cf. 6177 - Summer School)
(cf. 6179 - Supplemental Instruction)

BP 6142.91(d)

READING/LANGUAGE ARTS INSTRUCTION (continued)*Legal Reference:*EDUCATION CODE

- 41505-41508 Pupil Retention Block Grant
- 41530-41532 Professional Development Block Grant
- 44277 Professional growth activities
- 44735 Teaching as a Priority Block Grant
- 44755-44757.5 Teacher Reading Instruction Development Program, K-3
- 51210 Areas of study, grades 1-6
- 51220 Areas of study, grades 7-12
- 51700-51702 Reading First
- 53000-53006 Comprehensive Reading Leadership Program
- 60119 Sufficiency of textbooks and instructional materials
- 60200.4 Fundamental skills
- 60350-60352 Core reading program instructional materials
- 60605 State-adopted content and performance standards in core curricular areas
- 99220-99221 California Reading Professional Development Institutes
- 99230-99242 Mathematics and Reading Professional Development Program (AB 466 trainings)

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

- 53025-53032 Intensive reading program for grades K-4

CODE OF REGULATIONS, TITLE 5

- 9535 Purchase of nonadopted core reading program instructional materials
- 11980-11985 Mathematics and Reading Professional Development Program (AB 466 trainings)
- 11991-11991.2 Reading First achievement index

UNITED STATES CODE, TITLE 20

- 6361-6368 Reading First Program
- 6371-6376 Early Reading First Program
- 6381-6381k Even Start Family Literacy Program
- 6383 Improving literacy through school libraries

*Management Resources:*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

- Every Child a Reader, 1995*
- English-Language Arts Framework for California Public Schools*
- English-Language Arts Content Standards for California Public Schools, Kindergarten Through Grade Twelve*
- Recommended Literature: Kindergarten Through Grade Twelve*

U.S. DEPARTMENT OF EDUCATION GUIDANCE

- Guidance for the Reading First Program, April 2002*

WEB SITES

- CSBA: <http://www.csba.org>
- California Department of Education, Reading/Language Arts: <http://www.cde.ca.gov/pd/ca/rl>
- U.S. Department of Education: <http://www.ed.gov>

Instruction

BP 6142.92(a)

MATHEMATICS INSTRUCTION

The Board of Education desires to offer a rigorous mathematics program that provides a strong foundation in basic mathematical skills and prepares students to apply mathematics in real life. The Superintendent or designee shall develop grade-level curricula that offer a balanced instructional program, including but not limited to:

1. Basic mathematical skills: quantification, basic facts, sorting and classification, and computational skills including addition, subtraction, multiplication, division, fractions, decimals, squares and square roots
2. Conceptual understanding: knowledge and application of facts and definitions, identification of principles, understanding of relationships among mathematical concepts, recognition and application of signs, symbols and terms
3. Problem solving: use of mathematical concepts, skills, tools and reasoning strategies to formulate and solve problems in a variety of situations

Note: The subject matter identified in the following optional paragraph may apply to elementary, middle and high schools. Within each subject, the complexity of knowledge and skill is expected to increase in each grade.

The mathematics program shall develop such knowledge and skills in the subject areas of numbers, measurement, geometry, functions, statistics and probability, logic, algebra and discrete mathematics. Students should know, understand and demonstrate concepts through their application to classroom and real-life situations.

The Superintendent or designee shall ensure that all students have many opportunities to take the full range of mathematics course options.

(cf. 6143 - Courses of Study)

The Board shall establish specific content and performance standards in mathematical skills, concepts and problem-solving ability for each grade level. Students at risk of failing to meet performance standards shall receive additional assistance and intervention.

(cf. 6146.1 - High School Graduation Requirements)

The Superintendent or designee shall ensure that certificated staff have opportunities to participate in professional development activities designed to increase their knowledge and skills in effective mathematics teaching practices.

(cf. 4131 - Staff Development)

BP 6142.92(b)

MATHEMATICS INSTRUCTION (continued)

Students shall have access to sufficient instructional materials, including manipulatives and technology, to support a balanced mathematics program.

(cf. 0440 - District Technology Plan)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)

*Legal Reference:*EDUCATION CODE

51210 Areas of study, grades 1 through 6

51220 Areas of study, grades 7 through 12

*Management Resources:*CDE PUBLICATIONSImproving Mathematics Achievement for All California Students: The Report of the California Mathematics Task Force, 1995Mathematics Framework for California Public Schools, 1992

Instruction

BP 6142.93

SCIENCE INSTRUCTION

The Board of Education believes that science education should focus on giving students an understanding of key scientific concepts and a capacity for scientific ways of thinking. Students should become familiar with the natural world and the interrelation of science, mathematics and technology. As part of their science instruction, students should learn how to apply scientific knowledge and ways of thinking for individual and social purposes.

(cf. 0440 - *District Technology Plan*)
 (cf. 6142.92 - *Mathematics Instruction*)
 (cf. 6143 - *Courses of Study*)

Note: The following paragraphs are consistent with the State Board of Education's 1989 policy statement on the teaching of natural sciences.

As a matter of principle, science teachers are professionally bound to limit their teaching to content that meets the criteria of scientific fact, hypothesis and theory as these terms are used in natural sciences. A scientific fact is an understanding based on confirmable observations and is subject to test and rejection. A scientific hypothesis is an attempt to frame a question as a testable proposition. A scientific theory organizes and explains a range of natural phenomena on the basis of facts and hypotheses. Scientific theories are constantly subject to testing, modification and refutation as new evidence and new ideas emerge.

Philosophical and religious theories are based, at least in part, on faith, and are not subject to scientific test and refutation. Such beliefs shall not be discussed in science classes, but may be addressed in the social science and language arts curricula.

(cf. 6141.2 - *Recognition of Religious Beliefs and Customs*)
 (cf. 6142.91 - *Reading/Language Arts Instruction*)

*Legal Reference:*EDUCATION CODE51210 *Areas of study, grades 1 through 6*51220 *Areas of study, grades 7 through 12**Management Resources:*CDE PUBLICATIONS*Science Framework for California Public Schools, 1990*SBE POLICIES*Policy Statement on the Teaching of Natural Sciences, January 13, 1989*

Instruction

BP 6143(a)

COURSES OF STUDY

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.

Elementary Grades

Note: The following paragraph is for use by elementary and unified districts and may be revised to reflect district practice. Education Code 51225.4 mandates each elementary school district to certify to the Superintendent of Public Instruction that it has adopted a policy to implement a course of instruction that sufficiently prepares students for the secondary courses required for graduation in Education Code 51225.3.

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 - Elementary/Middle School Graduation Requirements)

Secondary Grades

Note: Education Code 51228 requires districts to offer students in grades 7-12 a course of study that fulfills the requirements and prerequisites for admission to California colleges. Education Code 51228 also requires districts to offer such students the opportunity to attain entry-level employment skills. Pursuant to Education Code 51228, districts that adopt a course of study that meets or exceeds the state model curriculum standards in career technical education will be deemed to have satisfied the requirement.

The following paragraph is for use by districts maintaining any of grades 7-12.

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)

BP 6143(b)

COURSES OF STUDY (continued)

Note: The remainder of this policy is for use by districts maintaining any of grades 9-12.

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)

Note: Education Code 66204 requires districts maintaining high schools to maintain accurate lists of courses that are currently offered and are certified by the University of California (UC) as meeting college admission criteria. The district must make updated lists readily available to students and provide a copy of the list annually to each student. Education Code 66204 also requires districts to have a process for developing courses and submitting courses for review and certification by UC in order to meet admission criteria. As part of the assistance requested by the Legislature in Education Code 66204, UC maintains a searchable web site that lists certified "a-g" courses for all regular California public high schools.

Education Code 66204 prohibits any public elementary or secondary school from establishing any policy or practice that directs any student away from choosing programs that prepare him/her academically for college, especially for cultural or linguistic reasons.

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)

Note: As added by AB 428 (Ch. 527, Statutes of 2007), Education Code 51229 requires districts to provide a notification to parents/guardians of students in grades 9-12, as part of the annual notification pursuant to Education Code 48980, that explains college admission requirements, describes career technical education, and provides information about how students may meet with school counselors, as specified below. See E 5145.6 - Parental Notifications.

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)

BP 6143(c)

COURSES OF STUDY (continued)

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

Note: For districts that receive funding under the Supplemental School Counseling Program, Education Code 52378-52380 require counselors to meet with students regarding educational options available to students. See BP/AR 6164.2 - Guidance/Counseling Services.
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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)

Legal Reference: (see next page)

BP 6143(d)

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

- 33319.3 Driver education; CDE materials on road rage
- 33540 Government and civics instruction in interaction with government agencies
- 48980 Parental notifications
- 51202 Instruction in personal and public health and safety
- 51203 Instruction on alcohol, narcotics and restricted dangerous drugs
- 51204 Course of study designed for student's needs
- 51204.5 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
- 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>
- University of California, Certified Course Lists: <http://doorways.ucop.edu/list>
- University of California, College Prep Online Courses and Services: <http://www.uccp.org>

Instruction

AR 6143(a)

COURSES OF STUDY

Note: Education Code requirements for courses of study are generally classified by grades 1-6 and 7-12. Therefore, K-8 districts and high school districts need to collaborate with appropriate area districts to ensure that all required courses are offered sometime during grades 7-12.

Districts should select the sections below (Grades 1-6 and/or Grades 7-12) that correspond with the grade levels they offer. K-8 districts should use both the first and second sections but should delete material in the second section related to American government and civics and automobile driver education. Districts with grades 9-12 should use all of the section for Grades 7-12 except the optional material related to parenting education. Unified districts should use both sections.

Grades 1-6

Note: Items #1-7 below are areas of study required by law for grades 1-6. The Board may add other studies to this list.

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

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

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

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

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

(cf. 6142.92 - *Mathematics Instruction*)

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

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

Instruction shall include the early history of California and a study of the role and contributions of men and women, black Americans, American Indians, Mexicans, Asians, Pacific Island people, and other ethnic 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)

AR 6143(b)

COURSES OF STUDY (continued)

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

Note: Education Code 51202 requires that certain health-related topics be addressed at "the appropriate elementary and secondary grade levels" during grades K-12. Districts may revise #a-e below to indicate topics that will be addressed in grades K-6.

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
- b. Fire prevention

AR 6143(c)

COURSES OF STUDY (continued)

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

Note: Education Code 51203 requires the Board to adopt regulations specifying the grade(s) and course(s) in which drug and alcohol education will be given. For language fulfilling this mandate, see AR 5131.6 - Alcohol and Other Drugs.

(cf. 5131.6 - Alcohol and Other Drugs)

Note: The following two items are optional pursuant to Education Code 51202.

- 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)

Note: Optional item #8 below is not required by state law but is a highly recommended component of school-to-career instruction.

- 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 - Elementary/Middle School Graduation 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)

AR 6143(d)

COURSES OF STUDY (continued)*(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)

Note: AB 2855 (Ch. 895, Statutes of 2004) repealed Education Code 51230, which had required study of the Declaration of Independence, U.S. Constitution, and other specified historical documents, as part of the course in American government and civics. Instead, AB 2855 amended Education Code 33540 to require that these historical documents be incorporated into the state's history-social science framework when it is revised by the State Board of Education.

- 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, American Indians, Mexicans, Asians, Pacific Island people and other ethnic 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)

Note: Item #(2) below is optional; districts should delete or modify the item accordingly. For districts that choose to offer instruction on World War II and/or the Vietnam War, the Legislature encourages that a component be included drawn from personal testimony, especially in the form of oral or video history. If oral histories are used, they must conform to the requirements of Education Code 51221.3 and 51221.4.

- (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

AR 6143(e)

COURSES OF STUDY (continued)

- 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. 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)

AR 6143(f)

COURSES OF STUDY (continued)

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)

Note: Education Code 51934 requires that students be provided HIV/AIDS prevention instruction at least once in middle school or junior high school and at least once in high school; see BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction.

10. HIV/AIDS prevention (Education Code 51934)

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

Note: Education Code 51202 requires that certain health-related topics be addressed at "the appropriate elementary and secondary grade levels" during grades K-12. Districts may revise item #11 below to indicate topics that will be addressed in grades 7-12.

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 environment
- d. Venereal disease
- e. The effects of alcohol, narcotics, drugs, and tobacco upon the human body and upon prenatal development

Note: Education Code 51203 requires the Board to adopt regulations specifying the grade(s) and course(s) in which drug and alcohol education will be given. For language fulfilling this mandate, see AR 5131.6 - Alcohol and Other Drugs.

(cf. 5131.6 - Alcohol and Other Drugs)

Note: The following two items are optional pursuant to Education Code 51202.

AR 6143(g)

COURSES OF STUDY (continued)

- f. Prenatal care
- g. Violence as a public health issue

Note: Education Code 51220.5 requires the equivalent content of a one-semester course in parenting skills and education in grades 7 and/or 8, subject to funding which was not subsequently appropriated; thus the following paragraph and items #1-8 are currently optional.

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)

Note: The following paragraph is for use by districts that maintain high schools.

High schools shall offer automobile driver education that includes 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)

AR 6143(h)

COURSES OF STUDY (continued)

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)

Instruction

BP 6144(a)

CONTROVERSIAL ISSUES

The Board of Education believes that the consideration of controversial issues has a legitimate place in the instructional program of the school. For purposes of this policy, a controversial issue is a topic on which opposing points of view have been promulgated by responsible opinion; likely to arouse both support and opposition in the community; and subject to interpretation as obscene, profane, doctrinaire or grossly inappropriate, each in relation to the level of maturity of the students.

The Board will permit the introduction and proper educational use of controversial issues provided their use in the instructional program:

1. Is related to the instructional goals of the course of study and level of maturity of the students
2. Does not tend to indoctrinate or persuade students to a particular point of view
3. Does not reflect adversely upon persons because of their race, sex, color, creed, national origin, or ancestry.

When controversial issues have not been specified in the curriculum guide, the Board will permit the instructional use of only those issues which have been approved by the principal in advance of their use.

Classroom Guest Speakers

The Board recognizes that there are many people in the community who can provide resources to a specific class which may not otherwise be available. The Board, therefore, encourages staff members to seek such community resources and invite them to participate as classroom guest speakers provided that:

1. The competency, experience, or special training is not now available within the schools
2. The speaker can make a contribution toward completion of course and program objectives
3. The invitation has been approved in advance by the principal
4. The content of the speaker's presentation shall be subject to the provisions of the Board's policy on controversial issues

Classroom guest speakers shall not meet with classes on a regularly scheduled basis; they meet with classes on a voluntary basis and thus shall receive no salary or honorarium from the district.

BP 6144(b)

CONTROVERSIAL ISSUES (continued)

Classroom guest speakers shall be under the supervision of the teacher who is responsible for the appropriateness of the speaker's presentation to course content.

*Legal Reference:***EDUCATION CODE***51510 Prohibited study or supplemental materials**51511 Religious matters properly included in courses of study**51530 Prohibition and definition re advocating or teaching communism with intent to indoctrinate**51933 Sex education courses**60040 Portrayal of cultural and racial diversity**60044 Prohibited instructional materials**60045 Required to be accurate, objective, current, and suited to needs and comprehension at respective grade levels*

Instruction

AR 6144

CONTROVERSIAL ISSUES

In anticipation of the possible use of controversial issues which have not received prior approval or are not specified in approved curriculum guides, teachers are to do the following:

1. Discuss the proposed content, speakers, materials, etc., with the principal prior to scheduling instruction
2. Present samples of materials to the principal for review to obtain permission to use them
3. Contact fellow teachers and department heads as to the appropriateness of the content of the subject matter and the age of students involved
4. Plan to present a balance of viewpoints on the issue involved and encourage students to examine each side of the issue

Instruction

BP 6145(a)

EXTRACURRICULAR AND COCURRICULAR ACTIVITIES

Note: Education Code 35160.5 mandates Boards to adopt policy establishing eligibility requirements for student participation in extracurricular and cocurricular activities in grades 7-12.

The Board of Education recognizes that extracurricular and cocurricular activities enrich the educational and social development and experiences of students. The district shall encourage and support student participation in extracurricular and cocurricular activities without compromising the integrity and purpose of the educational program.

Note: Pursuant to 5 CCR 4925, as added by Register 2001, No. 24, a district is prohibited from discriminatory practices in its extracurricular and cocurricular activities.

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 the student's gender, sexual orientation, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability. Requirements for participation in extracurricular and cocurricular activities shall be limited to those that are essential to the success of the activity. (5 CCR 4925)

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*)

Note: The California Supreme Court in Hartzell v. Connell rendered the assessment of fees for extracurricular activities illegal. Districts may charge fees for activities which have no direct tie to the educational program, such as dances and football games. Districts are advised to seek legal counsel before charging for any activity which may be construed as related to the educational program.

No student shall be prohibited from participating in extracurricular and cocurricular activities related to the educational program because of inability to pay fees associated with the activity.

(cf. 3260 - *Fees and Charges*)

Eligibility Requirements

Note: Education Code 35160.5 requires students to demonstrate *satisfactory educational progress*, as provided in items #1-2 below, in order to participate in extracurricular and cocurricular activities. However, pursuant to Education Code 35160.5, districts are authorized to adopt stricter academic eligibility criteria provided such action is taken at a public meeting in accordance with Education Code 35145. Districts that have adopted stricter criteria should modify the following paragraph accordingly.

BP 6145(b)

EXTRACURRICULAR AND COCURRICULAR ACTIVITIES (continued)

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. 6146.1 - *High School Graduation Requirements*)

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

Note: The following optional paragraph allows for granting probation to ineligible students to the extent authorized by Education Code 35160.5.

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.

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*)

Annual Policy Review

Note: Education Code 35160.5 requires annual review of this policy, as it relates to the participation of students in grades 7-12 in extracurricular and cocurricular activities. The following paragraph is optional for districts without any of grades 7-12.

The Board shall annually review this policy and implementing regulations.

BP 6145(c)

EXTRACURRICULAR AND COCURRICULAR ACTIVITIES (continued)*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

48930-48938 Student organizations

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 DECISIONSHartzell v. Connell, (1984) 35 Cal. 3d 899*Management Resources:*CDE LEGAL ADVISORIES

001.90 Access to School-Related Activities and Events by Disabled Students, LO: 3-0

409.87 Requirements for Pupil Participation in Extracurricular and Cocurricular activities, AB 2613, CIL: 86/87-11

WEB SITESCalifornia Association of Directors of Activities: <http://www.cadal.org>

Instruction

AR 6145(a)

EXTRACURRICULAR AND COCURRICULAR ACTIVITIES**Definitions**

Note: The following definitions are specified in Education Code 35160.5 for purposes of academic eligibility requirements.

Extracurricular activities are those programs that have all of the following characteristics: (Education Code 35160.5)

1. The program is supervised or financed by the school district.
2. Students participating in the program represent the school district.
3. Students exercise some degree of freedom in the selection, planning or control of the program.
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)

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.
2. It is a program that has as its primary goal the improvement of academic or educational achievement of students.

Eligibility Requirements

Note: Education Code 35160.5 requires that the determination of eligibility be based on the previous grading period and specifies that "previous grading period" does not include any grading period when the student was absent for all or a majority of the time due to absences excused for reasons such as serious illness, injury, approved travel, or work. In such cases, the "previous grading period" is the grading period immediately prior to the excluded period(s).

AR 6145(b)

EXTRACURRICULAR AND COCURRICULAR ACTIVITIES (continued)

The grade point average used to determine eligibility shall be based on grades of the last previous grading period during which the student attended class at least a majority of the time. (Education Code 35160.5)

Note: The following paragraph is optional.
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When a student becomes ineligible to participate in the upcoming school year, 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)

Instruction

BP 6145.2(a)

ATHLETIC COMPETITION

Note: Pursuant to Education Code 35179, the Board has control of and responsibility for all aspects of district interscholastic athletic policies, programs, and activities.

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. 5137 - Positive School Climate)
(cf. 6142.7 - Physical Education)
(cf. 7110 - Facilities Master Plan)

Nondiscrimination and Equivalent Opportunities in the Athletic Program

Note: Pursuant to Education Code 35179, the Board is responsible for ensuring that district and interscholastic athletic policies, programs, and activities are in compliance with federal and state law. Gender equity and nondiscrimination in district and interscholastic athletic programs and activities are governed by both federal and state laws (Title IX, 20 USC 1681-1688; Education Code 200-262.4; 5 CCR 4900-4965). See also the accompanying administrative regulation.

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.

(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

Note: In November 1999, the California Interscholastic Federation (CIF) adopted a set of principles entitled Pursuing Victory with Honor to guide participants in interscholastic athletic competitions. Districts that are not affiliated with the CIF may delete or modify the following optional section to reflect district practice.

BP 6145.2(b)

ATHLETIC COMPETITION (continued)

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. 5131.4 - Student Disturbances)

(cf. 5144 - Discipline)

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

(cf. 6145.21 - Victory with Honor)

California Interscholastic Federation

Note: Pursuant to Education Code 35179, boards may join associations, such as the CIF, for the purpose of providing regional or statewide interscholastic athletic programs and activities. Pursuant to Education Code 33353, the CIF is responsible for regulating secondary school athletic programs, including establishing rules for participation, under the general direction of school boards.

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 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.

BP 6145.2(c)

ATHLETIC COMPETITION (continued)

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 are 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)

In addition, the Superintendent or designee shall ensure that students participating interscholastic athletic governed by the CIF satisfy CIF eligibility requirements.

Health and Safety

Note: CIF bylaws stipulate a communicable disease procedure to follow when handling student injuries during competition, including the use of universal precautions.

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. 5143 - Insurance)

BP 6145.2(d)

ATHLETIC COMPETITION (continued)

Coaches and appropriate district employees shall take every possible precaution to ensure that athletic equipment is kept in safe and serviceable condition.

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 competition. Athletic events shall be officiated by qualified personnel.

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

Legal Reference: (see next page)

BP 6145.2(e)

ATHLETIC COMPETITION (continued)*Legal Reference:*EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

270-271 Athletes' Bill of Rights

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

48900 Grounds for suspension and expulsion

48930-48938 Student organizations

49020-49023 Athletic programs; legislative intent, equal opportunity

49030-49034 Performance-enhancing substances

60850-60859 High school exit examination

PENAL CODE

245.6 Hazing

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

5531 Supervision of extracurricular activities of students

5590-5596 Employment of noncertificated coaches

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 Discrimination on the basis of sex in education programs or activities prohibited

COURT DECISIONS*Kahn v. East Side Union High School District*, (2004) 31 Cal.4th 990t*Hartzell v. Cornell*, (1984) 35 Cal. 3d 899*Management Resources:*CSBA PUBLICATIONS*A School Board Member's Guide to CIF and Interscholastic Sports*, 1997CALIFORNIA INTERSCHOLASTIC FEDERATION PUBLICATIONS*A Guide to Equity (Equity Handbook)**Pursuing Victory with Honor*, 1999*California Interscholastic Federation Constitution and Bylaws*, 1996-97WEB SITESCSBA: <http://www.csba.org>California Department of Education, Equal Opportunity and Access: <http://www.cde.ca.gov/re/di/eo>California Interscholastic Federation: <http://www.cifstate.org>National Federation of State High School Associations: <http://www.nfhs.org>National Operating Committee on Standards for Athletic Equipment: <http://www.nocsa.org>

Instruction

AR 6145.2(a)

ATHLETIC COMPETITION

Nondiscrimination and Equivalent Opportunities in the Athletic Program

Note: The following section reflects pertinent provisions of federal and state law regarding nondiscrimination (Title IX, 20 USC 1681-1688; Education Code 200-262.4; 5 CCR 4900-4965). The Office of Civil Rights, U.S. Department of Education (USDOE), oversees complaints regarding violations of Title IX. Education Code 35179 grants the Board of Education general control over all aspects of the district's athletic program.

No person shall on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability 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. (5 CCR 4920)

(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)

Note: 5 CCR 4922, as reflected in items #1-11 below, lists factors that districts must consider when determining whether equivalent opportunities are being provided. The California Interscholastic Federation's (CIF) A Guide to Equity (Equity Handbook) provides suggested actions that districts can take for each of the factors to help the district meet its equivalence goals. Some of these suggested actions include conducting a yearly interest survey of the student activity body, tracking equipment purchases, monitoring booster club groups, reviewing practice and facility schedules, and meeting with school newspaper and yearbook advisers.

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)

1. Whether the selection of sports and levels of competition offered effectively accommodate the interests and abilities of both sexes

AR 6145.2(b)

ATHLETIC COMPETITION (continued)

Note: Education Code 230 provides the following three-part test to determine if a district has effectively accommodated the interests and abilities of both sexes in athletics. This test is the same three-part test that has been used by the USDOE for helping to determine equivalent opportunities under Title IX.

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

AR 6145.2(c)

ATHLETIC COMPETITION (continued)

Note: 5 CCR 4922 clarifies that unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams shall not by itself constitute a failure to provide equivalent opportunities. However, the provision of necessary funding for teams of both sexes is a factor in the determination, as specified below.

11. Provision of necessary funds**Parental Notifications**

Note: Education Code 33353 requires the CIF to provide information to students and parents/guardians about complaint procedures for discrimination complaints arising from interscholastic athletic activities. Education Code 33354 allows a complainant to file a discrimination complaint directly with the California Department of Education (CDE).

The following optional section lists notices that the district may send to parents/guardians of students participating in interscholastic athletics. This section should be revised to reflect district practice.

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*)

Note: Education Code 270 requires the CDE to post on its web site an "Athletes' Bill of Rights," a list of student rights based on Title IX.

2. Includes a copy of the Athletes' Bill of Rights pursuant to Education Code 271

Note: In Kahn v. East Side Union High School District, the California Supreme Court analyzed the liability of a coach for an injury to a member of a high school diving team. The court acknowledged that some risk of injury is inherent in sports and part of a coach's job is to "push" a student athlete to advance his/her skill level and to undertake more difficult tasks. According to the court, a coach could be found liable only when he/she intentionally injures the student or engages in conduct that is so reckless that it is outside of the ordinary activity involved in teaching or coaching the sport.

The district may or may not wish to seek a waiver of liability for accidents or injuries resulting from participation in athletic activities. Whether a liability waiver is legally effective is likely to be determined on a case-by-case basis, and it is questionable whether a student's right to participate in extracurricular activities could be made contingent upon the submission of a waiver. Legal counsel should be consulted when addressing the complex issues related to liability waivers.

3. Explains that there is an element of risk associated with all athletic competitions and

AR 6145.2(d)

ATHLETIC COMPETITION (continued)

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)

Note: As added by AB 2684 (Ch. 108, Statutes of 2006), Education Code 32221.5 requires the district to provide each student participating on a school athletic team information about insurance protection. See AR 5143 - Insurance for specific language that must be contained in this statement.

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)

Note: Pursuant to Education Code 48900, a student may be subject to suspension or expulsion if he/she engages, or attempts to engage, in hazing.

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

Note: As required by Education Code 49033, a CIF bylaw requires any student participating in athletics 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 as well as the substance synephrine, unless the student has a written prescription from a licensed health care practitioner to treat a medical condition. See BP/AR/E 5131.63 - Steroids.

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
approved:

ALBANY UNIFIED SCHOOL DISTRICT
Albany, California

Instruction

BP 6145.21(a)

VICTORY WITH HONOR

The Board of Education recognizes the impact that high school athletics can play in society and is committed to the character-building goals of the California Interscholastic Federations' "Victory with Honor" program. Therefore the Board directs the Superintendent to infuse the sixteen principals of throughout the high school athletics program with parents/guardians, student athletes and coaches.

Principles of Pursuing Victory with Honor

1. The essential elements of character building and ethics in CIF sports are embodied in the concept of sportsmanship and six core principles: trustworthiness, respect, responsibility, fairness, caring and good citizenship. The highest potential of sports is achieved when competition reflects these "six pillars of character."
2. It's the duty of School Boards, Superintendents, school administrators, parents/guardians and school sports leadership - including coaches, athletic administrators, program directors and game officials - to promote sportsmanship and foster good character by teaching, enforcing, advocating and modeling these "six pillars of character."
3. To promote sportsmanship and foster the development of good character, school sports programs must be conducted in a manner that enhances the academic, emotional, social, physical and ethical development of student-athletes and teaches them positive life skills that will help them become personally successful and socially responsible.
4. Participation in school sports programs is a privilege, not a right. To earn that privilege, student-athletes must abide by the rules and they must conduct themselves, on and off the field, as positive role models who exemplify good character.
5. School Boards, Superintendents, school administrators, parents/guardians and school sports leadership shall establish standards for participation by adopting and enforcing codes of conduct for coaches, athletes, parents/guardians and spectators.
6. All participants in high school sports must consistently demonstrate and demand scrupulous integrity and observe and enforce the spirit as well as the letter of the rules.
7. The importance of character, ethics and sportsmanship should be emphasized in all communications directed to student-athletes and their parents/guardians.
8. School Boards, Superintendents, school administrators, parents and school sports leadership must ensure that the first priority of their student-athletes is a serious commitment to getting an education and developing the academic skills and character to succeed.

BP 6145.21(b)

VICTORY WITH HONOR (continued)

9. School Boards, Superintendents, principals, school administrators and everyone involved at any level of governance in the CIF must maintain ultimate responsibility for the quality and integrity of CIF programs. Such individuals must assure that education and character development responsibilities are not compromised to achieve sports performance goals and that the academic, social, emotional, physical and ethical well-being of student-athletes is always placed above desires and pressure to win.
10. All employees of member schools must be directly involved and committed to the academic success of student-athletes and the character-building goals of the school.
11. Everyone involved in competition including parents, spectators, associated study body leaders, and all auxiliary groups have a duty to honor the traditions of the sport and to treat other participants with respect. Coaches have a special responsibility to model respectful behavior and the duty to demand that their student-athletes refrain from disrespectful conduct including verbal abuse of opponents and officials, profane or belligerent trash-talking, taunting and inappropriate celebrations.
12. School Boards, Superintendents, and school administrators of CIF member schools must ensure that coaches, whether paid or voluntary, are competent to coach. Training or experience may determine minimal competence. These competencies include basic knowledge of: 1) the character building aspects of sports, including techniques and methods of teaching and reinforcing the core values comprising sportsmanship and good character. 2) The physical capabilities and limitations of the age group coached as well as the first aid. 3) Coaching principles and the rules and strategies of the sport.
13. Because of the powerful potential of sports as a vehicle for positive personal growth, a broad spectrum of school sports experiences should be made available to all of our diverse communities.
14. To safeguard the health of athletes and the integrity of the sport, school sports program must actively prohibit the use of alcohol, tobacco, drugs and performance enhancing substances, as well as a demand compliance with all laws and regulations, including those related to gambling and the use of drugs.
15. Schools that offer athletic programs must safeguard the integrity of their programs. Commercial relationships should be continually monitored to ensure against inappropriate exploitation of the school's name or reputation. There should be no undue influence of commercial interests. In addition, sports programs must be prudent, avoiding undue dependency on particular companies or sponsors.

BP 6145.21(c)

VICTORY WITH HONOR (continued)

16. The profession of coaching is a profession of teaching. In addition to teaching the mental and physical dimensions of their sport, coaches, through words and example, must also strive to build the character of their athletes by teaching them to be trustworthy, respectful, responsible, fair, caring and good citizens.

Instruction

BP 6145.5(a)

STUDENT ORGANIZATIONS AND EQUAL ACCESS

Note: The following optional policy and administrative regulation reflect the provisions of the federal Equal Access Act (20 USC 4071-4074) which prohibits discrimination against student groups because of the content of their speech, as specified below. The Act applies to districts with secondary schools, grades 9-12, that receive federal funds. The Equal Access Act does not address elementary schools; thus, elementary districts should revise or delete the following policy accordingly.

The Board of Education believes that student groups or clubs reinforce the instructional program, give students experience in civics and government, and provide social and recreational activities. Student groups also serve to honor outstanding student achievement and enhance school spirit and students' sense of belonging. Prior to meeting on school grounds, all student groups shall be authorized by the principal or designee in accordance with Board policy and administrative regulation.

(cf. 1321 - *Solicitation of Funds from and by Students*)

(cf. 3452 - *Student Activity Funds*)

(cf. 6142.3 - *Civic Education*)

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

Note: The extent to which a district may restrict the meetings of student groups depends on whether a district has created a "limited open forum" authorizing noncurriculum-related groups (e.g., the ski club) to meet on school premises during noninstructional time. See the accompanying administrative regulation for a definition of curriculum-related groups.

Pursuant to 20 USC 4071, if a secondary school has created a "limited open forum" and allows any noncurriculum-related group to meet on school premises during noninstructional time, then the school must grant equal access to all other noncurriculum-related student groups and may not discriminate against such groups on the basis of the religious, political, philosophical, or other content of the group's speech. A district may create a "closed forum" by prohibiting all noncurriculum-related student groups from meeting on school grounds during noninstructional time. However, if a district permits any noncurriculum-related student groups to meet on school premises during noninstructional time, then, regardless of any policy to the contrary, it has created a "limited open forum."

Note: The remainder of this policy applies to districts that have created a limited open forum.

The Board encourages students to pursue interests and clubs which may not directly relate to the district's curriculum and, to that end, has created a limited open forum.

All student-initiated groups shall be given equal access to meet on school premises during noninstructional time without regard to their religious, political, philosophical, or other speech content. The Board shall ensure that: (20 USC 4071, 4072)

1. The meeting shall be voluntary and student-initiated.
2. There shall be no sponsorship of the meeting by the school or staff. The term *sponsorship* means that school staff are promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes shall not constitute sponsorship of the meeting.

BP 6145.5(b)

STUDENT ORGANIZATIONS AND EQUAL ACCESS (continued)

3. Employees of the school shall be present at religious meetings only in a nonparticipatory capacity.
4. The meeting shall not materially and substantially interfere with the orderly conduct of educational activities within the school.

Note: In Student Coalition for Peace v. Lower Merion School, the court clarified that, if the school's limited open forum allows nonstudent participation in curriculum-related student groups, then noncurriculum-related student groups must be granted the same right, as long as the nonstudents do not "direct, conduct, or regularly attend" such activities, as prohibited by 20 USC 4071.

5. Nonschool persons shall not direct, conduct, control, or regularly attend activities of student groups.

(cf. 1330 - *Use of School Facilities*)

(cf. 3515.2 - *Disruptions*)

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

Note: In Prince v. Jacoby, the Ninth Circuit Court of Appeals held that a district with a limited open forum that allowed certain noncurriculum-related student groups to use school media to publicize meetings was required to provide equal access to all noncurriculum-related student groups, including religious groups. Thus, a student bible club must be granted the same access to school media to announce meeting times and locations. In addition, Education Code 48907 grants students freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications, subject to reasonable provisions for the time, place, and manner in which free expression may take place. See BP/AR 5145.2 - *Freedom of Speech/Expression* for language reflecting the requirements of Education Code 48907.

All student clubs or groups shall have equal access to the school media to announce meetings, including the public address system, the school newspaper, bulletin boards, and school web site. However, the principal or designee may issue a disclaimer that such activities are not school-sponsored.

Note: 20 USC 4071 prohibits districts from expending public funds beyond the incidental cost of providing space for student-initiated meetings. In Prince v. Jacoby, the court held that a district must grant a noncurriculum-related bible club the same access to student body funds, the yearbook, audio/visual equipment, and supplies as the district provides to other noncurriculum-related groups.

All noncurriculum-related student groups shall be given equal access to meeting space, school equipment, and supplies.

Note: 20 USC 7905 prohibits any district that has designated a limited open forum and that receives funds from the U.S. Department of Education from denying equal access to any group affiliated with the Boy Scouts of America or other patriotic youth group listed in 36 USC 20101-240112. The state Civic Center Act (Education Code 38130-38138) has long authorized the use of school facilities by the Boy Scouts. See BP/AR 1330 - *Use of School Facilities*.

BP 6145.5(c)

STUDENT ORGANIZATIONS AND EQUAL ACCESS (continued)

No school shall deny equal access or a fair opportunity to meet, or otherwise discriminate against, any group officially affiliated with the Boy Scouts of America, or with any other youth group listed as a patriotic society in Title 36 of the United States Code, for reasons based on the membership or leadership criteria or oath of allegiance to God and country. (20 USC 7905)

*Legal Reference:*EDUCATION CODE

52 Designation of secondary schools
 53 Designation of high schools
 200-262.3 Prohibition of discrimination on the basis of sex
 38130-38138 Civic Center Act
 48900 Hazing
 48907 Student exercise of free expression
 48930-48938 Student organizations
 48950 Freedom of speech
 49020-49023 Athletic programs

PENAL CODE

627-627.10 Access to school premises

CODE OF REGULATIONS, TITLE 5

2 Definitions

5531 Supervision of extracurricular activities of students

UNITED STATES CODE, TITLE 20

4071-4074 Equal Access Act

7904 School prayer

7905 Boy Scouts equal access

UNITED STATES CODE, TITLE 36

20101-240112 Patriotic organizations

COURT DECISIONS

Prince v. Jacoby, (2001) 303 F.3d 1074

Culbertson et al. v. Oakridge School District, (2002) 258 F.3d 1061

Good News Club et al. v. Milford Central School, (2001) 121 S.Ct. 2093

Ceniceros v. Board of Trustees of the San Diego Unified School District, (1997) 106 F.3d 878

Board of Education of Westside Community School District v. Mergens By and Through Mergens (1989, 8th Cir.) 867 F.2d 1076

Perumal et al v. Saddleback Valley Unified School District, (1988) 198 Cal. App. 3d 64

Student Coalition for Peace v. Lower Merion School District Board of Directors, (1985) 776 F.2d 431

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

*Management Resources:*WEB SITES

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

Instruction

AR 6145.5(a)

STUDENT ORGANIZATIONS AND EQUAL ACCESS

Note: The extent to which a district may restrict the meetings of student organizations depends on whether a district has created a "limited open forum" authorizing noncurriculum-related groups (e.g., the bike club) to meet on school premises during noninstructional time. Pursuant to the federal Equal Access Act (20 USC 4071), if a secondary school has created a "limited open forum" and allows any noncurriculum-related group to meet, then the school must also grant equal access to all other noncurriculum-related student groups and may not discriminate against those groups on the basis of religious, political, philosophical, or other content of the group's speech. The U.S. Supreme Court, in Board of Education of Westside Community Schools v. Mergens, provided the definition of "curriculum-related" as specified in items #1-4 below.

Because the district has established a limited open forum, the principal or designee shall not deny any student-initiated school group access to school facilities during noninstructional time on the basis of religious, political, philosophical, or any other content of speech to be addressed at such meetings. (20 USC 4071)

Note: The remainder of this section applies only to districts that have established a limited open forum.

Pursuant to 20 USC 4072, noninstructional time is defined as the time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends. The Ninth Circuit Court of Appeals in Ceniceros v. Board of Trustees of the San Diego Unified School District held that a high school's lunch period constituted noninstructional time based on the fact that classroom instruction did not occur during the lunch period and that students were not required to remain on campus. The court concluded that schools could disallow religious groups from using school premises for meetings during lunch only if they barred all noncurriculum-related groups from meeting at lunch. Option 1 below allows meetings during the lunch period; Option 2 prohibits meetings during the lunch period.

Such meetings shall not interfere with regular school activities. The Superintendent or designee shall identify the noninstructional time period(s) set aside for meetings of student groups either before or after actual classroom instruction times.

OPTION 1: Meetings may also be held during the lunch period.

OPTION 2: Meetings shall not be held during the lunch period.

Meetings held within the limited open forum shall entail no expenditure of public funds beyond the incidental cost of providing the meeting space. (20 USC 4071)

Students shall leave the meeting place in a clean, orderly, and secure condition after their meetings. The Superintendent or designee may deny the use of facilities to any group that he/she believes will materially disrupt the school program or threaten the health and safety of students and staff. (20 USC 4071)

AR 6145.5(b)

STUDENT ORGANIZATIONS AND EQUAL ACCESS (continued)**Authorization for Student Groups**

Note: The remainder of this regulation applies to districts that selected either Option 1 (closed forum) or Option 2 (limited open forum) above.

Pursuant to 20 USC 4072, although districts may not "sponsor" the meetings of a noncurriculum-related student group, districts do retain the ability to maintain order and discipline on school premises. In Prince v. Jacoby, the Ninth Circuit Court of Appeals held that a district policy which granted staff limited approval and oversight ability over a noncurriculum-related student group was not impermissibly "sponsoring" the group as prohibited by 20 USC 4071.

The following optional section creates a process for district authorization, but not sponsorship, of curriculum-related and noncurriculum-related student groups. Districts that wish to create a formal sponsorship of curriculum-related student groups should modify the following paragraph accordingly and should consult legal counsel to ensure that, if additional school resources are given to such groups, equal access requirements are not violated.

Any student wishing to create either a curriculum- or noncurriculum-related student group shall first request authorization from the principal or designee. The group shall provide the principal or designee with the following information:

1. Name of the organization and names of student contacts
2. A statement of the organization's purposes, objectives, and activities
3. A copy of the proposed bylaws of the student group, including a description of how officers will be selected, as well as the bylaws of any off-campus organization with which the group may be affiliated
4. The name of the proposed faculty advisor, if any
5. The proposed dates, times, and location of meetings
6. Any special equipment to be used
7. A description of the qualifications for membership, if any
8. If a curriculum-related group, a statement of the relation of the club to the curriculum and/or instructional program

The principal or designee may establish school rules governing the meetings of curriculum-related groups, such as attendance or grade requirements. Such rules may vary depending on the group, such as whether or not academic credit is given for participation in the group.

AR 6145.5(c)

STUDENT ORGANIZATIONS AND EQUAL ACCESS (continued)**Role of Staff Adviser**

Note: Because curriculum-related groups have a direct relationship to the district, such groups are subject to greater control and an increased role for the staff adviser.

For any curriculum-related student group, the staff adviser shall provide guidance and teaching to students to ensure that the group's activities are aligned to the district's goals and objectives and shall provide supervision and leadership of the group. The principal shall have final authority in determining the assignment and role of the staff adviser.

For noncurriculum-related student groups, a staff adviser may be assigned voluntarily to observe meetings for purposes of maintaining order and protecting student safety. Staff advisers and other school employees shall not promote, lead, or participate in the meetings. (20 USC 4071, 4072)

A school employee may refuse to attend a meeting of a student group if the content of the speech at the meeting is contrary to the employee's beliefs. (20 USC 4071)

Hazing

Note: Pursuant to Education Code 48900, as amended by SB 132 (Ch. 730, Statutes of 2007), a student may be suspended or expelled for engaging in "hazing," as defined below. See AR 5144.1 - Suspension and Expulsion/Due Process.

Any student who engages in hazing may be subject to discipline including, but not limited to, suspension or expulsion. *Hazing* means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by the district, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. (Education Code 48900)

(cf. 5131 - Conduct)

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