



Chico Unified School District

1163 East Seventh Street, Chico, CA 95928-5999
(530) 891-3000

Board Policy: #1150

Section: 1000 Community Relations

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COMMENDATIONS AND AWARDS

The Board of Education believes that individuals and organizations deserve recognition when they provide contributions or long-standing service to the district. The Board believes that commending such service promotes increased community understanding and participation.

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

The Superintendent or designee shall establish procedures by which Board members, employees or members of the community may suggest ~~persons or organizations~~ **parents/guardians, community members, businesses or organizations** for Board recognition. At the Board's discretion, letters of recognition, Board resolutions, plaques or awards may be presented.

The Board encourages similar forms of recognition for achievement or services as part of school-level commendation programs.

(cf. 4156.2/4256.2/4356.2 - Awards and Recognition)

(cf. 5126 - Awards for Achievement)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

44015 Awards to employees and students



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VISITORS

The Governing Board believes that it is important for parents/guardians and community members to take an active interest in the issues affecting district schools and students. Therefore, the Board encourages parents/guardians and interested members of the community to visit the schools and view the educational program.

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

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

(cf. 6116 – Classroom Interruptions)

To ensure the safety of students and staff and avoid potential disruptions, all visitors shall register immediately upon entering any school building or grounds when school is in session. **(Penal Code 627.2)**

(cf. 1112 - Media Relations)
(cf. 3515.2 - Disruptions)

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

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

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

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

Legal Reference:

EDUCATION CODE

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

EVIDENCE CODE

1070 Refusal to disclose news source



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LABOR CODE

230.8 *Discharge or discrimination for taking time off*

PENAL CODE

626-626.10 *Schools*

627-627.10 *Access to school premises, especially:*

627.1 *Definitions*

627.2 *Necessity of registration by outsider*

627.7 *Misdemeanors; punishment*

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

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



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BUDGET

The Governing Board recognizes its critical responsibility for adopting a sound budget for each fiscal year which is aligned with the district's vision, goals, and priorities. The district budget shall guide administrative decisions and actions throughout the year and shall serve as a tool for monitoring the fiscal health of the district.

(cf. 0000 - Vision)
(cf. 3000 - Concepts and Roles)
(cf. 3300 - Expenditures and Purchases)
(cf. 3460 - Financial Reports and Accountability)
(cf. 9000 - Role of the Board)

The district budget shall show a complete plan and itemized statement of all proposed expenditures and all estimated revenues for the following fiscal year, together with a comparison of revenues and expenditures for the current fiscal year. The budget shall also include the appropriations limit and the total annual appropriations subject to limitation as determined pursuant to Government Code 7900-7914. (Education Code 42122)

Budget Development and Adoption Process

The Superintendent or designee shall establish an annual budget development process and calendar in accordance with the single budget adoption process described in Education Code 42127(j). He/she shall annually notify the County Superintendent of Schools of the district's decision to use the single budget adoption process in the subsequent year.

In order to provide guidance in the development of the budget, the Board shall annually establish budget priorities based on identified district needs and goals and on realistic projections of available funds.

The Superintendent or designee shall oversee the preparation of a proposed district budget for approval by the Board and shall involve appropriate staff ~~at all levels~~ in the development of budget projections.

The Board encourages public input in the budget development process and shall hold public hearings and meetings in accordance with Education Code 42103 and 42127.

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)
(cf. 9323 - Meeting Conduct)

The budget that is formally adopted by the Board shall be in the format prescribed by the Superintendent of Public Instruction. The Superintendent or designee may supplement this format with additional information as necessary to effectively communicate the budget to the Board, staff, and public.

~~The Superintendent or designee shall ensure that the proposed district budget is clearly presented and effectively communicated to the Board, staff, and public. He/she may adapt or supplement the format prescribed by the Superintendent of Public Instruction (SPI) as necessary for these purposes. However, the budget that is formally adopted by the Board shall be in the state-required format.~~

Budget Criteria and Standards

Policy Adopted: 10/14/09



In developing the district budget, the Superintendent or designee shall analyze criteria and standards adopted by the State Board of Education (SBE) which address estimation of funded average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected revenue limit, salaries and benefits, other revenues and expenditures, facilities maintenance, deficit spending, fund balance, and reserves. The budget review shall also identify supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, use of ongoing revenues for one-time expenditures, contingent revenues, contributions, long-term commitments, unfunded liabilities, and the status of labor agreements. (Education Code 33127, 33128, 33129; 5 CCR 15440-15451)

It is the goal of the Board to establish and maintain a reserve level of 5%, which is 2% more than the State's requirement of 3% (5 CCR 15450).

The Board may establish other budget assumptions or parameters which may take into consideration the stability of funding sources, legal requirements and constraints on the use of funds, anticipated increases and/or decreases in the cost of services and supplies, categorical program requirements, and any other factors necessary to ensure that the budget is a realistic plan for district revenues and expenditures.

(cf. 2210 – Administrative Leeway in Absence of Board Policy)

Fund Balance

The Board shall adopt a formal resolution that provides for classification of fund balances in the general fund and is compliant with Governmental Accounting Standards Board (GASB) Statement 54. The resolution also shall:

1. Establish specific steps for committing funds that cannot be used for any other purpose unless the Board takes action to remove or change the constraint
2. Express the authority of the Board and/or delegate authority to other person(s) to identify intended uses of assigned funds
3. Establish the order in which fund balances will be spent when multiple fund balance types are available for an expenditure
4. Address the minimum fund balance in the general fund by establishing an appropriate level of unrestricted fund balance that will be maintained in the general fund, the circumstances under which the unrestricted fund balance can be spent down, and the procedure for replenishing deficiencies

The Board reserves the authority to review and amend this resolution as needed to reflect changing circumstances and district needs.

Long-Term Financial Obligations

The district's current-year budget and multi-year projections shall include adequate provisions for addressing the district's long-term financial obligations, including, but not limited to, long-term obligations resulting from collective bargaining agreements, financing of facilities projects, unfunded or future liability for retiree benefits, and accrued workers' compensation claims.

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4143/4243 - Negotiations/Consultation)

Policy Adopted: 10/14/09



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(cf. 4154/4254/4354 - Health and Welfare Benefits)
(cf. 7210 - Facilities Financing)
(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

The Board shall approve a plan for meeting the district's long-term obligations to fund nonpension, other postemployment benefits (OPEBs). This plan shall include a specific funding strategy and the method that will be used to finance the district's annual fiscal obligations for such benefits in a manner that continually reduces the deficit to the district to the extent possible. The Board reserves the authority to review and amend the funding strategy as necessary to ensure that it continues to serve the best interests of the district and maintains flexibility to adjust for changing budgetary considerations.

When the Superintendent or designee presents a report to the Board on the estimated accrued but unfunded cost of OPEBs, the Board shall disclose, as a separate agenda item at the same meeting, whether or not it will reserve a sufficient amount of money in its budget to fund the present value of the benefits of existing retirees and/or the future cost of employees who are eligible for benefits in the current fiscal year. (Education Code 42140)

When the Superintendent or designee presents a report to the Board on the estimated accrued but unfunded cost of workers' compensation claims, the Board shall disclose, as a separate agenda item at the same meeting, whether or not it will reserve in the budget sufficient amounts to fund the present value of accrued but unfunded workers' compensation claims or if it is otherwise decreasing the amount in its workers' compensation reserve fund. The Board shall annually certify to the County Superintendent the amount, if any, that it has decided to reserve in the budget for these costs. The Board shall submit to the County Superintendent any budget revisions that may be necessary to account for this budget reserve. (Education Code 42141)

Budget Amendments

Whenever revenues and expenditures change significantly throughout the year, the Superintendent or designee shall recommend budget amendments to ensure accurate projections of the district's net ending balance. When final figures for the prior-year budget are available, this information shall be used as soon as possible to update the current-year budget's beginning balance and projected revenues and expenditures.

In addition, budget amendments shall be submitted for Board approval when the state budget is adopted, collective bargaining agreements are accepted, district income declines, increased revenues or unanticipated savings are made available to the district, program proposals are significantly different from those approved during budget adoption, interfund transfers are needed to meet actual program expenditures, and/or other significant changes occur that impact budget projections.

Legal Reference:

EDUCATION CODE

- 1240 Duties of county superintendent of schools
- 33127-33131 Standards and criteria for local budgets and expenditures
- 35035 Powers and duties of superintendent
- 35161 Powers and duties, generally, of governing boards
- 42103 Public hearing on proposed budget; requirements for content of proposed budget
- 42122-42129 Budget requirements
- 42130-42134 Financial certifications
- 42140-42141 Disclosure of fiscal obligations
- 42602 Use of unbudgeted funds
- 42605 Tier 3 categorical flexibility
- 42610 Appropriation of excess funds and limitation thereon
- 44518-44519.2 Chief business officer training program



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45253 Annual budget of personnel commission
45254 First year budget of personnel commission
GOVERNMENT CODE
7900-7914 Appropriations limit
CODE OF REGULATIONS, TITLE 5
15060 Standardized account code structure
15440-15451 Criteria and standards for school district budgets

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Budget Planning and Adoption, 2006

Maximizing School Board Governance: Understanding District Budgets, 2006

School Finance CD-ROM, 2005

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

Fiscal Oversight Guide for AB 1200, AB 2756 and Subsequent Related Legislation, September 2006

GOVERNMENT FINANCE OFFICERS ASSOCIATION

Best Practice: Appropriate Level of Unrestricted Fund Balance in the General Fund, 2009

GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS

Statement 54, Fund Balance Reporting and Governmental Fund Type Definitions, March 2009

Statement 45, Accounting and Financial Reporting by Employers for Post-employment Benefits Other Than Pensions, June 2004

Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999

WEB SITES

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

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

California Department of Education, Finance and Grants: <http://www.cde.ca.gov/fg>

California Department of Finance: <http://www.dof.ca.gov>

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

Government Finance Officers Association: <http://www.gfoa.org>

Governmental Accounting Standards Board: <http://www.gasb.org>

Legislative Analyst's Office: <http://www.lao.ca.gov>

School Services of California, Inc.: <http://www.sscal.com>



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Emergency Schedules

In order to provide for the safety of students and staff, the Board of Education authorizes the Superintendent or designee to close a school site, to change the regular school day schedule, or to take any necessary action when adverse weather conditions or other emergencies warrant.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 4157/4257/4357 - Employee Safety)
(cf. 5142 - Safety)
(cf. 6112 - School Day)

When an emergency condition causes a school closure, reduction in attendance, or change in schedule pursuant to Education Code 41422 or 46392, thereby preventing the district from complying with the minimum number of instructional days or minutes required by law, the Superintendent or designee shall complete and submit to the Superintendent of Public Instruction the necessary forms for obtaining approval of the days of the closure, reduction in attendance, or change in schedule. The Superintendent or designee shall submit other relevant district records as may be required.

(cf. 3580 - District Records)
(cf. 6111 - School Calendar)

The Superintendent or designee shall establish a system for informing students and parents/guardians when school buses are not operating, **as scheduled**, ~~or when the school day schedule is changed~~, or the school is closed.

(cf. 3542 - School Bus Drivers)
(cf. 3543 - Transportation Safety and Emergencies)

~~Whenever the school day schedule changes after students arrive at school, In the event that students arrive at school when the school day schedule changes or the schedule changes after school has begun,~~ the Superintendent or designee shall ensure that **students are supervised** ~~supervision is provided~~ in accordance with the procedures specified in the district's emergency and disaster preparedness plan.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 3516.1 - Fire Drills and Fires)
(cf. 3516.2 - Bomb Threats)
(cf. 3516.3 - Earthquake Emergency Procedure System)

The Superintendent or designee may provide a means to **make up** ~~compensate for~~ lost instructional time later during the year. Students and parents/guardians shall receive timely advanced notice of any resulting changes in the school calendar or school day schedule.

(cf. 6111 - School Calendar)

Legal Reference:

EDUCATION CODE

41420 Required length of school term
41422 Schools not maintained for 175 days
46010 Total days of attendance
46100-46192 Attendance; maximum credit; minimum day
46390 Calculation of ADA in emergency

Policy Adopted: October 29, 2008



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*46391 Lost or destroyed ADA records
46392 Decreased attendance in emergency situation
VEHICLE CODE
34501.6 School buses; reduced visibility*

*Management Resources:
CALIFORNIA DEPT OF EDUCATION CORRESPONDENCE
90-01 Average Daily Attendance Credit During Periods of Emergency, February 10, 2005
WEB SITES
California Department of Education: <http://www.cde.ca.gov>*



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Business and Noninstructional Operations

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate against him/her because of his/her race, color, national origin, gender, sex, sexual orientation, disability, or any other basis prohibited by law, in its implementation of such a program.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3552 - Summer Meal Program)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 5030 - Student Wellness)

Coordinator

The Board designates the compliance officer specified in AR 1312.3 - Uniform Complaint Procedures as coordinator of the district's efforts to comply with the laws governing its nutrition programs and to investigate any related complaints. Any complaint concerning the district's nutrition programs shall be investigated using the process identified in the section entitled "Procedures" in the district's AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

The coordinator shall provide training on the laws, regulations, procedures, and directives related to the district's nutrition programs to district employees involved in administering them. The coordinator also shall develop procedures and systems that do not restrict the participation of individuals in the district's nutrition programs, based on their race, ethnicity, or disability, and that prevent district employees from incorrectly denying the applications for participation submitted by such individuals.

The coordinator shall develop and maintain a system for collecting racial and ethnic data of participants in the district's nutrition programs and shall, at least annually, report to the Board on whether the district's nutrition programs are effectively reaching eligible individuals and whether and where additional outreach may be needed.

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

When a significant number of participants or potential participants in the district's nutrition programs are only non-English speakers, the coordinator shall make an appropriate language translation available.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)
(cf. 6174 - English Language Learners)

The coordinator also shall ensure that the district's nutrition programs accommodate the special dietary needs of any individual with a disability who has on file a medical statement that restricts his/her diet because of his/her disability.

(cf. 5141.27 - Food Allergies/Special Dietary Needs)
(cf. 6159 - Individualized Education Program)
(cf. 6164.6 - Identification and Education Under Section 504)

Policy Adopted: NEW POLICY



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Notifications

The coordinator shall ensure that the U.S. Department of Agriculture's "And Justice for All" or other approved Nutrition Programs Civil Rights posters are displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

Annually, the coordinator shall notify all students, parents/guardians, and employees of program requirements and the procedures for filing a complaint, through the district's usual means of notification.

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

In addition, the coordinator shall ensure that every informational release, publication, or poster concerning the district's nutrition programs and/or activities includes, in a prominent location, the following statement:

"In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability. In addition, California law prohibits discrimination on any basis identified in Government Code 12940.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer."

However, if the document is no more than one page and there is no room to print the full nondiscrimination statement, the district may instead use the statement "This institution is an equal opportunity provider" in the same print size as the rest of the text.

When a complaint is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following agencies:

1. Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room 1500, Sacramento, CA 95814-2342 or call 916-445-0850 or 800-952-5609
2. Office of Civil Rights, USDA, Western Region, 90 Seventh Street, Suite 10-100, San Francisco, CA 94103 or call 415-705-1336 or fax 415-705-1364 or email Joe.Torres@fns.usda.gov
3. USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call 800-795-3272 or 202-720-6382 (TTY)

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination
48985 Notices to parents in language other than English
49060-49079 Student records
49490-49590 Child nutrition programs
PENAL CODE
422.55 Definition of hate crime
422.6 Interference with constitutional right or privilege

Policy Adopted: NEW POLICY



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CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

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

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

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

106.9 Dissemination of policy

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION, NUTRITION SERVICES DIVISION PUBLICATIONS

Civil Rights and Complaint Procedures for Child Nutrition Programs, March 2010

U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE PUBLICATIONS

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

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

Protecting Students from Harassment and Hate Crime, January 1999

Notice of Non-Discrimination, January 1999

WEB SITES

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

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

U.S. Department of Agriculture, Office for Civil Rights: <http://www.ascr.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>



All Personnel

DRUG AND ALCOHOL-FREE WORKPLACE

The Board of Education believes that the maintenance of drug- and alcohol-free workplaces is essential to school and district operations.

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in 21 USC 81 at any school district workplace. These prohibitions apply before, during and after school hours. A school district workplace is any place where school district work is performed, any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

The Superintendent or designee shall notify employees of these **district's prohibitions against drug use and the actions that will be taken for violation of such prohibition.** (Government Code 8355; 41 USC 702)

An employee shall abide by the terms of this policy and notify the district, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace. (41 USC 702)

The Superintendent or designee shall notify the appropriate federal granting or contracting agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 701)

In accordance with law and the district's collective bargaining agreements, the Superintendent or designee shall take appropriate disciplinary action, up to and including termination, against an employee for violating the terms of this policy and/or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state, or local health or law enforcement agency or other appropriate agency.

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4212 - Appointment and Conditions of Employment)

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

The Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited. A plea or verdict of guilty, a finding of guilt by a court in a trial without a jury, or a conviction following a plea of nolo contendere shall be deemed to be a conviction. (Education Code 44836, 45123)

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4212 - Appointment and Conditions of Employment)



A classified employee may be reemployed after conviction of such an offense if the Board determines, from the evidence presented, that the person has been rehabilitated for at least five years. (Education Code 45123)

The Board may take appropriate disciplinary action, up to and including termination, or require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

Drug-Free Awareness Program

The Superintendent or designee shall establish a drug- and alcohol-free awareness program to inform employees about: (Government Code 8355)

1. The dangers of drug and alcohol abuse in the workplace
2. The district policy of maintaining drug- and alcohol-free workplaces
3. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs

(cf. 4159/4259/4359 - Employee Assistance Programs)

4. The penalties that may be imposed on employees for drug and alcohol abuse violations **occurring in the workplace**

Legal Reference:

EDUCATION CODE

44011 Controlled substance offense

44425 Conviction of controlled substance offenses as grounds for revocation of credential

44836 Employment of certificated persons convicted of controlled substance offenses

44940 Compulsory leave of absence for certificated persons

44940.5 Procedures when employees are placed on compulsory leave of absence

45123 Employment after conviction of controlled substance offense

45304 Compulsory leave of absence for classified persons

GOVERNMENT CODE

8350-8357 Drug-free workplace

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug Free Schools and Communities Act

UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

COURT DECISIONS

Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381

Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920

Management Resources:

WEB SITES

California Department of Alcohol and Drug Programs: <http://www.adp.ca.gov>

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

U.S. Department of Labor: <http://www.dol.gov>



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TEMPORARY ATHLETIC TEAM COACHES

The Board of Education recognizes the importance of hiring ~~desires to employ highly~~ qualified temporary athletic team coaches for the district's sports and interscholastic athletic programs in order to enhance the knowledge, skills, motivation, and safety of student athletes.

(cf. 6142.7 – Physical Education and Activity)
(cf. 6145.2 – Athletic Competition)

~~Any certificated teacher employed by the district who applies for a position as a temporary athletic team coach and who satisfies the qualification criteria established for the position shall first be offered the position. (Education Code 44919)~~

The Superintendent or designee may employ a certificated or noncertificated employee, other than a substitute employee, to supervise or instruct interscholastic athletic activities as a temporary employee in a limited assignment capacity. (5 CCR 5590)

(cf. 4121 – Temporary/Substitute Personnel)

When hiring a person to fill a position as a temporary athletic team coach, the position shall first be made available to qualified certificated teachers currently employed by the district. (Education Code 44919)

~~In addition,~~ All coaches shall be subject to Board policies, administrative regulations, and the codes of ethical conduct published by the state and the California Interscholastic Federation.

(cf. 4118 – Suspension/Disciplinary Action)
(cf. 4218 – Dismissal/Suspension/Disciplinary Action)
(cf. 5131.1 - Bus Conduct)
(cf. 5131.63 – Steroids)

Noncertificated coaches have no authority to give grades to students. (5 CCR 5591)

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

Qualifications

The Superintendent or designee shall establish qualification criteria for all athletic coaches in accordance with law and with district standards and priorities. These criteria shall ensure that all temporary coaches possess an appropriate level of competence, knowledge and skill.

Any noncertificated employee or volunteer who works with students in a district-sponsored interscholastic athletic program shall, prior to beginning his/her duties, obtain a Department of Justice and Federal Bureau of Investigation criminal background check through the district. (Education Code 49024)

An individual who possesses a current Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing, issued prior to July 9, 2010, shall have satisfied district requirements for the criminal background check. (Education Code 49024)

(cf. 1240 – Volunteer Assistance)
(cf. 4112.5/4312.5 – Criminal Record Check)
(cf. 4112.62/4212.62/4312.62 – Maintenance of Criminal Offender Records)

Policy Adopted: February 27, 2008



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(cf. 4212.5 – Criminal Record Check)

Volunteer Coaches

~~Volunteer athletic team coaches who do not meet the district qualification criteria shall serve only under the supervision of a fully qualified coach and shall not be given charge of an athletic program.~~

Legal Reference:

EDUCATION CODE

35179-35179.7 Interscholastic athletics

44010 Sex offense

44011 Controlled substance offense

44332-44332.5 Temporary certificates

44424 Conviction of a crime

44808 Liability when students are not on school property

44919 Classification of temporary employees

45125.01 Interagency agreements for criminal record information

45347 Instructional aides subject to requirements for classified staff

45349 Use of volunteers to supervise or instruct students

49024 Activity Supervisor Clearance Certificate

49030-49034 Performance-enhancing substances

49406 Examination for tuberculosis

CODE OF REGULATIONS, TITLE 5

5531 Supervision of extracurricular activities

5590-5596 Duties of temporary athletic team coaches

COURT DECISIONS

CTA v. Rialto Unified School District, (1997) 14 Cal. 4th 627

San Jose Teachers Association, CTA, NEA v. Barozzi, (1991) 230 Cal.App.3d 1376

Management Resources:

CSBA PUBLICATIONS

Steroids and Students: What Boards Need to Know, Policy Brief, July 2005

A School Board Member's Guide to CIF and Interscholastic Sports, 1997

CALIFORNIA INTERSCHOLASTIC FEDERATION PUBLICATIONS

Pursuing Victory with Honor, 1999

California Interscholastic Federation Constitution and Bylaws

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010

WEB SITES

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

California Athletic Trainers' Association: <http://www.ca-at.org>

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

California Interscholastic Federation: <http://www.cifstate.org>

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

National Athletic Trainers' Association: <http://www.nata.org>



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All Personnel

AWARDS AND RECOGNITION

~~The Board of Education believes the district's employees are its most valuable resource and encourages recognition of the services they provide. The Superintendent or designee may issue service pins, certificates, plaques or other mementos in accordance with Board policy and administrative regulations.~~

The Governing Board values its instructional and noninstructional staff and desires to recognize their outstanding service in order to increase employee morale and encourage creative and innovative performance.

(cf. 1150 - Commendations and Awards)
(cf. 5126 - Awards for Achievement)

The Board encourages recognition of all staff during days of significance designated by the Board, state law, or state resolution.

(cf. 6115 - Ceremonies and Observances)

The Board authorizes awards to employees who: (Education Code 44015)

1. Propose ideas or procedures which eliminate or reduce district expenditures or improve district operations
2. Perform special acts or services in the public interest
3. By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in district operations

~~The Superintendent or designee may appoint a merit awards committee to recommend such awards to the Board.~~

~~The Superintendent or designee shall establish regulations governing employee awards.~~

As the district budget permits, the Superintendent or designee may recognize such employees by issuing service pins, certificates, plaques, and/or other mementos. In addition, he/she may recommend employees to the Board for recognition at a public Board meeting.

(cf. 3100 - Budget)
(cf. 3300 - Expenditures and Purchases)

The Superintendent or designee may appoint one or more merit award committees consisting of Board members, district employees, and/or private citizens to review employee contributions and recommend awards.

Monetary awards to employees shall not exceed \$200 unless expressly approved by the Board. (Education Code 44015)

(cf. 1220 - Citizen Advisory Committees)
(cf. 9140 - Board Representatives)

Legal Reference:

EDUCATION CODE
35160 Authority of governing boards
35160.1 Broad authority of school districts
35161 Powers and duties generally

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*37222.10 Days of significance, including Day of the Teacher
44015 Awards to employees
45460 Classified School Employee Week*

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: The Board's Relationship to District Staff, 2008

WEB SITES

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

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>



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INTERDISTRICT ATTENDANCE

The Board of Education recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons.

(cf. 0520.3 – Title I Program Improvement Districts)
(cf. 5111.12 – Residency Based on Parent/Guardian Employment)
(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5118 – Open Enrollment Act Transfers)

Upon request by students' parents/guardians, the Superintendent or designee may approve interdistrict attendance permits with other districts on a case-by-case basis to meet individual student needs.

~~The interdistrict attendance permit shall not exceed a term of five years and shall~~ **The Superintendent or designee shall ensure that interdistrict permits** stipulate the terms and conditions under which interdistrict attendance shall be permitted or denied. (Education Code 46600)

The Superintendent or designee may deny interdistrict attendance permits because of overcrowding within district schools or limited district resources.

Legal Reference:

EDUCATION CODE

41020 Annual district audits
46600-46611 Interdistrict attendance agreements
48204 Residency requirements for school attendance
48300-48316 Student attendance alternatives, school district of choice program
48350-48361 Open Enrollment Act
48915 Expulsion; particular circumstances
48915.1 Expelled individuals: enrollment in another district
48918 Rules governing expulsion procedures
48980 Notice at beginning of term
52317 Regional Occupational Center/Program, enrollment of students, interdistrict attendance
ATTORNEY GENERAL OPINIONS
87 Ops.Cal.Atty.Gen. 132 (2004)
84 Ops.Cal.Atty.Gen. 198 (2001)
COURT DECISIONS
Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

Management Resources:

WEB SITES

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



ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS

The Board of Education recognizes that some students may need to take medication prescribed by an **authorized** health care provider during the school day in order to be able to attend school. The Superintendent or designee shall develop processes for the administration of medication to such students by school personnel. **For any student with a disability, as defined under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, necessary medication shall be administered in accordance with the student's individualized education program or Section 504 services plan.**

(cf. 6159 - Individualized Education Plan)
(cf. 6164.6 – Identification and Education Under Section 504)

If a parent/guardian chooses, he/she may administer the medication to his/her child at school or designate another individual who is not a school employee to do so on his/her behalf.

(cf. 1250 – Visitors/Outsiders)
(cf. 6116 – Classroom Interruptions)

In addition, upon written request by the parent/guardian and with the approval of the student's authorized health care provider, a student with a medical condition that requires frequent treatment, monitoring, or testing may be allowed to self-administer, self-monitor, and/or self-test. The student shall observe universal precautions in the handling of blood and other bodily fluids.

(cf. 5141 - Health Care and Emergencies)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Asthma Management)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)

Administration of Medication by School Personnel

Any medication prescribed by an authorized health care provider may be administered by the school nurse or other designated school personnel only when the Superintendent or designee has received written statements from **both** the student's authorized health care provider and parent/guardian., ~~prescribed medication may be administered by the school nurse or other designated school personnel.~~ (Education Code 49423; 5 CCR 600)

School nurses and other designated school personnel shall ~~Staff authorized to administer medications shall do so~~ in accordance with **law, Board policy and** administrative regulation and shall be afforded appropriate liability protection.

(cf. 3530 - Risk Management/Insurance)
(cf. 4119.42/4219.42/4319.42 – Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 – Universal Precautions)

~~School staff who administer medication to students, including anaphylactic injections, shall receive training from qualified medical personnel on how such medication should be administered as well as training in the proper documentation and storage of the medication.~~

Only a school nurse or other school employee with an appropriate medical license may administer an insulin injection to a student. In the event such licensed school personnel are unavailable, the district may contract with a licensed nurse from a public or private agency to administer insulin to the student. However, in an emergency situation such as a public disaster or epidemic, a trained, unlicensed district employee may administer an insulin injection to a student.

(cf. 5141.24 - Specialized Health Care Services)



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To the extent that the administration of a medication, such as epinephrine auto-injector or glucagon, is authorized by law, the Superintendent or designee shall ensure that unlicensed personnel designated to administer it to students receive appropriate training from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by and provided with emergency communication access to a school nurse, physician, or other appropriate individual.

The Superintendent or designee shall maintain documentation of the training, ongoing supervision, as well as annual written verification of competency of such other designated school personnel.

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

Legal Reference:

EDUCATION CODE

- 48980 Notification at beginning of term
 - 49407 Liability for treatment
 - 49408 Emergency information
 - 49414 Emergency epinephrine auto-injectors
 - 49414.5 Providing school personnel with voluntary emergency training
 - 49422-49427 Employment of medical personnel, especially:
 - 49423 Administration of prescribed medication for student
 - 49423.1 Inhaled asthma medication
 - 49480 Continuing medication regimen; notice
- BUSINESS AND PROFESSIONS CODE**
- 2700-2837 Nursing, especially:
 - 2726 Authority not conferred
 - 2727 Exceptions in general
 - 3501 Definitions
- CODE OF REGULATIONS, TITLE 5**
- 600-611 Administering medication to students
- UNITED STATES CODE, TITLE 20**
- 1232g Family Educational Rights and Privacy Act of 1974
 - 1400-1482 Individuals with Disabilities Education Act
- UNITED STATES CODE, TITLE 29**
- 794 Rehabilitation Act of 1973, Section 504
- COURT DECISIONS**
- American Nurses Association v. O'Connell, (2010) 185 Cal.App.4th 393

Management Resources:

- AMERICAN DIABETES ASSOCIATION PUBLICATIONS**
 - Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006
- CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES**
 - Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007
- CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**
 - Training Standards for the Administration of Epinephrine Auto-Injectors, December 2004
- NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS**
 - Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003
- WEB SITES**
 - CSBA: <http://www.csba.org>
 - American Diabetes Association: <http://www.diabetes.org>
 - California Department of Education, Health Services and School Nursing: <http://www.cde.ca.gov/ls/he/hn>
 - National Diabetes Education Program: <http://www.ndep.nih.gov>
 - U.S. Department of Health and Human Services, National Institutes of Health, Blood Institute, asthma information: <http://www.nhlbi.nih.gov/health/public/lung/index.htm#asthma>



HEALTH EXAMINATIONS

The Board of Education recognizes that periodic health examinations of students may lead to the early detection and treatment of conditions that impact learning. Health examinations also may help in determining whether special adaptations of the school program are necessary.

In addition to verifying that students have complied with legal requirements for health examinations and immunizations before enrolling in school, the district shall administer tests for vision, hearing and scoliosis as required by law.

(cf. 5141.26 - Tuberculosis Testing)
(cf. 5141.31 - Immunizations)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.6 - School Health Services)

All students who participate as cheerleaders, song leaders, or athletes in organized competitive sports shall first undergo ~~and file with the district~~ a current medical examination **and submit documentation of medical clearance to the district**. Upon sustaining an injury or serious illness, a student may be required to have another examination before participating further. This requirement does not apply to participants in occasional play day or field day activities.

(cf. 5143 - Insurance)
(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall ensure that staff employed to examine students exercise proper care of each student and that examination results are kept confidential. Records related to these examinations shall be **maintained and released** ~~available~~ only in accordance with law.

(cf. 5125 - Student Records)

Legal Reference:

EDUCATION CODE

44871-44879 Employment qualifications
48980 Parental notifications
49400-49414.5 Student health, general powers of school boards
49422 Supervision of health and physical development
49450-49458 Physical examinations (of pupils)
49460-49466 Development of standardized health assessments

HEALTH AND SAFETY CODE

120325-120380 Immunization against communicable diseases
121475-121520 Tuberculosis tests for pupils
124025-124110 Child Health and Disability Prevention Program

CODE OF REGULATIONS, TITLE 5

590-596 Vision screening
3027 Hearing and vision screening for special education
3028 Audiological screening

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act
1232h Protection of student rights

Management Resources:

CSBA PUBLICATIONS

Expanding Access to School Health Services: Policy Considerations for Governing Boards, November 2008
Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, November 2008



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CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Standards for Scoliosis Screening in California Public Schools, 2007

A Guide for Vision Testing in California Public Schools, 2005

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Joint Guidance on the Application of FERPA and HIPAA to Student Health Records, November 2008

WEB SITES

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

California Department of Education, Health Services/School Nursing: <http://www.cde.ca.gov/ls/he/hn>

California Department of Education, Type 2 Diabetes Information: <http://www.cde.ca.gov/ls/he/hn/type2diabetes.asp>

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



IMMUNIZATIONS

To protect the health of all students and staff and to curtail the spread of infectious diseases, the Board of Education desires to cooperate with state and local health agencies to encourage immunization of all district students against preventable diseases.

(cf. 1400 - Relations between Other Governmental Agencies and the Schools)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.26 – Tuberculosis Testing)
(cf. 6142.8 – Comprehensive Health Education)

Students entering a district school or transferring between school campuses, shall present an immunization record which shows at least the month and year of each immunization in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

(cf. 5112.1 - Exemptions from Attendance)
(cf. 5112.2 - Exclusions from Attendance)
(cf. 5141.32 – Health Screening for School Entry)
(cf. 5148 – Child Care and Development)
(cf. 5148.3 – Preschool/Early Childhood Education)

A transfer student may be conditionally admitted for up to 30 school days while his/her immunization records are being transferred from the previous school. If these records do not arrive within 30 school days, the student shall present written documentation by a ~~physician, nurse or clinic~~, **an authorized health care provider** showing that the required immunizations were received. If such documentation is not presented, the student shall be excluded from school until immunization requirements are met. (17 CCR 6070)

(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education of Children of Military Families)

The Superintendent or designee may arrange for an authorized health care provider to administer immunizations at school to any student whose parent/guardian has consented in writing. At the beginning of the school year, parents/guardians shall be notified of their right to provide consent for the administration of an immunization to their child at school. (Education Code 49403)

(cf. 5141.3 - Health Examinations)
(cf. 5141.6 - School Health Services)
(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE
44871 Qualifications of supervisor of health
46010 Total days of attendance
48216 Immunization
48853.5 Immediate enrollment of foster youth
48980 Required notification of rights
49403 Cooperation in control of communicable disease and immunizations
49426 Duties of school nurses
49701 Flexibility in enrollment of children of military families
HEALTH AND SAFETY CODE
120325-120380 Immunization against communicable disease, especially:



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120335 Immunization requirement for admission
120395 Information about meningococcal disease, including recommendation for vaccination
120440 Disclosure of immunization information
CODE OF REGULATIONS, TITLE 5
430 Student records
CODE OF REGULATIONS, TITLE 17
6000-6075 School attendance immunization requirements
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act
UNITED STATES CODE, TITLE 42
11432 Immediate enrollment of homeless children
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy

Management Resources:

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH
California Immunization Handbook for Schools and Child Care Programs, July 2003
Guide to Immunizations Required for School Entry
Guide to the Requirements of the California School Immunization Law for Parents of Children in or Entering School or Child Care
U.S. DEPARTMENT OF EDUCATION GUIDANCE
Family Educational Rights and Privacy Act (FERPA) and H1N1, October 2009
WEB SITES
California Department of Education: <http://www.cde.ca.gov>
California Department of Public Health, Immunization Branch: <http://www.cdph.ca.gov/programs/immunize>
Centers for Disease Control and Prevention: <http://www.cdc.gov>
U.S. Department of Education: <http://www.ed.gov>



ACADEMIC STANDARDS

~~The Governing Board 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 determined through a collaborative process. 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.~~

~~(cf. 6010 - Goals and Objectives)~~

~~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.~~

~~(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.~~

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

The Governing Board shall adopt high standards for student achievement which challenge all students to reach their full potential and specify what students are expected to know and to be able to do at each grade level. These standards shall reflect the knowledge and skills needed for students to be adequately prepared for postsecondary education, employment, and responsible citizenship.

District content standards for English language arts, English language development, mathematics, science, health education, history-social science, physical education, visual and performing arts, world languages, career technical education, and preschool education shall meet or exceed statewide model content standards adopted by the State Board of Education or the State Superintendent of Public Instruction as applicable.

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6142.2 - World/Foreign Language Instruction)

(cf. 6142.6 - Visual and Performing Arts Education)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6142.93 - Science Instruction)



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(cf. 6142.94 - History-Social Science Instruction)
(cf. 6174 - Education for English Language Learners)
(cf. 6178 - Career Technical Education)

District curriculum, instruction, student assessments, and evaluations of the instructional program shall be aligned with district content standards. In accordance with Education Code 44662, standards of expected student achievement also shall be used in evaluating teacher performance.

(cf. 0500 - Accountability)
(cf. 4115 - Evaluation/Supervision)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6143 - Courses of Study)
(cf. 6162.5 - Student Assessment)
(cf. 6190 - Evaluation of the Instructional Program)

Teachers and school administrators shall receive ongoing professional development to inform them of changes in the standards and to build their capacity to implement effective standards-based instructional methodologies.

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

The Superintendent or designee shall annually communicate the applicable standards to students and their parents/guardians to inform them of the expectations for student learning at their grade level.

Staff shall continually assess students' progress toward meeting the standards and offer remedial assistance in accordance with Board policy and administrative regulation.

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 6177 - Summer School)
(cf. 6179 - Supplemental Instruction)

The Superintendent or designee shall ensure that district standards are regularly reviewed and updated as necessary. At a minimum, district standards shall be reviewed whenever applicable statewide standards are revised and in response to changing student needs.

Legal Reference:

EDUCATION CODE
44662 *Evaluation of certificated employees*
51003 *Statewide academic standards*
60605-60605.9 *Adoption of statewide academically rigorous content and performance standards*
UNITED STATES CODE, TITLE 20
6311 *State academic standards and accountability for Title I, Part A*

Management Resources:

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



INDEPENDENT STUDY

~~The governing board recognizes its responsibility for the education of all students in the school system. The board authorizes the superintendent to establish independent study as an optional alternative instructional strategy by which all enrolled students may achieve curriculum objectives and fulfill graduation requirements in a setting other than the regular classroom.~~

~~The primary purpose of independent study is to offer a means of learning for students whose needs may be met best through individual study outside the regular classroom setting. Independent study may be used by all students who are motivated to achieve educationally as well as or better than they would in the regular classroom. Pupils and parents/guardians requesting independent study at the elementary level should recognize that there must be a commitment on the part of the pupil's parent/guardian if it is to be a successful experience. At the secondary level, the major commitment must be made by the pupil, assisted or supported as necessary by parents and others who may assist directly with instruction.~~

- ~~1. Independent study is a voluntary optional alternative and all students shall have the option of classroom instruction available at all times. In the case of suspended/expulsion students, a classroom option has been offered and will always be available. [Education Code §51747(7), 52500.1, 11700(d)(2)]~~
- ~~2. No course required for high school graduation shall be offered exclusively through independent study. [Education Code §51745 (e)]~~
- ~~3. The curriculum offered in independent study shall be substantially equivalent in quality and quantity to classroom instruction within the district. [Education Code §11701.5]~~
- ~~4. No individual with exceptional needs as defined in Education Code §56026 may participate in independent study unless his or her individualized education program (IEP) specifically provides for that participation. [Education Code §51745(c)]~~
- ~~5. No temporarily disabled student may receive individual instruction pursuant to Education Code §48206.3 through independent study. However, if the temporarily disabled student's parent or guardian and the district agree, the student may receive instruction through independent study instead of receiving the "home and hospital" instruction provided pursuant to Education Code §48206.3.~~
- ~~6. The district shall provide appropriate existing services and resources to enable students to complete their independent study successfully and shall ensure that the independent study student has the same access to all existing services and resources of the school district. When appropriate and on a space available basis, independent study students shall be eligible to take concurrent classes not offered in the independent study on the host campus within the district, or at a postsecondary educational institution. [Education Code §41746, 51746, Title 5, CCR 11701.5]~~
- ~~7. No provisions shall be made for funds or things of value to students or parents/guardians that are not provided for students engaged in regular classroom-based instruction. [Education Code §46300.6, 51747.3(a)]~~
- ~~8. Only students who reside in the local or adjoining county may enroll in Chico Unified School District's independent study. [Education Code §460300.2, 51747.3(b)]~~
- ~~9. Independent study shall not be available to K-6 students whose residence status is based solely on~~



~~their parent/guardian's employment within district boundaries. [Education Code §48204(f), 51747.3(e)]~~

~~10. Only 10% of ADA of Continuation school and 10% of ADA of Opportunity school may enroll in independent study. [Education Code §51745(b)]~~

~~11. Students must be enrolled in independent study a minimum of five school days to be eligible for K-12 apportionment. [Education Code §46300(e)(1)]~~

Written Agreement and Contracts

- ~~1. The superintendent or designee shall ensure that the district executes a written independent study agreement with each participating pupil as prescribed by law. Individual independent study agreements and any subordinate contracts and assignments must be consistent with the district's adopted course of study.~~
- ~~2. The superintendent or designee shall establish appropriate screening procedures to ensure that the necessary levels of understanding and preparation exist to meet the conditions of the independent study agreement before its approval by the designated certificated representative of the district.~~
- ~~3. For pupils in all types of independent study, the maximum length of time that may elapse between the time an assignment is made and the date by which the pupil must complete the assigned work shall be four weeks or 20 school days. When special or extenuating circumstances justify a longer time for individual pupils, the superintendent or designee may approve a longer period, pursuant to a written request with justification. [Education Code §51747]~~
- ~~4. When any pupil fails to complete three independent study assignments during any period of 30 school days, or misses two appointments without valid reasons, the superintendent or designee shall conduct an evaluation to determine whether the pupil should be allowed to continue in independent study. A written record of the findings of any evaluation conducted pursuant to this policy shall be maintained in the pupil's permanent record.~~
- ~~5. The superintendent or designee shall report to the board the number of pupils in independent study by typical categories of study and duration; the ADA generated; a description of the students' performance on those indicators of quality which the board may specify; and the number and proportion of pupils, by typical categories, who graduate or successfully complete their studies.~~

~~The superintendent or designee shall establish procedures to coordinate the independent study.~~

Education Code:

- ~~39149.1 Exemptions for facilities~~
- ~~44865 Qualifications for home teachers and teachers in special classes and schools; consent to assignment~~
- ~~46300 (e) Authority for independent study ADA~~
- ~~46300.1 Restrictions affecting adults on independent study~~
- ~~46300.3 Restriction on concurrent enrollment in adult education~~
- ~~46300.4 Eligible adult education coursework~~
- ~~48206.3 Pupils with temporary disabilities~~
- ~~48340 Improvement of student attendance~~
- ~~51225.3 Requirements for high school graduation~~
- ~~51745 Independent Study (Article 5.5)-51749.5~~
- ~~51746 Services~~
- ~~51747 Written Policies~~
- ~~52000(e) Improvement of elementary and secondary education legislative intent~~



52015	School improvement plans: components of plan
52017	Secondary schools: additional plan components
52206	GATE
56026	Individuals with exceptional needs
Code of Regulations, Title 5	
11700	Definitions (Independent Study)
11701	District responsibilities
11702	Standards for independent study; agreements
11703	Records

The Governing Board authorizes independent study as an optional alternative instructional strategy for eligible students whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational plan and enabling students to reach curriculum objectives and fulfill graduation requirements. As necessary to meet student needs, independent study may be offered on a full-time basis or on a part-time basis in conjunction with part- or full-time classroom study.

A student's participation in independent study shall be voluntary. Students participating in independent study shall have the right, at any time, to enter or return to the regular classroom mode of instruction. (Education Code 51747; 5 CCR 11700)

Parents/guardians of students who are interested in independent study shall contact the Superintendent or designee. The Superintendent or designee shall approve independent study for an individual student only upon determining that the student is prepared to meet the district's requirements for independent study and is likely to succeed in independent study as well as or better than he/she would in the regular classroom.

The minimum period of time for any independent study option shall be five consecutive school days.

The Superintendent or designee shall ensure that a written independent study agreement, as prescribed by law, exists for each participating student. (Education Code 51747)

The written agreement shall specify the length of time in which each independent study assignment must be completed. Because excessive leniency in the duration of independent study assignments may result in a student falling behind his/her peers and increase the risk of dropping out of school, independent study assignments shall be no more than:

- For all program types in grades K-3 One week
- For all program types in grades 4-8 Two weeks
- For all program types in grades 9-12 Four weeks

However, when necessary based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due, up to the termination date of the agreement.

When a participating student misses three assignments within the agreement period, an evaluation shall be conducted to determine whether it is in the student's best interest to remain in independent study. However, a student's written agreement may specify a lower or higher number of missed assignments that will trigger an evaluation when the Superintendent or designee determines it appropriate based on the nature of the assignments, the total number of assignments, and/or other unique circumstances.

Supervising teachers should establish an appropriate schedule for student-teacher conferences in order to help identify students falling behind in their work or in danger of failing or dropping out of school. Except in unusual circumstances, or in particular programs such as College Connection, it is expected that the supervising teacher



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will meet, either in person or by electronic means, with each participating student at least once a week to discuss the student's progress.

Missing appointments with the supervising teacher without valid reasons also may trigger an evaluation to determine whether the student should remain in independent study.

Legal Reference:

EDUCATION CODE

17289 Exemption for facilities

41976.2 Independent study programs; adult education funding

42238 Revenue limits

44865 Qualifications for home teachers and teachers in special classes and schools

46300-46307.1 Methods of computing average daily attendance

47612.5 Independent study in charter schools

48204 Residency based on parent employment

48206.3 Home or hospital instruction; students with temporary disabilities

48220 Classes of children exempted

48340 Improvement of pupil attendance

48915 Expulsion; particular circumstances

48916.1 Educational program requirements for expelled students

48917 Suspension of expulsion order

51225.3 Requirements for high school graduation

51745-51749.3 Independent study programs

52206 Gifted and talented education; use of independent study to augment program

52522 Adult education alternative instructional delivery

52523 Adult education as supplement to high school curriculum; criteria

56026 Individuals with exceptional needs

58500-58512 Alternative schools and programs of choice

FAMILY CODE

6550 Authorization affidavits

CODE OF REGULATIONS, TITLE 5

11700-11703 Independent study

19819 State audit compliance

COURT DECISIONS

Modesto City Schools v. Education Audits Appeal Panel, (2004) 123 Cal.App.4th 1365

EDUCATION AUDIT APPEALS PANEL DECISIONS

Lucerne Valley Unified School District, Case No. 03-02 (2005)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Independent Study Operations Manual, 2000 Edition

Elements of Exemplary Independent Study

Approaches to Satisfying No Child Left Behind Act of 2001 Teacher Requirements for Independent Study in Secondary Schools, January 28, 2010

WEB SITES

California Consortium for Independent Study: <http://www.ccis.org>

California Department of Education, Independent Study: <http://www.cde.ca.gov/sp/eo/is>

Education Audit Appeals Panel: <http://www.eaap.ca.gov>



SELECTION AND EVALUATION OF INSTRUCTIONAL MATERIALS

The Board of Education desires that district instructional materials, as a whole, present a broad spectrum of knowledge and viewpoints, reflect the diversity of our society, and enhance the use of multiple teaching strategies and technologies. The Board's adoption of instructional materials shall be based on a determination that such materials are aligned with the state content standards, meet criteria specified in law and are an effective learning resource to help students achieve grade-level competency.

(cf. 6000 - Concepts and Roles)
(cf. 9000 - Role of the Board)

To ensure that instructional materials effectively support the district's adopted courses of study, meet curricular goals and support student achievement, the selection of textbooks, technology-based materials, other educational materials and tests shall be aligned with the district's curriculum and standards.

(cf. 0440 - District Technology Plan)
(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6143 - Courses of Study)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6161 - Equipment, Books and Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6162.5 - Student Assessment)
(cf. 6163.1 - Library Media Centers)

The Superintendent or designee shall establish a process by which instructional materials shall be reviewed for recommendation to the Board. This process shall involve teachers in a substantial manner.

The district may pilot instructional materials, using a representative sample of classrooms for a specified period of time during a school year, in order to determine how well the materials support the district's academic standards. Feedback from teachers may be made available to the Board before the materials are adopted.

All recommended instructional materials shall be available for public inspection.

Individuals who participate in selecting and evaluating instructional materials shall have no financial interest in the materials being reviewed.

(cf. 3315 - Relations with Vendors)
(cf. 9270 - Conflict of Interest)

Complaints concerning instructional materials shall be handled in accordance with law, Board policy and administrative regulation.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

Instructional Materials Funding Realignment Program

In accordance with the Instructional Materials Funding Realignment Program, the Board's priority in the selection of instructional materials is to ensure that all students in grades K-12 are provided with instructional materials that are aligned to state content standards in the core curriculum areas of reading/language arts, mathematics, science and history/social science. Students in grades K-8 shall be provided with instructional materials adopted by the State Board of Education.



Public Hearing on Sufficiency of Instructional Materials

The Board shall annually conduct one or more public hearings on the sufficiency of the district's instructional materials. (Education Code 60119)

The hearing shall be held on or before the end of the eighth week from the first day students attend school for that year. (Education Code 60119)

The Board shall encourage participation by parents/guardians, teachers, interested community members and bargaining unit leaders at the hearing. The Superintendent or designee shall post, 10 days prior to the hearing and in three public places within the district, a notice containing the time, place and purpose of the hearing. (Education Code 60119)

At these hearings, the Board shall determine, through a resolution, whether each student in each school has sufficient textbooks and/or instructional materials that are aligned to the state content standards adopted pursuant to Education Code 60605 in each of the following subjects: (Education Code 60119)

1. Mathematics
2. Science
3. History-Social Science
4. English language arts, including the English language development component of an adopted program

The Board shall also make a written determination as to whether each student enrolled in a foreign language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the state curriculum frameworks. The Board shall determine the availability of science laboratory equipment, as applicable to science laboratory courses offered in grades 9-12. (Education Code 60119)

In making these determinations, the Board shall consider whether each student has sufficient textbooks and/or instructional materials to use in class and to take home. However, this does not require that each student have two sets of materials. The materials may be in a digital format as long as each student, at a minimum, has and can access the same materials in the class and to take home as all other students in the same class or course in the district and has the ability to use and access them at home. However, the materials shall not be considered sufficient if they are photocopied sheets from only a portion of a textbook or instructional materials copied to address a shortage. (Education Code 60119)

For the 2008-09 through 2012-13 fiscal years, the Board shall also make a determination that all students within the district who are enrolled in the same course have "identical" standards-aligned textbooks or instructional materials from the same adoption cycle, as defined in Education Code 1240.3, 60119, and 60422. (Education Code 1240.3, 42605)

If the Board determines that there are insufficient textbooks and/or instructional materials, the Board shall provide information to classroom teachers and to the public setting forth, for each school in which an insufficiency exists, the percentage of students who lack sufficient standards-aligned textbooks or instructional materials in each subject area and the reasons that each student does not have sufficient textbooks and/or instructional materials. The Board shall take any action, except an action that would require reimbursement by the Commission of State Mandates, to ensure that each student has sufficient materials within two months of the beginning of the school year in which the determination is made. (Education Code 60119)

Legal Reference:
EDUCATION CODE
1240 County superintendent, general duties

Policy Adopted: 05/03/07; 09/01/10



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1240.3 Definition of sufficiency for categorical flexibility
33050-33053 General waiver authority
33126 School accountability report card
35272 Education and athletic materials
42605 Tier 3 categorical flexibility
44805 Enforcement of course of studies; use of textbooks, rules and regulations
49415 Maximum textbook weight
51501 Subject matter reflecting on race, color, etc.
60000-60005 Instructional materials, legislative intent
60010 Definitions
60040-60048 Instructional requirements and materials
60060-60062 Requirements for publishers and manufacturers
60070-60076 Prohibited acts (re instructional materials)
60110-60115 Instructional materials on alcohol and drug education
60119 Public hearing on sufficiency of materials
60200-60206 Elementary school materials
60226 Requirements for publishers and manufacturers
60240-60252 State Instructional Materials Fund
60350-60352 Core reading program instructional materials
60400-60411 High school textbooks
60420-60424 Instructional Materials Funding Realignment Program
60510-60511 Donation for sale of obsolete instructional materials
60605 State content standards
CODE OF REGULATIONS, TITLE 5
9505-9535 Instructional materials, especially:
9531-9532 Instructional Materials Funding Realignment Program

Management Resources:

CSBA PUBLICATIONS

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

CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE

1002.90 Selection of Instructional Materials, CIL: 90/91-02

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Standards for Evaluation of Instructional Materials with Respect to Social Content, 1986 edition, revised 2000

WEB SITES

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

Association of American Publishers: <http://www.publishers.org>

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



STUDENT ASSESSMENT

The Governing Board believes that student assessment is a critical component of an ongoing K-12 sequence of teaching, learning, assessment and support. The primary and ongoing goal of student assessments should be to help students, parents/guardians and teachers identify individual student's academic accomplishments, progress and areas needing improvement in order to enhance teaching and learning.

The Superintendent or designee shall ensure that assessments are conducted for purposes of determining students' eligibility for and appropriate placement in district programs, need for supplemental instruction and eligibility for graduation.

~~(cf. 5123 - Promotion/Acceleration/Retention)~~
~~(cf. 6146.1 - High School Graduation Requirements)~~
~~(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)~~
~~(cf. 6146.5 - Elementary/Middle School Graduation Requirements)~~
~~(cf. 6164.4 - Identification of Individuals for Special Education)~~
~~(cf. 6164.6 - Identification and Education under Section 504)~~
~~(cf. 6171 - Title I Programs)~~
~~(cf. 6172 - Gifted and Talented Student Program)~~
~~(cf. 6174 - Education for English Language Learners)~~
~~(cf. 6175 - Migrant Education Program)~~
~~(cf. 6177 - Summer School)~~

The Board desires to use a variety of evaluation measures to reach the above-stated goal. To have validity, tests must correspond to the material that is being taught and reliably measure the extent to which students meet specified standards of achievement.

~~(cf. 0410 - Nondiscrimination in District Programs and Activities)~~
~~(cf. 5121 - Grades/Evaluation of Student Achievement)~~
~~(cf. 6011 - Academic Standards)~~
~~(cf. 6142.7 - Physical Education)~~
~~(cf. 6162.51 - Standardized Testing and Reporting Program)~~
~~(cf. 6162.52 - High School Exit Examination)~~
~~(cf. 6162.54 - Test Integrity/Test Preparation)~~

When districtwide and school-level results of student assessments are published, the Superintendent or designee may provide supplementary information to assist parents/guardians and the local community in interpreting test results and evaluating school performance.

~~(cf. 0510 - School Accountability Report Card)~~

Individual Record of Accomplishment

The Superintendent or designee shall ensure that each student, by the end of grade 12, has an individual record of accomplishment that includes the results of the achievement test administered under the Standardized Testing and Reporting program pursuant to Education Code 60640-60647

Legal Reference:
EDUCATION CODE
51041 - Evaluation of educational program
51450-51455 - Golden State Seal Merit Diploma
60600-60649 - Assessment of academic achievement
60800 - Physical fitness testing
60810 - Assessment of language development



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~~60850-60856 Exit examination~~
~~CODE OF REGULATIONS, TITLE 5~~
~~850-870 Standardized Testing and Reporting program~~
~~880-901 Designated primary language test~~
~~1200-1216 High School Exit Examination~~

~~Management Resources:~~

~~CDE PROGRAM ADVISORIES~~

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

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

~~CSBA ADVISORIES~~

~~0306.01 California Assessment Update~~

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

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

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

~~WEB SITES~~

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

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

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

The Governing Board recognizes that student assessments are an important instructional and accountability tool. Assessment data shall be used to help determine individual students' progress, mastery of academic standards, appropriate placement in district programs, and/or eligibility for graduation. In addition, program effectiveness and staff evaluations shall, as appropriate, be based in part on indicators of student achievement.

(cf. 0500 - Accountability)

(cf. 4115 - Evaluation/Supervision)

(cf. 5123 - Promotion/Acceleration/Retention)

(cf. 6011 - Academic Standards)

(cf. 6190 - Evaluation of the Instructional Program)

To obtain the most accurate evaluation of student performance, the district shall use a variety of measures, including district, state, and/or national assessments. As appropriate, assessment results shall be disaggregated by student subgroup, classroom, grade level, or school site to allow for critical analysis of student needs.

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

(cf. 6142.7 - Physical Education and Activity)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

In selecting or developing a district assessment, the Superintendent or designee shall examine evidence of its reliability, its validity for the intended purpose and for various student populations, and the extent to which it corresponds to the material that is being taught.

The Superintendent or designee shall ensure that assessments are administered in accordance with law and the test publisher's directions and that test administration procedures are fair and equitable for all students.

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

(cf. 6162.54 - Test Integrity/Test Preparation)

The Superintendent or designee shall provide professional development to assist teachers and paraprofessionals in interpreting and using assessment data to improve student performance and the instructional program.



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

When districtwide and school-level results of student assessments are published by the state, the Superintendent or designee may provide supplementary information to assist parents/guardians and the local community in interpreting test results and evaluating school performance.

(cf. 0510 - School Accountability Report Card)

Individual Record of Accomplishment

The Superintendent or designee shall ensure that each student, by the end of grade 12, has an individual record of accomplishment that includes the following: (Education Code 60607)

1. The results of the achievement test administered under the Standardized Testing and Reporting Program pursuant to Education Code 60640-60649
2. The results of any end-of-course examinations taken
3. The results of any vocational education certification examinations taken

(cf. 6178 - Career Technical Education)

No individual record of accomplishment shall be released to any person, other than the student's parent/guardian or a teacher, counselor, or administrator directly involved with the student, without the written consent of the student's parent/guardian, or the student if he/she is an adult or emancipated minor. The student or his/her parent/guardian may authorize the release of the record of accomplishment to a postsecondary educational institution for the purposes of credit, placement, or admission. (Education Code 60607)

(cf. 5125 - Student Records)

Legal Reference:

EDUCATION CODE
313 Assessment of English language development
10600-10610 California Education Information System
44660-44665 Evaluation and assessment of performance of certificated employees (Stull Act)
51041 Evaluation of educational program
51450-51455 Golden State Seal Merit Diploma
60600-60649 Assessment of academic achievement, especially:
60640-60649 Standardized Testing and Reporting Program
60800 Physical fitness testing
60810-60812 Assessment of English language development
60850-60859 High school exit examination
60900 California Longitudinal Pupil Achievement Data System
CODE OF REGULATIONS, TITLE 5
850-870 Standardized Testing and Reporting program
1200-1225 High School Exit Examination
UNITED STATES CODE, TITLE 20
9622 National Assessment of Educational Progress

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Policy Adopted: 05-03-07



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Key Elements of Testing, 2004
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Teachers' Use of Student Data Systems to Improve Instruction, 2007
WEB SITES
CSBA: <http://www.csba.org>
California Department of Education, Testing and Accountability: <http://www.cde.ca.gov/ta>
Educational Testing Service: <http://www.ets.org>
U.S. Department of Education: <http://www.ed.gov>



CONFLICT OF INTEREST
~~Incompatible Activities~~

~~Board of Education members shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the district. (Government Code 1126)~~

Conflict of Interest Code

~~The district's conflict of interest code shall be comprised of the terms of 2CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with a district attachment specifying designated positions and the specific types of disclosure statements required for each position.~~

~~Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code in even-numbered years. If no change in the code is required, the district shall submit by October 1 a written statement to that effect to the code reviewing body. If a change in the code is necessitated by changed circumstances, the district shall submit an amended code to the code reviewing body. (Government Code 87306.5)~~

~~When a change in the district's conflict of interest code is necessitated by changed circumstances, such as the creation of new designated positions, amendments or revisions, the changed code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)~~

~~When reviewing and preparing conflict of interest codes, the district shall provide officers, employees, consultants and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87314)~~

~~If a Board member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed. The member shall be disqualified from voting unless his/her participation is legally required. (2 CCR 18700)~~

~~Statements of economic interests submitted to the district by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)~~

Financial Interest

~~Board members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members or designated employees. (Government Code 1090)~~

~~A Board member shall not be considered to be financially interested in a contract if his/her interest includes, but is not limited to, any of the following: (Government Code 1091.5)~~

- ~~1. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty~~
- ~~2. That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the board~~
- ~~3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or~~



any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1094

4. ~~That of a spouse of an officer or employee of the district if his/her spouse's employment or office-holding has existed for at least one year prior to his/her election or appointment~~
5. ~~That of a non-salaried member of a nonprofit corporation, provided that such interest is disclosed to the Board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records~~
6. ~~That of a non-compensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the nonprofit board or to which the school Board has a legal obligation to give particular consideration, and provided further that such interest is noted in its official records~~
7. ~~That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that such interest is disclosed to the Board at the time of consideration of the contract, and provided further that such interest is noted in its official records~~
8. ~~That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm~~

~~In addition, a Board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)~~

~~A Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. Remote interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1094)~~

~~A Board member may enter into a contract if the rule of necessity or legally required participation applies as defined in Government Code 87101.~~

~~Even if there is no prohibited or remote interest, a Board member shall abstain from voting on personnel matters that uniquely affect a relative of the Board member. A Board member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. "Relative" means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)~~



A relationship within the third degree includes the individual's parents, grandparents and great-grandparents, children, grandchildren and great-grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse unless the individual is widowed or divorced.

Disqualification for Board Members Who Manage Public Investments

A Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

1. ~~Publicly identify the financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required. (Government Code 87105)~~
2. ~~Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. This Board member shall not be counted toward achieving a quorum while the item is discussed. (Government Code 87105; 2 CCR 18702.5)~~
3. ~~Leave the room until after the discussion, vote and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters. (Government Code 87105)~~

~~If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during the consent calendar. (2 CCR 18702.5)~~

~~The Board member may speak on the issue during the time that the general public speaks on the issue. The Board member shall recuse himself/herself from voting on the matter and leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion of the matter with members of the public. (Government Code 87105; 2 CCR 18702.5)~~

~~If the Board's decision is made during closed session, the public identification may be made orally during the open session before the Board goes into closed session and shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. The Board member shall not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other non-public information regarding the Board's decision. (2 CCR 18702.5)~~

Gifts

~~Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.~~

~~The limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)~~

~~Gifts of travel and related lodging and subsistence shall be subject to the prevailing gift limitation except as described in Government Code 89506.~~

~~A gift of travel does not include travel provided by the district for Board members and designated employees.~~



~~(Government Code 89506)~~

Honoraria

~~Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)~~

~~The term *honorarium* does not include: (Government Code 89501)~~

- ~~1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole or predominant activity of the business, trade or profession is making speeches~~
- ~~2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes~~

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. In accordance with law, Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.

(cf. 9005 - Governance Standards)

The Board shall adopt a resolution that specifies the terms of the district's conflict of interest code, the district's designated positions, and the disclosure categories required for each position.

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body.

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

(cf. 9320 - Meetings and Notices)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last statement and the date of leaving office or district employment. (Government Code 87302, 87500)

(cf. 4117.2/4217.2/4317.2 - Resignation)

(cf. 9222 - Resignation)

Bylaw adopted: 11/16/05



Conflict of Interest under the Political Reform Act

A Board member or designated employee shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect" on one or more of the Board member's or designated employee's "economic interests," unless the effect is indistinguishable from the effect on the public generally or the Board member's or designated employee's participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A Board member or designated employee makes a governmental decision when, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the district to any course of action, or enters into any contractual agreement on behalf of the district. (2 CCR 18702.1)

A Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the Board shall abstain from voting on the matter. He/she may remain on the dais, but his/her presence shall not be counted towards achieving a quorum for that matter. A Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18702.1)

Conflict of Interest under Government Code 1090

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest, the district is barred from entering into the contract. (Government Code 1090; Klistoff v. Superior Court, (2007) 157 Cal.App. 4th 469)

A Board member shall not be considered to be financially interested in a contract if his/her interest is a "noninterest" as defined in Government Code 1091.5. One such noninterest is when a Board member's spouse/registered domestic partner has been a district employee for at least one year prior to the Board member's election or appointment. (Government Code 1091.5)

A Board member shall not be considered to be financially interested in a contract if he/she has only a "remote interest" in the contract as specified in Government Code 1091 and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. (Government Code 1091)

Even if there is not a prohibited conflict of interest, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

Common Law Doctrine Against Conflict of Interest



A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

Rule of Necessity or Legally Required Participation

On a case-by-case basis and upon advice of legal counsel, a Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18708.

Incompatible Offices and Activities

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

(cf. 4136/4236/4336 - Nonschool Employment)

Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes



1. Persons occupying the following positions are designated employees in **Category 1**:

- a. Superintendent of Schools
- b. Assistant/Associate Superintendent
- c. Purchasing Agent
- d. Board of Education Members

Designated persons in this category must report:

- a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries or of any land owned or used by the district. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
- b. Investments or business positions in or income from sources which:
 - 1) Are engaged in the acquisition or disposal of real property within the district
 - 2) Are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district or
 - 3) Manufacture or sell supplies, books, machinery or equipment of the type used by the district

2. Persons occupying the following positions are designated employees in **Category 2**:

- a. Director
- b. Principal
- c. Assistant Principal
- d. Maintenance and Operations Director
- e. Program Coordinator
- f. Project Specialist
- g. Supervisor
- h. Dean of Students

Designated persons in this category must report investments or business positions in or income from sources which:

- a. Are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs, or
- b. Manufacture or sell supplies, books, machinery or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.

3. Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18701)



- a. Approve a rate, rule or regulation
- b. Adopt or enforce a law
- c. Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization or entitlement
- d. Authorize the district to enter into, modify or renew a contract that requires district approval
- e. Grant district approval to a contract or contract specifications which require district approval and in which the district is a party
- f. Grant district approval to a plan, design, report, study or similar item
- g. Adopt or grant district approval of district policies, standards or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's Conflict of Interest Code. (2 CCR 18701)

Legal Reference:

EDUCATION CODE

- 1006 Qualifications for holding office
- 35107 School district employees
- 35230-35240 Corrupt practices, especially:
- 35233 Prohibitions applicable to members of governing boards
- 41000-41003 Moneys received by school districts

FAMILY CODE

- 297.5 Rights, protections, and benefits of registered domestic partners

GOVERNMENT CODE

- 1090-1099 Prohibitions applicable to specified officers
- 1125-1129 Incompatible activities
- 81000-91014 Political Reform Act of 1974, especially:
- 82011 Code reviewing body
- 87100-87103.6 General prohibitions
- 87200-87210 Disclosure
- 87300-87313 Conflict of interest code
- 87500 Statements of economic interests
- 89501-89503 Honoraria and gifts
- 91000-91014 Enforcement

PENAL CODE

- 85-88 Bribes

CODE OF REGULATIONS, TITLE 2

- 18110-18997 Regulations of the Fair Political Practices Commission, especially:
- 18702.5 Public identification of a conflict of interest for Section 87200 filers

COURT DECISIONS

- Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469
- Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655
- Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

- 92 Ops.Cal.Atty.Gen. 26 (2009)
- 92 Ops.Cal.Atty.Gen. 19 (2009)
- 89 Ops.Cal.Atty.Gen. 217 (2006)
- 86 Ops.Cal.Atty.Gen. 138(2003)
- 85 Ops.Cal.Atty.Gen. 60 (2002)
- 82 Ops.Cal.Atty.Gen. 83 (1999)
- 81 Ops.Cal.Atty.Gen. 327 (1998)
- 80 Ops.Cal.Atty.Gen. 320 (1997)



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Board Bylaws:

#9270

Section: Bylaws of the Board

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69 Ops.Cal.Atty.Gen. 255 (1986)
68 Ops.Cal.Atty.Gen. 171 (1985)
65 Ops.Cal.Atty.Gen. 606 (1982)
63 Ops.Cal.Atty.Gen. 868 (1980)

Management Resources:

CSBA PUBLICATIONS

Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010

FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

WEB SITES

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

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>