



**Chico Unified School District**  
1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

Board Policy: #0420.1

Section: 0000 Philosophy/Goals/  
Objectives and  
Comprehensive  
Plans  
Page 1 of 1

## DELETED

### SCHOOL-BASED PROGRAM COORDINATION

In order to best serve students with special needs and students participating in designated educational programs, the Governing Board encourages school-based program coordination as a means for achieving flexibility in the use of the categorical funds received by each school. The Board believes that resources acquired to assist students in one program often can benefit other students without in any way depriving the originally targeted group.

A school site council shall be established at each school to consider whether or not it wishes the school to participate in school-based program coordination. All interested persons shall have an opportunity to meet in public to establish the site council. (Education Code 52852.5)

~~(cf. 0420 - School Plans/Site Councils)~~  
~~(cf. 1220 - Citizen Advisory Committees)~~

The school site council of any participating school shall develop, for approval by the Board, a school plan that addresses the components specified in Education Code 52853. This plan shall be incorporated into the school's single plan for student achievement required for the state's consolidated application process. (Education Code 52853, 64001)

~~(cf. 0500 - Accountability)~~  
~~(cf. 3553 - Free and Reduced Price Meals)~~  
~~(cf. 5149 - At Risk Students)~~  
~~(cf. 6164.4 - Identification of Individuals for Special Education)~~  
~~(cf. 6172 - Gifted and Talented Student Program)~~  
~~(cf. 6174 - Education for English Language Learners)~~  
~~(cf. 6190 - Evaluation of the Instructional Program)~~

#### Legal Reference:

##### EDUCATION CODE

~~8750-8754 - Conservation education~~  
~~41500-41573 - Categorical education block grants~~  
~~44520-44534 - New Careers Program~~  
~~51870-51874 - Education technology~~  
~~52200-52212 - Gifted and Talented Education Program~~  
~~52340-52346 - California Regional Career Guidance Centers~~  
~~52800-52887 - School-Based Program Coordination Act~~  
~~54000-54041 - Educationally Disadvantaged Youth Programs~~  
~~54100-54145 - Miller-Unruh Basic Reading Act~~  
~~54650-54659 - Education Improvement Incentive Program~~  
~~56000-56885 - Special education~~  
~~64000 - Categorical programs included in consolidated application~~  
~~64001 - Single school plan for student achievement, consolidated application programs~~

##### MILITARY AND VETERANS CODE

~~500-520.1 - California Cadet Corps~~

#### Management Resources:

##### CDE PUBLICATIONS

~~Voluntary Template for the Single Plan for Student Achievement~~

##### WEB SITES

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



## **Chico Unified School District**

1163 East Seventh Street, Chico, CA 95928-5999  
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Board Policy:

#0440

Section: 0000

Philosophy/Goals/  
Objectives and  
Comprehensive  
Plans  
Page 1 of 2

---

### **DISTRICT TECHNOLOGY PLAN**

The Board of Education recognizes that technology can greatly enhance the instructional program as well as the efficiency of district and school site administration. The Board also realizes that careful planning is essential to ensure the successful, equitable and cost-effective implementation of technology-based materials, equipment, systems and networks.

The Superintendent or designee shall develop a plan to address the technology needs of the district and provide for compatibility of resources among school sites, district offices, and other district operations.

~~(cf. 6162.7 - Use of Technology in Instruction)~~

~~(cf. 6163.4 - Student Use of Technology)~~

#### Legal Reference:

##### EDUCATION CODE

~~10550-10555 - Telecommunications standards~~

~~51006 - Computer education and resources~~

~~51007 - Programs to strengthen technological skills~~

~~51865 - California distance learning policy~~

~~51870-51874 - Educational Technology~~

~~60010 - Instructional materials definitions~~

~~66940-66941 - Distance learning~~

##### UNITED STATES CODE, TITLE 20

~~6751-6777 - Enhancing Education Through Technology Act, No Child Left Behind Act, Title II, Part D~~

#### Management Resources:

##### CDE PUBLICATIONS

~~The California Master Plan for Educational Technology, 1992~~

~~K-12 Network Technology Planning Guide: Building the Future, 1994~~

The Governing Board recognizes that technological resources can enhance student achievement by increasing student access to information, supporting teacher effectiveness, and facilitating the administration of student assessments. Effective use of technology can also increase the efficiency of the district's noninstructional operations and governance.

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

The Superintendent or designee shall develop a technology plan based on an assessment of current uses of technology in the district and an identification of future needs. The Superintendent or designee may appoint an advisory committee consisting of a variety of staff and community stakeholders to assist with the development of the technology plan. The plan shall be integrated into the district's vision and goals for student learning.

~~(cf. 0400 - Comprehensive Plans)~~

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

~~(cf. 9140 - Board Representatives)~~

~~(cf. 0000 - Vision)~~

~~(cf. 0200 - Goals for the School District)~~

~~(cf. 0460 - Local Control and Accountability Plan)~~

~~(cf. 6000 - Concepts and Roles)~~



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**Board Policy:**

**#0440**

**Section: 0000**

**Philosophy/Goals/  
Objectives and  
Comprehensive  
Plans  
Page 2 of 2**

---

**Legal Reference:**

**BUSINESS AND PROFESSIONS CODE**

22584-22585 Student Online Personal Information Protection Act

**EDUCATION CODE**

10550-10555 Telecommunications standards

11800 K-12 High Speed Network grant program

49060-49085 Student records

51006 Computer education and resources

51007 Programs to strengthen technological skills

51865 California distance learning policy

51870-51871.5 Educational technology planning

60010 Instructional materials, definition

66940 Distance learning

**PENAL CODE**

502 Computer crimes, remedies

**UNITED STATES CODE, TITLE 20**

1232g Family Educational Rights and Privacy Act

1232h Protection of Pupil Rights Amendment

**UNITED STATES CODE, TITLE 47**

254 Universal service discounts (E-rate)

**CODE OF FEDERAL REGULATIONS, TITLE 16**

Part 312 Children's Online Privacy Protection Rule

**CODE OF FEDERAL REGULATIONS, TITLE 34**

Part 99 Family Educational Rights and Privacy

**CODE OF FEDERAL REGULATIONS, TITLE 47**

54.500-54.523 Universal service support for schools

**Management Resources:**

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

California K-12 Education Technology Plan Template, Criteria, and Guiding Questions, November 2014

Empowering Learning: A Blueprint for California Education Technology 2014-2017, April 2014

**FEDERAL COMMUNICATIONS COMMISSION PUBLICATIONS**

E-rate Modernization Order, July 11, 2014

**WEB SITES**

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

California Department of Education, Education Technology Office: <http://www.cde.ca.gov/ls/et>

California Educational Technology Professionals Association: <http://www.cetpa.net>

Computer-Using Educators: <http://www.cue.org>

Federal Communications Commission: <http://www.fcc.gov>

ON[the]LINE, digital citizenship resources: <http://www.onthelineca.org>

Technology Information Center for Administrative Leadership: <http://www.portical.org>



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**Board Policy:**

**#0460**

**Section: 0000**

**Philosophy/Goals/  
Objectives and  
Comprehensive  
Plans  
Page 1 of 7**

---

## **Local Control And Accountability Plan**

~~The Governing Board is committed to the most effective use of available state funding to improve outcomes for all students. Community input shall be used to recommend goals and actions aligned with state and local priorities.~~

~~(cf. 0000 – Vision)~~

~~(cf. 0200 – Goals for the School District)~~

~~The Board shall adopt a districtwide local control and accountability plan (LCAP), using the template provided by the State Board of Education, which addresses the state priorities specified in Education Code 52060. The LCAP shall be effective for three years and shall be updated on or before July 1 of each year. (Education Code 52060)~~

~~In addition, the LCAP shall address any local priorities adopted by the Board.~~

~~The LCAP shall focus on improving outcomes for all students, particularly those who are "unduplicated students" and other underperforming students.~~

~~Unduplicated students include students who are eligible for free or reduced-price meals, English learners, and foster youth and are counted only once for purposes of the local control funding formula. (Education Code 42238.02)~~

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

~~(cf. 6173.1 – Education for Foster Youth)~~

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

~~To minimize duplication of effort and provide clear direction for program implementation, the LCAP and other district and school plans shall be aligned to the extent possible.~~

~~(cf. 0400 – Comprehensive Plans)~~

~~(cf. 0440 – District Technology Plan)~~

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

~~(cf. 5030 – Student Wellness)~~

~~(cf. 6171 – Title I Programs)~~

~~(cf. 7110 – Facilities Master Plan)~~

~~The Superintendent or designee shall review the single plan for student achievement (SPSA) submitted by each district school pursuant to Education Code 64001 to ensure that the specific actions included in the LCAP or the annual update are consistent with strategies included in the SPSA. (Education Code 52062)~~

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

~~Any complaint that the district has not complied with legal requirements pertaining to the LCAP may be filed pursuant to AR 1312.3 – Uniform Complaint Procedures. (Education Code 52075)~~

~~(cf. 1312.3 – Uniform Complaint Procedures)~~

## **Plan Development**

~~The Superintendent or designee shall present to the Board and community data and information needed for meaningful plan development. Such data and information shall include, but not be limited to, data regarding the numbers of students in various student subgroups, disaggregated data on student achievement levels, and~~



## **Chico Unified School District**

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

Board Policy:

#0460

Section: 0000

Philosophy/Goals/  
Objectives and  
Comprehensive  
Plans  
Page 2 of 7

---

information about current programs and expenditures.

Teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, students, and community members will be consulted with in developing the LCAP. (Education Code 52060)

*(cf. 1220 – Citizen Advisory Committees)*  
*(cf. 4140/4240/4340 – Bargaining Units)*  
*(cf. 4143/4243 – Negotiations/Consultation)*  
*(cf. 6020 – Parent Involvement)*

### **Public Review and Input**

The Board shall establish the following committee(s) to review and comment on the LCAP: (Education Code 52063)

1. A parent advisory committee including at least one parent/guardian of unduplicated students as defined above
2. An English learner parent advisory committee whenever district enrollment includes at least 15 percent English learners and at least 50 students who are English learners

The Superintendent or designee shall present the LCAP or the annual update to the committee(s) before it is submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s). (Education Code 52062)

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP or the annual update to the LCAP. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP or the annual update shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP or the annual update. The public hearing shall be held at the same meeting as the public hearing required prior to the adoption of the district budget in accordance with Education Code 42127 and AR 3100 – Budget. (Education Code 42127, 52062)

*(cf. 3100 – Budget)*  
*(cf. 3460 – Financial Reports and Accountability)*  
*(cf. 9320 – Meetings and Notices)*

### **Adoption of the Plan**

Prior to adopting the district budget, but at the same public meeting, the Board shall adopt the LCAP or the annual update. This meeting shall be held after the public hearing described above, but not on the same day as the hearing. (Education Code 52062)

The Board may adopt revisions to the LCAP at any time during the period in which the plan is in effect, provided the Board follows the process to adopt the LCAP pursuant to Education Code 52062 and the revisions are adopted in a public meeting. (Education Code 52062)





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Board Policy:

#0460

Section: 0000

Philosophy/Goals/  
Objectives and  
Comprehensive  
Plans  
Page 3 of 7

---

### **Submission of Plan to County Superintendent of Schools**

~~Not later than five days after adoption of the LCAP or the annual update to the LCAP, the Board shall file the LCAP or the annual update with the County Superintendent of Schools. (Education Code 52070)~~

~~If the County Superintendent sends, by August 15, a written request for clarification of the contents of the LCAP or the annual update, the Board shall respond in writing within 15 days of the request. If the County Superintendent then submits recommendations for amendments to the LCAP within 15 days of receiving the Board's response, the Board shall consider those recommendations in a public meeting within 15 days of receiving the recommendations. (Education Code 52070)~~

### **Technical Assistance/Intervention**

~~When it is in the best interest of the district, the Board may submit a request to the County Superintendent for technical assistance, including, but not limited to: (Education Code 52071)~~

- ~~1. Assistance in the identification of district strengths and weaknesses in regard to state priorities and review of effective, evidence-based programs that apply to the district's goals~~
- ~~2. Assistance from an academic expert, team of academic experts, or another district in the county in identifying and implementing effective programs to improve the outcomes for student subgroups~~
- ~~3. Advice and assistance from the California Collaborative for Educational Excellence established pursuant to Education Code 52074~~

~~Technical assistance requested by the Board from the County Superintendent shall be at the district's expense. In the event that the County Superintendent requires the district to receive technical assistance pursuant to Education Code 52071, the Board shall review all recommendations received from the County Superintendent or other advisor and shall consider revisions to the LCAP as appropriate in accordance with the process specified in Education Code 52062. Technical assistance required by the County Superintendent shall be provided at no expense to the district.~~

~~If the Superintendent of Public Instruction (SPI) identifies the district as needing intervention pursuant to Education Code 52072, the district shall cooperate with any action taken by the SPI or any academic advisor appointed by the SPI, which may include one or more of the following:~~

- ~~1. Revision of the district's LCAP~~
- ~~2. Revision of the district's budget in accordance with changes in the LCAP~~
- ~~3. A determination to stay or rescind any district action that would prevent the district from improving outcomes for all student subgroups, provided that action is not required by a collective bargaining agreement~~

The Governing Board desires to ensure the most effective use of available funding to improve outcomes for all students. A community-based, comprehensive, data-driven planning process shall be used to identify annual goals and specific actions and to facilitate continuous improvement of district practices.

*(cf. 0000 - Vision)*  
*(cf. 0200 - Goals for the School District)*

Policy Adopted: 02/05/14



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1163 East Seventh Street, Chico, CA 95928-5999  
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**Board Policy:**

**#0460**

**Section: 0000**

**Philosophy/Goals/  
Objectives and  
Comprehensive  
Plans  
Page 4 of 7**

The Board shall adopt a districtwide local control and accountability plan (LCAP), following the template provided in 5 CCR 15497.5, that addresses the state priorities in Education Code 52060 and any local priorities adopted by the Board. The LCAP shall be updated on or before July 1 of each year and, like the district budget, shall cover the next fiscal year and subsequent two fiscal years. (Education Code 52060; 5 CCR 15497.5)

*(cf. 3100 - Budget)*

The LCAP shall focus on improving outcomes for all students, particularly those who are "unduplicated students" and other underperforming students. Unduplicated students include students who are eligible for free or reduced-price meals, English learners, and foster youth and are counted only once for purposes of the local control funding formula. (Education Code 42238.02)

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

*(cf. 6173.1 - Education for Foster Youth)*

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

The Superintendent or designee shall review the single plan for student achievement (SPSA) submitted by each district school pursuant to Education Code 64001 to ensure that the specific actions included in the LCAP are consistent with strategies included in the SPSA. (Education Code 52062)

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

The LCAP shall also be aligned with other district and school plans to the extent possible in order to minimize duplication of effort and provide clear direction for program implementation.

*(cf. 0400 - Comprehensive Plans)*

*(cf. 0440 - District Technology Plan)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5030 - Student Wellness)*

*(cf. 6171 - Title I Programs)*

*(cf. 7110 - Facilities Master Plan)*

Any complaint that the district has not complied with legal requirements pertaining to the LCAP may be filed pursuant to AR 1312.3 - Uniform Complaint Procedures. (Education Code 52075)

*(cf. 1312.3 - Uniform Complaint Procedures)*

### **Plan Development**

The Superintendent or designee shall gather data and information needed for effective and meaningful plan development and present it to the Board and community. Such data and information shall include data regarding the numbers of students in various student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures.

The Board shall consult with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students in developing the LCAP. Consultation with students shall enable unduplicated students and other numerically significant student subgroups to review and comment on LCAP development and may include surveys of students, student forums, student advisory committees, and/or meetings with student government bodies or other groups representing students. (Education Code 52060; 5 CCR 15495)

*(cf. 1220 - Citizen Advisory Committees)*

Policy Adopted: 02/05/14



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(cf. 4140/4240/4340 - Bargaining Units)  
(cf. 6020 - Parent Involvement)

### **Public Review and Input**

The Board shall establish a parent advisory committee to review and comment on the LCAP. The committee shall be composed of a majority of parents/guardians and shall include at least one parent/guardian of an unduplicated student as defined above. (Education Code 52063; 5 CCR 15495)

Whenever district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, the Board shall establish an English learner parent advisory committee composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 15495)

The Superintendent or designee shall present the LCAP to the committee(s) before it is submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s). (Education Code 52062)

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

(cf. 5145.6 - Parental Notifications)

The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP. The public hearing shall be held at the same meeting as the budget hearing required pursuant to Education Code 42127 and AR 3100 - Budget. (Education Code 42127, 52062)

(cf. 9320 - Meetings and Notices)

### **Adoption of the Plan**

The Board shall adopt the LCAP prior to adopting the district budget, but at the same public meeting. This meeting shall be held after the public hearing described above, but not on the same day as the hearing.

The Board may adopt revisions to the LCAP at any time during the period in which the plan is in effect, provided the Board follows the process to adopt the LCAP pursuant to Education Code 52062 and the revisions are adopted in a public meeting. (Education Code 52062)

### **Submission of Plan to County Superintendent of Schools**

Not later than five days after adoption of the LCAP, the Board shall file the LCAP with the County Superintendent of Schools. (Education Code 52070)

If the County Superintendent sends, by August 15, a written request for clarification of the contents of the LCAP, the Board shall respond in writing within 15 days of the request. If the County Superintendent then submits recommendations for amendments to the LCAP within 15 days of receiving the Board's response, the Board shall consider those recommendations in a public meeting within 15 days of receiving the recommendations. (Education Code 52070)





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

**Board Policy:**

**#0460**

**Section: 0000**

**Philosophy/Goals/  
Objectives and  
Comprehensive  
Plans  
Page 6 of 7**

---

### **Monitoring Progress**

The Superintendent or designee shall report the district's progress toward attaining each goal identified in the LCAP.

(cf. 0500 - Accountability)

### **Technical Assistance/Intervention**

When it is in the best interest of the district, the Board may submit a request to the County Superintendent for technical assistance, including, but not limited to: (Education Code 52071)

1. Assistance in the identification of district strengths and weaknesses in regard to state priorities and review of effective, evidence-based programs that apply to the district's goals
2. Assistance from an academic expert, team of academic experts, or another district in the county in identifying and implementing effective programs to improve the outcomes for student subgroups
3. Advice and assistance from the California Collaborative for Educational Excellence established pursuant to Education Code 52074

In the event that the County Superintendent requires the district to receive technical assistance pursuant to Education Code 52071, the Board shall review all recommendations received from the County Superintendent or other advisor and shall consider revisions to the LCAP as appropriate in accordance with the process specified in Education Code 52062.

If the Superintendent of Public Instruction (SPI) identifies the district as needing intervention pursuant to Education Code 52072, the district shall cooperate with any action taken by the SPI or any academic advisor appointed by the SPI, which may include one or more of the following:

1. Revision of the district's LCAP
2. Revision of the district's budget in accordance with changes in the LCAP
3. A determination to stay or rescind any district action that would prevent the district from improving outcomes for all student subgroups, provided that action is not required by a collective bargaining agreement

### **Legal Reference:**

#### **EDUCATION CODE**

305-306 English language education

17002 State School Building Lease-Purchase Law, including definition of good repair

41020 Audits

42127 Public hearing on budget adoption

42238.01-42238.07 Local control funding formula

44258.9 County superintendent review of teacher assignment

48985 Parental notices in languages other than English

51210 Course of study for grades 1-6

51220 Course of study for grades 7-12

52052 Academic Performance Index; numerically significant student subgroups

52060-52077 Local control and accountability plan

52302 Regional occupational centers and programs

Policy Adopted: 02/05/14



## **Chico Unified School District**

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

**Board Policy:**

**#0460**

**Section: 0000**

**Philosophy/Goals/  
Objectives and  
Comprehensive  
Plans  
Page 7 of 7**

---

52372.5 *Linked learning pilot program*  
54692 *Partnership academies*  
60119 *Sufficiency of textbooks and instructional materials; hearing and resolution*  
60605.8 *California Assessment of Academic Achievement; Academic Content Standards Commission*  
60811.3 *Assessment of language development*  
64001 *Single plan for student achievement*  
99300-99301 *Early Assessment Program*  
CODE OF REGULATIONS, TITLE 5  
15494-15497.5 *Local control and accountability plan and spending requirements*  
UNITED STATES CODE, TITLE 20  
6312 *Local educational agency plan*  
6826 *Title III funds, local plans*

### **Management Resources:**

#### **CSBA PUBLICATIONS**

*Impact of Local Control Funding Formula on Board Policies, November 2013*

*Local Control Funding Formula 2013, Governance Brief, August 2013*

*State Priorities for Funding: The Need for Local Control and Accountability Plans, Fact Sheet, August 2013*

#### **CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

*California School Accounting Manual*

#### **WEB SITES**

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

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



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(530) 891-3000

Board Policy: #0520.4

Section: 0000 Philosophy, Goals,  
Objectives and  
Comprehensive  
Plans

Page 1 of 1

---

## DELETED – 04/15

### Quality Education Investment Schools

The Governing Board believes that schools demonstrating the lowest performance on state indicators of student achievement should be assisted with additional resources and support focused on instructional improvement and student services.

Whenever the Superintendent of Public Instruction identifies a district school as ranking in decile 1 or 2 on the Academic Performance Index (API) and notifies the district that the school is eligible to participate in the state's Quality Education Investment program, the Superintendent or designee shall review the program requirements and recommend to the Board if it would be in the district's best interest to apply. Based on this determination, the Board may submit an application, including an application for an alternative program, on behalf of the school in order to obtain additional state funding for school improvement.

The Superintendent or designee shall ensure that each participating school uses program funds for the purposes expressed in law and administrative regulation. Activities carried out under this program shall be aligned with other school improvement efforts.

*(cf. 0420 – School Plans/Site Councils)*  
*(cf. 0520 – Intervention for Underperforming Schools)*  
*(cf. 0520.1 – High Priority Schools Grant Program)*  
*(cf. 0520.2 – Title I Program Improvement Schools)*  
*(cf. 0520.3 – Title I Program Improvement Districts)*

#### Legal Reference:

##### EDUCATION CODE

~~35186 – Williams uniform complaint procedures~~  
~~44510-44517 – Administrator training program~~  
~~44757.5 – Reading instruction definitions~~  
~~52050-52059 – Public Schools Accountability Act, including:~~  
~~52053-52055.55 – Immediate Intervention/Underperforming Schools Program~~  
~~52055.600-52055.662 – High Priority Schools Grant Program~~  
~~52055.700-52055.770 – Quality Education Investment Act~~  
~~52120-52128.5 – Class Size Reduction Program~~  
~~60640 – Standardized Testing and Reporting Program~~  
~~60642.5 – California standards tests~~  
~~64001 – Single plan for student achievement~~  
~~99230-99242 – Mathematics and Reading Professional Development Program~~  
**UNITED STATES CODE, TITLE 20**  
~~6301-6578 – Academic achievement of the disadvantaged, including:~~  
~~6316 – Program improvement~~  
~~6319 – Qualifications of highly qualified teachers~~  
~~6511-6518 – Comprehensive School Reform Program~~

#### Management Resources:

##### WEB SITES

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

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

Policy Adopted: July 18, 2007



## **Chico Unified School District**

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

Board Policy:

#1240

Section: 1000 Community Relations

Page 1 of 3

---

### **Volunteer Assistance**

~~The Governing Board encourages parents/guardians and other members of the community to share their time, knowledge and abilities with students. Volunteer assistance in schools enriches the educational program, enhances supervision of students and contributes to school safety while strengthening the schools' relationships with the community. The Board also encourages community members to serve as mentors providing support and motivation to students.~~

~~(cf. 1000 – Concepts and Roles)  
(cf. 1700 – Relations Between Private Industry and the Schools)  
(cf. 4127/4227/4327 – Temporary Athletic Team Coaches)  
(cf. 4222 – Teacher Aides/Paraprofessionals)  
(cf. 5020 – Parent Rights and Responsibilities)  
(cf. 5148 – Child Care and Development)  
(cf. 5148.2 – Before/After School Programs)  
(cf. 6020 – Parent Involvement)  
(cf. 6171 – Title I Programs)~~

~~The Superintendent or designee shall develop and implement a plan for screening and placing volunteers.~~

~~(cf. 1020 – Youth Services)  
(cf. 1400 – Relations Between Other Governmental Agencies and the Schools)~~

~~The Superintendent or designee shall establish procedures to protect the safety of students and adults. These procedures shall include laws related to tuberculosis testing and may also include laws related to criminal record checks.~~

~~Volunteers shall be provided with information about school goals, programs and practices and shall receive an orientation and other training related to their specific responsibilities as appropriate.~~

~~Volunteers shall act in accordance with district policies, regulations and school rules. At their discretion, employees who supervise volunteers may ask any volunteer who violates school rules to leave the campus. Employees also may confer with the principal or designee regarding any such volunteers. The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.~~

~~(cf. 0410 – Nondiscrimination in District Programs and Activities)  
(cf. 3515.2 – Disruptions)~~

~~Unless agreed upon by the local union representing the unionized employees of the school, volunteer maintenance work shall be limited to those projects that do not replace permanent, on-going maintenance. The Board nevertheless encourages volunteers to work on short-term projects to the extent that they enhance the classroom or school, do not significantly increase maintenance workloads and comply with employee commitments and contracts.~~

~~Volunteer aides shall not be used to assist certificated staff in performing teaching or administrative responsibilities in place of regularly authorized classified employees who have been laid off. (Education Code 35021)~~

~~The Board encourages principals to develop a means for recognizing the contributions of each school's volunteers.~~

Policy Adopted: 10/14/09; 09/01/10





## **Chico Unified School District**

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(530) 891-3000

**Board Policy:**

**#1240**

**Section: 1000 Community Relations**

**Page 2 of 3**

The Governing Board recognizes that volunteer assistance in schools can enrich the educational program, increase supervision of students, and contribute to school safety while strengthening the schools' relationships with the community. The Board encourages parents/guardians and other members of the community to share their time, knowledge, and abilities with students.

(cf. 1000 - Concepts and Roles)  
(cf. 1700 - Relations Between Private Industry and the Schools)  
(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)  
(cf. 4222 - Teacher Aides/Paraprofessionals)  
(cf. 5020 - Parent Rights and Responsibilities)  
(cf. 6020 - Parent Involvement)  
(cf. 6171 - Title I Programs)

The Board prohibits harassment of any volunteer on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. (Government Code 12940)

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

As appropriate, the Superintendent or designee shall provide volunteers with information about school goals, programs, and practices and an orientation or other training related to their specific responsibilities.

Volunteer work shall be limited to those projects that do not replace the normal duties of classified staff. The Board nevertheless encourages volunteers to work on short-term projects to the extent that they enhance the classroom or school and comply with employee negotiated agreements.

(cf. 4141/4241 - Collective Bargaining Agreement)

Volunteers shall act in accordance with district policies, regulations, and school rules. The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

(cf. 3515.2 - Disruptions)

The Board encourages principals to develop a means for recognizing the contributions of each school's volunteers.

(cf. 1150 - Commendations and Awards)

### **Legal Reference:**

#### **EDUCATION CODE**

8482-8484.6 After School Education and Safety program

8484.7-8484.9 21st Century Community Learning Center program

35021 Volunteer aides

35021.1 Automated records check

35021.3 Registry of volunteers for before/after school programs

44010 Sex offense; definition

44814-44815 Supervision of students during lunch and other nutrition periods

45125 Fingerprinting requirements

45125.01 Interagency agreements for criminal record information

45340-45349 Instructional aides

45360-45367 Teacher aides

48981 Parental notifications

Policy Adopted: 10/14/09; 09/01/10



## **Chico Unified School District**

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

**Board Policy:**

**#1240**

**Section: 1000 Community Relations**

**Page 3 of 3**

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49024 Activity Supervisor Clearance Certificate

49406 Examination for tuberculosis

GOVERNMENT CODE

3543.5 Prohibited interference with employees' rights

12940 Prohibited discrimination and harassment

HEALTH AND SAFETY CODE

1596.871 Fingerprints of individuals in contact with child day care facility clients

LABOR CODE

1720.4 Public works; exclusion of volunteers from prevailing wage law

3352 Workers' compensation; definitions

3364.5 Authority to provide workers' compensation insurance for volunteers

PENAL CODE

290 Registration of sex offenders

290.4 Information re: sex offenders

290.95 Disclosure by person required to register as sex offender

626.81 Sex offender; permission to volunteer at school

CODE OF REGULATIONS, TITLE 22

101170 Criminal record clearance

101216 Health screening, volunteers in child care centers

UNITED STATES CODE, TITLE 20

6319 Qualifications and duties of paraprofessionals, Title I programs

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

Whisman Elementary School District, (1991) PERB Decision No. 868

### **Management Resources:**

#### **WEB SITES**

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

California Department of Education, Parents/Family and Community: <http://www.cde.ca.gov/ls/pf>

California Department of Justice, Megan's Law: <http://www.meganslaw.ca.gov>

California Parent Teacher Association: <http://www.capta.org>

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



## **Chico Unified School District**

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

Board Policy:

#1312.3

Section: 1000 Community Relations

Page 1 of 5

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### **UNIFORM COMPLAINT PROCEDURES**

~~The Governing Board recognizes the district's responsibility to comply with applicable state and federal laws and regulations governing educational programs. The district shall investigate complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, or bullying and shall seek to resolve those complaints in accordance with the district's uniform complaint procedures. (See AR #1312.3)~~

~~The district shall use the uniform complaint procedures in AR 1312.3 to resolve any complaint alleging unlawful discrimination in district programs and activities based on actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.~~

~~(cf. 0410 – Nondiscrimination in District Programs and Activities)  
(cf. 4031 – Complaints Concerning Discrimination in Employment)~~

~~Uniform complaint procedures shall also be used to address any complaint alleging the district's failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, special education programs, and the development and adoption of the school safety plan.~~

~~(cf. 0450 – Comprehensive Safety Plan)  
(cf. 1312.1 – Complaints Concerning District Employees)  
(cf. 1312.2 – Complaints Concerning Instructional Materials)  
(cf. 3553 – Free and Reduced-Price Meals)  
(cf. 3555 – Nutrition Program Compliance)  
(cf. 5141.4 – Child Abuse Prevention and Reporting)  
(cf. 5148 – Child Care and Development)  
(cf. 6159 – Individualized Education Program)  
(cf. 6171 – Title I Programs)  
(cf. 6174 – Education for English Language Learners)  
(cf. 6175 – Migrant Education Program)  
(cf. 6178 – Career Technical Education)  
(cf. 6178.1 – Work-Based Learning)  
(cf. 6178.2 – Regional Occupational Center/Program)  
(cf. 6200 – Adult Education)~~

~~The Board prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.~~

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

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

~~In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate, the Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed.~~



**Chico Unified School District**  
1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

**Board Policy: #1312.3**

**Section: 1000 Community Relations**

**Page 2 of 5**

~~(cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information)  
(cf. 5125 – Pupil Records)  
(cf. 9011 – Disclosure of Confidential/Privileged Information)~~

~~The district's Administrative Regulation 1312.4, Williams Uniform Complaint Procedure, shall be used to investigate and resolve any complaint related to the following:~~

- ~~1. Sufficiency of textbooks or instructional materials~~
- ~~2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff~~
- ~~3. Teacher vacancies and misassignments~~
- ~~4. Deficiency in the district's provision of instruction and/or services to any student who, by the completion of grade 12, has not passed one or both parts of the high school exit examination~~

~~(cf. 1312.4 – Williams Uniform complaint Procedures)  
(cf. 6162.52 – High School Exit Examination)  
(cf. 6179 – Supplemental Instruction)~~

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Board shall adopt a uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs (5 CCR 4610)

~~(cf. 3553 - Free and Reduced Price Meals)  
(cf. 3555 - Nutrition Program Compliance)  
(cf. 5141.4 - Child Abuse Prevention and Reporting)  
(cf. 5148 - Child Care and Development)  
(cf. 6159 - Individualized Education Program)  
(cf. 6171 - Title I Programs)  
(cf. 6174 - Education for English Language Learners)  
(cf. 6175 - Migrant Education Program)  
(cf. 6178 - Career Technical Education)  
(cf. 6178.1 - Work-Based Learning)  
(cf. 6178.2 - Regional Occupational Center/Program)  
(cf. 6200 - Adult Education)~~

2. Any complaint alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, in district programs and activities against any person based on his/her actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)





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*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 4030 - Nondiscrimination in Employment)*  
*(cf. 4031 - Complaints Concerning Discrimination in Employment)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.7 - Sexual Harassment)*

3. Any complaint alleging bullying in district programs and activities, regardless of whether the bullying is based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics

*(cf. 5131.2 - Bullying)*

4. Any complaint alleging district violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

*(cf. 3260 - Fees and Charges)*  
*(cf. 3320 - Claims and Actions Against the District)*

5. Any complaint alleging that the district has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

*(cf. 0460 - Local Control and Accountability Plan)*

6. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

7. Any other complaint as specified in a district policy

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is agreeable to all parties. One type of ADR is mediation, which may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

In filing and investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation, unlawful discrimination, or bullying, the Superintendent or designee shall strive to keep confidential the identity of the complainant as long as the integrity of the complaint process is maintained.

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

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall resolve the UCP-related allegation(s) through the district's UCP.



**Chico Unified School District**  
1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

**Board Policy: #1312.3**

**Section: 1000 Community Relations**

**Page 4 of 5**

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.

(cf. 3580 - District Records)

### **Non-UCP Complaints**

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

#### **Legal Reference:**

##### **EDUCATION CODE**

200-262.4 Prohibition of discrimination  
8200-8498 Child care and development programs  
8500-8538 Adult basic education  
18100-18203 School libraries  
32289 School safety plan, uniform complaint procedures  
35186 Williams uniform complaint procedures  
48985 Notices in language other than English  
49010-49013 Student fees  
49060-49079 Student records  
49490-49590 Child nutrition programs  
52060-52077 Local control and accountability plan, especially  
52075 Complaint for lack of compliance with local control and accountability plan requirements  
52160-52178 Bilingual education programs  
52300-52490 Career technical education  
52500-52616.24 Adult schools  
52800-52870 School-based program coordination  
54400-54425 Compensatory education programs  
54440-54445 Migrant education  
54460-54529 Compensatory education programs  
56000-56867 Special education programs  
59000-59300 Special schools and centers  
64000-64001 Consolidated application process



## **Chico Unified School District**

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

**Board Policy:**

**#1312.3**

**Section: 1000 Community Relations**

**Page 5 of 5**

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### GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

### PENAL CODE

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege

### CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

### UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

6301-6577 Title I basic programs

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

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

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

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

12101-12213 Title II equal opportunity for individuals with disabilities

### UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

### UNITED STATES CODE, TITLE 42

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

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

6101-6107 Age Discrimination Act of 1975

### CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

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

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

### Management Resources:

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

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Sexual Violence, April 2011

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

### WEB SITES

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

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

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



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## USE OF SCHOOL FACILITIES

The Governing Board believes that school facilities and grounds are a community resource which should be used to foster community involvement. Therefore, the Board authorizes the use of school facilities by district residents and community groups for purposes specified in the Civic Center Act, to the extent that such use does not interfere with school activities or other school-related uses.

*(cf. 6145.5 - Student Organizations and Equal Access)*

School-related activities shall have priority in the use of school facilities and grounds. Other uses authorized under the Civic Center Act shall be on a first-come, first-served basis.

For the effective management and control of school facilities and grounds, the Superintendent or designee shall maintain procedures and regulations that: (Education Code 38133)

1. assist groups desiring to use school facilities for approved activities;
2. preserve order in school buildings and on school grounds and protect school facilities, designating a person to supervise this task, if necessary;

*(cf. 0450 - Comprehensive School Safety Plan)*

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

3. ensure that the use of school facilities or grounds is not inconsistent with their use for school purposes and does not interfere with the regular conduct of school work.

There shall be no advertising on school facilities and grounds except as allowed by district policy specified in BP 1325 - Advertising and Promotion.

*(cf. 1325 - Advertising and Promotion)*

### Fees

The Board believes that the use of school facilities or grounds should not result in costs to the district. The Superintendent or designee shall charge all groups granted the use of school facilities or grounds under the Civic Center Act an amount not exceeding direct costs determined in accordance with Education Code 38134.

~~However, if the use of school facilities or grounds is for religious services, the group shall be charged an amount that equals or exceeds the direct costs.~~ Additionally, when any use of school facilities or grounds is for religious services, the district shall charge an amount at least equal to the district's direct costs. (Education Code 38134)

In determining direct costs to be charged for community use of school facilities or grounds, including, but not limited to, playing or athletic fields, track and field venues, tennis courts, and outdoor basketball courts, the Superintendent or designee shall include a proportionate share of the costs of the following: (Education Code 38134)

1. Supplies, utilities, custodial services, other services of district employees, and salaries of district employees directly associated with operation and maintenance of the school facilities or grounds involved
2. Maintenance, repair, restoration, and refurbishment of the school facilities or grounds

However, for classroom-based programs that operate after school hours, including, but not limited to, after-school, tutoring, and child care programs, direct costs to be charged shall not include the cost of maintenance, repair, restoration, or refurbishment of the school facilities or grounds. (Education Code 38134)

Policy Adopted: 11/07/07; 10/29/08; 09/01/10; 11/16/11; 02/05/14





**Chico Unified School District**  
1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

**Board Policy: #1330**

**Section: 1000 Community Relations**

**Page 2 of 2**

(cf. 5148 - Child Care and Development)  
(cf. 5148.2 - Before/After School Programs)

Groups shall be charged fair rental value when using school facilities or grounds for entertainment or meetings where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of the district's students. (Education Code 38134)

*Legal Reference:*

*EDUCATION CODE*

10900-10914.5 Community recreation programs

32282 School safety plan

37220 School holidays

38130-38138 Civic Center Act, use of school property for public purposes

*BUSINESS AND PROFESSIONS CODE*

25608 Alcoholic beverage on school premises

*MILITARY AND VETERANS CODE*

1800 Definitions

*UNITED STATES CODE, TITLE 20*

7905 Equal access to public school facilities

*COURT DECISIONS*

*Good News Club v. Milford Central School*, (2001) 533 U.S. 98

*Lamb's Chapel v. Center Moriches Union Free School District*, (1993) 508 U.S. 384

*Cole v. Richardson*, (1972) 405 U.S. 676

*Connell v. Higgenbotham*, (1971) 403 U.S. 207

*ACLU v. Board of Education of Los Angeles*, (1961) 55 Cal.2d 167

*Ellis v. Board of Education*, (1945) 27 Cal.2d 322

*ATTORNEY GENERAL OPINIONS*

82 Ops.Cal.Atty.Gen. 90 (1999)

79 Ops.Cal.Atty.Gen. 248 (1996)

*Management Resources:*

*CSBA PUBLICATIONS*

*Maximizing Opportunities for Physical Activity Through Joint Use of Facilities*, Policy Brief, February 2010

*Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement*, 2009

*WEB SITES*

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

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



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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, priorities, local control and accountability plan (LCAP), and comprehensive plans. 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. 0200 - Goals for the School District)  
(cf. 0400 - Comprehensive Plans)  
(cf. 0460 - Local Control and Accountability Plan)  
(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)

~~The Board shall adopt the budget only after a local control and accountability plan (LCAP) developed pursuant to Education Code 52060-52077 or an annual update to the LCAP is in place for the budget year. Expenditures necessary to implement the LCAP or the annual update during the subsequent fiscal year shall be included in the budget. (Education Code 42127)~~

~~(cf. 0460 - Local Control and Accountability Plan)~~

### **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(i). 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. (Education Code 42127)~~

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 in the development of budget projections.

The Board encourages public input in the budget development process and shall hold a public hearing on the proposed budget 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 Board shall adopt the district budget on or before July 1 of each year. (Education Code 42127)

Policy Adopted: 10/14/09; 05/04/11; 11/16/11; 02/05/14



**Chico Unified School District**  
1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

**Board Policy:**

**#3100**

**Section: 3000**

**Business and Non  
Instructional  
Operations  
Page 2 of 5**

At a public meeting held on a date after the public hearing on the budget, the Board shall adopt the budget following its adoption of the LCAP or an annual update to the LCAP at the same meeting. The budget shall include the expenditures necessary to implement the LCAP or the annual update to the LCAP. (Education Code 42127)

The budget that is formally adopted by the Board shall adhere to the state's Standardized Account Code Structure as prescribed by the Superintendent of Public Instruction. (Education Code 42126, 42127)

The Superintendent or designee may supplement this format with additional information as necessary to effectively communicate the budget to the Board, staff, and public.

No later than five days after the Board adopts the district budget or by July 1, whichever occurs first, the Board shall file with the County Superintendent of Schools the adopted district budget and supporting data. The budget and supporting data shall be maintained and made available for public review. (Education Code 42127)

(cf. 1340 - Access to District Records)

If the County Superintendent disapproves or conditionally approves the district's budget, the Board shall review and respond to his/her recommendations at a public meeting on or before September 8. The response shall include any revisions to the adopted budget and any other proposed actions to be taken as a result of those recommendations. (Education Code 42127)

### **Budget Criteria and Standards**

The Superintendent or designee shall develop a district budget in accordance with ~~state~~ criteria and standards adopted by the State Board of Education (SBE). ~~(Education Code 33127, 33128, 33128.3, 33129, 5 CCR 15440-15451)~~ specified in 5 CCR 15440-15450 as they relate to projections of average daily attendance (ADA), enrollment, ratio of ADA to enrollment, local control funding formula revenue, salaries and benefits, other revenues and expenditures, facilities maintenance, deficit spending, unrestricted general fund balance, and reserves. In addition, he/she shall provide the supplemental information specified in 5 CCR 15451 which addresses the methodology and budget assumptions used, 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, status of collective bargaining agreements, the LCAP, and LCAP expenditures. (Education Code 33128, 33128.3, 33129, 42127.01; 5 CCR 15440-15451)

~~The budget shall provide that funding received through state supplemental and concentration grants pursuant to Education Code 42238.02 and 42238.03 shall be used in accordance with regulations adopted by the SBE for schoolwide or districtwide purposes to increase or improve services for students who are English learners, eligible for free or reduced-price meals, and/or foster youth at least in proportion to the increase to the district's revenue generated from such funds. (Education Code 42238.07)~~

The district budget shall provide for increasing or improving services for unduplicated students at least in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated students. Unduplicated students are students who are eligible for free or reduced-price meals, English learners, and/or foster youth. (Education Code 42238.07; 5 CCR 15496)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Language Learners)

The Board may establish other budget assumptions or parameters which may take into consideration the stability  
Policy Adopted: 10/14/09; 05/04/11; 11/16/11; 02/05/14



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 Discretion Regarding Board Policy)  
(cf. 3110 - Transfer of Funds)

### Fund Balance

The district shall classify fund balances in compliance with Governmental Accounting Standards Board (GASB) Statement 54 as follows:

1. Nonspendable fund balance includes amounts that are not expected to be converted to cash, such as resources that are not in a spendable form (e.g., inventories and prepaid) or that are legally or contractually required to be maintained intact.
2. Restricted fund balance includes amounts constrained to specific purposes by their providers or by law.
3. Committed fund balance includes amount constrained to specific purposes by the Board.

For this purpose, all commitments of funds shall be approved by a majority vote of the Board. The constraints shall be imposed no later than the end of the reporting period of June 30, although the actual amounts may be determined subsequent to that date but prior to the issuance of the financial statements.

4. Assigned fund balance includes amounts which ~~the Board or its designee intends to use for a specific purpose.~~ **which are intended for a specific purpose but do not meet the criteria to be classified as restricted or committed.**

The Board delegates authority to assign funds to the assigned fund balance to the Superintendent or designee and authorizes the assignment of such funds to be made any time prior to the issuance of the financial statements.

5. Unassigned fund balance includes amounts that are available for any purpose.

When multiple types of funds are available for an expenditure, the district shall first utilize funds from the restricted fund balance as appropriate, then from the committed fund balance, then from the unassigned fund balance, and lastly from the unassigned fund balance.

~~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%. (Education Code 33128.3; 5 CCR 15450)~~

~~If the unassigned fund balance falls below this level due to an emergency situation, unexpected expenditures, or revenue shortfalls, the Board shall develop a plan to recover the fund balance which may include dedicating new unrestricted revenues, reducing expenditures, and/or increasing revenues or pursuing other funding sources.~~

**The Board intends to maintain a minimum committed fund balance in the amount of 2% to maintain fiscal solvency and stability and to protect the district against unforeseen circumstances. The Board intends to maintain a minimum unassigned fund balance for reserve for economic uncertainties in the amount of 3% as required by Education Code 33128.3; CCR 15450**

**If the assigned and unassigned fund balance falls below the level set by the Board due to an emergency situation,**





## **Chico Unified School District**

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

Board Policy:

#3100

Section: 3000

Business and Non  
Instructional  
Operations  
Page 4 of 5

unexpected expenditures, or revenue shortfalls, the Board shall develop a plan to recover the fund balance which may include dedicating new unrestricted revenues, reducing expenditures, and/or increasing revenues or pursuing other funding sources.

### **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. 4154/4254/4354 - Health and Welfare Benefits)

(cf. 7210 - Facilities Financing)

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

### **Budget Amendments**

No later than 45 days after the Governor signs the annual Budget Act, the Superintendent or designee shall make available for public review any revisions in budgeted revenues and expenditures which occur as a result of the funding made available by that Budget Act. (Education Code 42127)

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 as necessary 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

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

42238-42251 Apportionments to districts, especially:

42238.01-42238.07 Local control funding formula

42602 Use of unbudgeted funds

42610 Appropriation of excess funds and limitation thereon

45253 Annual budget of personnel commission

45254 First year budget of personnel commission

52060-52077 Local control and accountability plan

##### **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



**Chico Unified School District**  
1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

**Board Policy:**

**#3100**

**Section: 3000**

**Business and Non  
Instructional  
Operations  
Page 5 of 5**

---

15494-15496 Local control funding formula, expenditures

**Management Resources:**

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

*California School Accounting Manual*

*New Requirements for Reporting Fund Balance in Governmental Funds, January 7, 2011*

**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>

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



## Chico Unified School District

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

Board Policy:

#3312

Section: 3000

Business and  
Noninstructional  
Operations  
Page 1 of 3

---

### CONTRACTS

~~The Board of Education authorizes the Superintendent or designee to enter into contracts on behalf of the district when the contracts are \$45,000 or less. Contracts in excess of \$45,000 shall be brought before the Board for approval.~~

~~(cf. 3300 – Expenditures/Expending Authority)  
(cf. 3314 – Payment for Goods and Services)  
(cf. 3400 – Management of District Assets/Accounts)~~

~~All contracts between the district and outside agencies shall conform to standards required by law and shall be prepared under the direction of the Superintendent or designee.~~

~~(cf. 2121 – Superintendent's Contract)  
(cf. 4312.1 – Contracts)  
(cf. 9124 – Attorney)~~

~~When required by law, contracts and subcontracts made by the district for public works or for goods or services shall contain a nondiscrimination clause prohibiting discrimination by contractors or subcontractors. The nondiscrimination clause shall contain a provision requiring contractors and subcontractors to give written notice of their obligations to labor organizations with which they have a collective bargaining or other agreement.  
(Government Code 12990)~~

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

~~The district shall not enter into a contract that prohibits a school employee from disparaging the goods or services of the contracting party. (Education Code 35182.5)~~

#### Contracts for Electronic Products or Services

~~The Board shall not enter into a contract for electronic products or services that requires the dissemination of advertising to students, unless the Board: (Education Code 35182.5)~~

~~1. Enters into the contract at a noticed, public hearing of the Board.~~

~~(cf. 9320 – Meetings and Notices)~~

~~2. Makes a finding that the electronic product or service is or would be an integral component of the education of students.~~

~~(cf. 0440 – District Technology Plan)  
(cf. 6162.7 – Use of Technology in Instruction)~~

~~3. Makes a finding that the district cannot afford to provide the electronic product or service unless it contracts to permit dissemination of advertising to students.~~

~~(cf. 1325 – Advertising and Promotion)~~

~~4. As part of the district's normal, ongoing communication to parents/guardians, provides written notice that the advertising will be used in the classroom or other learning center.~~



## **Chico Unified School District**

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

**Board Policy:**

**#3312**

**Section: 3000**

**Business and  
Noninstructional  
Operations  
Page 2 of 3**

- 
5. Offers parents/guardians the opportunity to request in writing that their child not be exposed to the program that contains the advertising. Any request shall be honored for the school year in which it is submitted, or longer if specified, but may be withdrawn by the parents/guardians at any time.

**Legal Reference:**

**EDUCATION CODE**

~~200-262.4 Prohibition of discrimination on the basis of sex~~

~~14505 Provisions required in contracts for audits~~

~~17595-17606 Contracts~~

~~35182.5 Contract prohibitions~~

~~45103.5 Contracts for management consulting service related to food service~~

~~49431-49431.5 Nutritional standards~~

**CODE OF CIVIL PROCEDURE**

~~685.010 Rate of interest~~

**GOVERNMENT CODE**

~~12990 Nondiscrimination and compliance employment programs~~

~~53260 Contract provision re maximum cash settlement~~

~~53262 Ratification of contracts with administrative officers~~

**LABOR CODE**

~~1775 Penalties for violations~~

~~1810-1813 Working hours~~

**PUBLIC CONTRACT CODE**

~~4100-4114 Subletting and subcontracting fair practices~~

~~7104 Contracts for excavations; discovery of hazardous waste~~

~~7106 Noncollusion affidavit~~

~~20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder~~

~~20104.50 Construction Progress Payments~~

~~22300 Performance retentions~~

**UNITED STATES CODE, TITLE 20**

~~1681-1688 Title IX, discrimination~~

**Management Resources:**

**CSBA PUBLICATIONS**

~~Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2005~~

**WEB SITES**

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

~~California Association of School Business Officials: <http://www.casbo.org>~~

The Governing Board recognizes its responsibility to enter into contracts on behalf of the district for the acquisition of equipment, supplies, services, and other resources necessary for the achievement of district goals. In exercising this authority to enter into a contract, the Board shall ensure that the district's interest is protected and that the terms of the contract conform to applicable legal standards, including the bidding requirements in Public Contract Code 20111.

(cf. 2121- Superintendent's Contract)

(cf. 4312.1 - Contracts)

(cf. 9124 - Attorney)

The Board may, by a majority vote, delegate to the Superintendent or designee the authority to enter into contracts on behalf of the district.

(cf. 3300 - Expenditures and Purchases)

(cf. 3314 - Payment for Goods and Services)



## ***Chico Unified School District***

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

**Board Policy:**

**#3312**

**Section: 3000**

**Business and  
Noninstructional  
Operations  
Page 3 of 3**

Every contract entered into on behalf of the district shall be made available for public inspection, except when the law prohibits disclosure.

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

The Superintendent or designee shall develop the district's internal control procedures to protect the integrity of public funds.

### **Legal Reference:**

#### **EDUCATION CODE**

200-262.4 *Prohibition of discrimination on the basis of sex*

14505 *Provisions required in contracts for audits*

17595-17606 *Contracts*

35182.5 *Contract prohibitions*

45103.1 *Personal services contracts*

45103.5 *Contracts for management consulting service related to food service*

49073.1 *Contract requirements for digital storage, maintenance and retrieval of student records*

49431-49431.7 *Nutritional standards*

#### **CODE OF CIVIL PROCEDURE**

685.010 *Rate of interest*

#### **GOVERNMENT CODE**

12990 *Nondiscrimination and compliance employment programs*

53260 *Contract provision re maximum cash settlement*

53262 *Ratification of contracts with administrative officers*

#### **LABOR CODE**

1775 *Penalties for violations*

1810-1813 *Working hours*

#### **PUBLIC CONTRACT CODE**

4100-4114 *Subletting and subcontracting fair practices*

7104 *Contracts for excavations; discovery of hazardous waste*

7106 *Noncollusion affidavit*

20111 *Contracts over \$50,000; contracts for construction; award to lowest responsible bidder*

20104.50 *Construction Progress Payments*

22300 *Performance retentions*

#### **CODE OF REGULATIONS, TITLE 5**

15500 *Food sales by student organizations*

15501 *Sales in high schools and junior high schools*

15575-15578 *Food and beverage requirements outside of the federal school meal programs*

#### **UNITED STATES CODE, TITLE 20**

1232g *Family Educational Rights and Privacy Act*

1681-1688 *Title IX, discrimination*

#### **CODE OF FEDERAL REGULATIONS, TITLE 7**

210.1-210.31 *National School Lunch Program*

220.1-220.21 *National School Breakfast Program*

### **Management Resources:**

#### **CSBA PUBLICATIONS**

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2005*

#### **WEB SITES**

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

California Association of School Business Officials: <http://www.casbo.org>





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## **TRAVEL EXPENSES**

The Governing Board recognizes that district employees may incur expenses in the course of performing their assigned duties and responsibilities. To ensure the prudent use of public funds, the Superintendent or designee shall establish rules to keep such expenses to a minimum while affording employees a reasonable level of safety and convenience.

(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

The Board shall authorize payment for actual and necessary travel expenses incurred by any employee performing authorized services for the district, whether within or outside district boundaries. (Education Code 44032)

The Superintendent or designee shall establish procedures for the approval of travel requests and the submission and verification of expense claims. He/she also shall establish reimbursement rates in accordance with law and Board policy.

An employee shall obtain approval from the Superintendent or designee prior to traveling. The Superintendent or designee may approve travel requests in accordance with the adopted budget and upon determining that the travel is authorized or assigned by the employee's supervisor, is necessary to attend a conference or other staff development opportunity that will enhance employee performance, and/or is otherwise necessary to the performance of the employee's duties. Travel expenses not previously budgeted may be approved on a case-by-case basis by the Superintendent or designee if he/she determines that the travel is essential and that resources may be obtained or redirected for this purpose.

(cf. 3100 - Budget)

(cf. 3110 - Transfer of Funds)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

All out-of-state travel for which reimbursement will be claimed shall be approved in advance by the Superintendent or designee.

Reimbursable travel expenses may include, but are not limited to, costs of transportation, parking fees, bridge or road tolls, lodging when district business reasonably requires an overnight stay, registration fees for seminars and conferences, telephone and other communication expenses incurred on district business, and other necessary incidental expenses.

The district shall not reimburse personal travel expenses including, but not limited to, alcohol, entertainment, laundry, expenses of any family member who is accompanying the employee on district-related business, personal use of an automobile, and personal losses or traffic violation fees incurred while on district business.

Except as otherwise provided, reimbursement of travel expenses shall be based on actual expenses as documented by receipts.

The mileage allowance provided by the district for employees' use of their private vehicles shall be equal to the rate established by the Internal Revenue Service.



## **Chico Unified School District**

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

**Board Policy:**

**#3350**

**Section: 3000**

**Business and  
Noninstructional  
Operations  
Page 2 of 2**

Vehicles should be shared whenever possible to minimize travel costs. No employee shall be entitled to reimbursement for automobile travel when he/she is transported free of charge or by another employee who is entitled to the expense reimbursement.

Meal costs shall be reimbursed based on documented actual expenses within the maximum amounts established by the Superintendent or designee and based on the time of day that travel for district business begins and ends.

Any expense that exceeds the maximum rate of reimbursement established by the district shall be reimbursed only with the approval of the Superintendent or designee.

All expense reimbursement claims shall be submitted on a district form, within 10 working days following return from travel when possible. The form shall be accompanied by receipts and any explanation necessary to document that the expenses meet district criteria for reimbursement.

The Superintendent or designee shall approve expense claims only upon verifying that all necessary documentation is provided and that all expenses are appropriate and related to district business. If an expense claim is disallowed due to lack of documentation or inappropriate expenses, the employee may be personally responsible for any improper costs incurred.

When approved by the Superintendent or designee, an employee may be issued a district credit card for use while on authorized district business. Receipts documenting the expenses incurred on a district credit card shall be submitted promptly following return from travel. Under no circumstances shall personal expenses be charged on a district credit card, even if the employee intends to subsequently reimburse the district for the personal charges.

### *Legal Reference:*

#### *EDUCATION CODE*

*42634 Itemization of expenses*

*44016 Travel expense to employment interview*

*44032 Travel expenses*

*44033 Automobile allowance*

*44802 Student teacher's travel expense*

### *Management Resources:*

#### *INTERNAL REVENUE SERVICE PUBLICATIONS*

*Per Diem Rates (For Travel Within the Continental United States), Publication 1542*

#### *WEB SITES*

*Internal Revenue Service: <http://www.irs.gov>*

*U.S. General Services Administration, Per Diem Rates: <http://www.gsa.gov/perdiem>*



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## **CONSULTANTS/INDEPENDENT CONTRACTOR**

The Board of Education authorizes the use of consultants to provide expert professional advice or specialized technical or training services which are not needed on a continuing basis and which cannot be provided by district staff because of limitations of time, experience or knowledge. Individuals, firms or organizations employed as consultants may assist management with decisions and/or project development related to financial, economic, accounting, engineering, legal, administrative, instructional or other matters.

**\*\*Note: Internal Revenue Service (IRS) Publication 15-A identifies 20 common-law factors which the IRS uses to determine whether an individual is an employee or an independent contractor.**

As part of the contract process, the Superintendent or designee shall determine, in accordance with Internal Revenue Service guidelines, that the consultant is properly classified as an independent contractor. District employees who perform extra-duty consultant services shall not be retained as independent contractors. They shall be considered employees for all purposes, even if the additional services are not related to their regular duties.

*(cf. 4117.12/4317.12 - Retirement Consultancy Contracts)*

All consultant/independent contractor contracts ~~exceeding \$5,000~~ shall be brought to the Board for approval.

*(cf. 3312 - Contracts)*

The district shall not contract for consulting services that can be performed without charge by a public agency or official unless these services are unavailable from the public source for reasons beyond the district's control.

All qualified firms or resource persons shall be accorded equal opportunity for consultant contracts regardless of race, creed, color, gender, national or ethnic origin, age or disability.

*(cf. 3311 - Bids)*

*(cf. 3551 - Food Service Operations/Cafeteria Fund)*

*(cf. 4030 - Nondiscrimination in Employment)*

Independent contractors applying for a consultant contract shall submit a written conflict of interest statement disclosing financial interests as determined necessary by the Superintendent or designee, depending on the range of duties to be performed by the consultant. The Superintendent or designee shall consider this statement when deciding whether to recommend the consultant's employment.

*(cf. 9270 - Conflict of Interest)*

When employees of a public university, county office of education or other public agency serve as consultant or resource persons for the district, they shall certify as part of the consultant agreement that they will not receive salary or remuneration other than vacation pay from any other public agency for the specific days when they work for this district.

### **Legal Reference:**

#### **EDUCATION CODE**

10400-10407 Cooperative improvement programs

17596 Limit on continuing contracts

35010 Control of districts; prescription and enforcement of rules

35172(a) Promotional activities

35204 Contract with attorney

Policy Adopted: 01/17/07



***Chico Unified School District***

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

**Board Policy:**

**#3600**

**Section: 3000**

**Business and  
Noninstructional  
Operations  
Page 2 of 2**

---

*44925 Part-time readers employed as independent contractors  
45103 Classified service in districts not incorporating the merit system  
45103.5 Contracts for food service consulting services  
45134-45135 Employment of retired classified employee  
45256 Merit system districts; classified service; positions established for professional experts on a temporary basis  
GOVERNMENT CODE  
53060 Contract for special services and advice*

*Management Resources:*

*INTERNAL REVENUE SERVICE PUBLICATIONS*  
*15-A Employer's Supplemental Tax Guide*



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## Certificated Personnel

### CERTIFICATION

~~The Superintendent or designee shall ensure that persons employed in positions requiring certification qualifications possess the appropriate credential or permit from the Commission on Teacher Credentialing (CTC) authorizing their employment in such positions.~~

~~(cf. 4111 – Recruitment and Selection)  
(cf. 4112.21 – Interns)  
(cf. 4112.22 – Staff Teaching Students of Limited English Proficiency)  
(cf. 4112.23 – Special Education Staff)  
(cf. 4113 – Assignment)  
(cf. 4116 – Probationary/Permanent Status)  
(cf. 4121 – Temporary/Substitute Personnel)  
(cf. 5148 – Child Care and Development)~~

~~When a credentialed teacher or intern is not available, the district may request that the CTC issue a short-term staff permit, provisional internship permit (PIP), visiting faculty permit, emergency permit, or credential waiver under the conditions and limitations provided in state or federal law.~~

~~When requesting a PIP, the Board shall approve, as an action item at a public Board meeting, a notice of intent to employ the applicant in the identified position. (5 CCR 80021.1)~~

~~Before requesting a visiting faculty permit or emergency permit, the Board shall annually approve a Declaration of Need for Fully Qualified Educators as an action item at a regularly scheduled public Board meeting. (Education Code 44300.1; 5 CCR 80026)~~

~~The Superintendent or designee shall provide support and guidance to noncredentialed teachers in accordance with law to ensure the quality of the instructional program. He/she also may provide assistance and support to staff holding preliminary credentials to help them meet the qualifications required for the professional clear credential.~~

~~(cf. 4131 – Staff Development)  
(cf. 4131.1 – Beginning Teacher Support/Induction)  
(cf. 4138 – Mentor Teachers)~~

~~As necessary, all teachers of core academic subjects shall meet the requirements of the No Child Left Behind Act. (20 USC 6319, 7801; 5 CCR 6100-6125)~~

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

### National Board for Professional Teaching Standards Certification

~~The Board encourages district teachers to voluntarily seek, from the National Board for Professional Teaching Standards, additional certification which demonstrates advanced knowledge and teaching skills.~~





## Chico Unified School District

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

Board Policy:

#4112.2

Section: 4000

Personnel

Page 2 of 5

---

### Legal Reference:

#### EDUCATION CODE

8360-8370 Qualifications of child-care personnel  
32340-32341 Unlawful issuance of a credential  
42647 Drawing of warrants  
44066 Limitations on certification requirements  
44200-44405 Teacher credentialing, especially:  
44225.6 CTC annual report on credentials, internships and emergency permits  
44225.7 Priorities for recruitment when fully prepared teacher not available  
44251 Period of credentials  
44252 Standards and procedures for issuance; proficiency testing of basic skills  
44252.5 State basic skills assessment required for certificated personnel  
44259 Minimum requirements for teaching credential  
44259.5 Standards for teachers of all students, including English-language learners  
44259.8 Alternative means of entering teaching profession  
44270.3-44270.4 Out-of-state credentials, administrative services  
44274-44274.5 Out-of-state credentials  
44275.3 Employment of teachers with out-of-state credentials  
44277 Requirements for maintaining valid credentials  
44278 Credential appeal  
44300-44301 Emergency permits  
44302 CTC notification re district options when fully qualified teacher not available  
44305-44308 Pre-internship teaching certificates  
44325-44329 District interns  
44330-44355 Certificates and credentials  
44395-44399 National Board for Professional Teaching Standards  
44464 Period of validity of internship credential  
44468 Early completion of internship program  
44500-44508 Peer Assistance and Review Program for Teachers  
44662 Performance evaluation; Stull Act review  
44735 Teaching as a priority block grant  
44751 Recruitment centers  
44830-44929 Employment of certificated persons; requirement of proficiency in basic skills  
56060-56063 Substitute teachers in special education  
90530 Recruitment Centers  
CODE OF REGULATIONS, TITLE 5  
6100-6125 Teacher qualifications, No Child Left Behind Act  
80001-80674.6 Commission on Teacher Credentialing  
UNITED STATES CODE, TITLE 20  
6311 Parental notifications  
6312 District Title I plan  
6319 Highly qualified teachers  
7801 Definitions, highly qualified teacher  
CODE OF FEDERAL REGULATIONS, TITLE 34  
200.55-200.57 Highly qualified teachers  
200.61 Parent notification regarding teacher qualifications

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### COURT DECISIONS

Association of Mexican-American Educators et. al. v. State of California and the Commission on Teacher Credentialing, (1993) 836 F.Supp. 1534

### Management Resources:

#### CSBA PUBLICATIONS

Maximizing School Board Leadership: Human Resources, 1996

#### CTC PUBLICATIONS

Standards of Quality and Effectiveness for Professional Teacher Induction Programs, March 2002

Standards of Quality and Effectiveness for Professional Teacher Preparation Programs, September 2001



## **Chico Unified School District**

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

**Board Policy:**

**#4112.2**

**Section: 4000**

**Personnel**

**Page 3 of 5**

California Standards for the Teaching Profession, July 1997

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Improving Teacher Quality State Grants, December 19, 2002

CSBA ADVISORIES

Teacher Credentialing Commission Eliminates Emergency Permits, August 2003

WEB SITES

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

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

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

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

The Governing Board recognizes that the district's ability to provide a high-quality educational program is dependent upon the employment of certificated staff who are adequately prepared and have demonstrated proficiency in basic skills and in the subject matter to be taught. The Superintendent or designee shall ensure that persons employed to fill positions requiring certification qualifications possess the appropriate credential, permit, or other certification document from the Commission on Teacher Credentialing (CTC) and fulfill any additional state, federal, or district requirements for the position.

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

(cf. 4112.21 - Interns)

(cf. 4112.22 - Staff Teaching English Language Learners)

(cf. 4112.23 - Special Education Staff)

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

(cf. 4112.5/4312.5 - Criminal Record Check)

(cf. 4113 - Assignment)

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 5148 - Child Care and Development)

(cf. 6178 - Career Technical Education)

(cf. 6200 - Adult Education)

The Superintendent or designee may provide assistance and support to teachers holding preliminary credentials to help them meet the qualifications required for the clear credential.

(cf. 4131 - Staff Development)

(cf. 4131.1 - Teacher Support and Guidance)

### **Priorities for Hiring Based on Unavailability of Credentialed Teacher**

The Superintendent or designee shall make reasonable efforts to recruit a fully prepared teacher for each assignment. Whenever a teacher with a clear or preliminary credential is not available, the Superintendent or designee shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

1. A candidate who is qualified to participate in and enrolls in an approved intern program in the region of the district
2. A candidate who is scheduled to complete preliminary credential requirements within six months and who holds a provisional internship permit (PIP) or short-term staff permit issued by the CTC

The Board shall approve, as an action item at a public Board meeting, a notice of its intent to employ a PIP applicant for a specific position. (5 CCR 80021.1)

3. As a last resort, an individual who holds an emergency permit issued by the CTC or for whom a credential waiver has been granted by the CTC



## **Chico Unified School District**

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

**Board Policy:**

**#4112.2**

**Section: 4000**

**Personnel**

**Page 4 of 5**

Prior to requesting that the CTC issue an emergency permit pursuant to item #3 above or a limited assignment permit which allows a fully credentialed teacher to teach outside of his/her area of certification while working toward an added or supplementary authorization, the Board shall annually approve a Declaration of Need for Fully Qualified Educators. The Declaration of Need shall be approved by the Board as an action item at a regularly scheduled public Board meeting, with the entire Declaration of Need being included in the Board agenda. (Education Code 44225, 44225.7; 5 CCR 80023.2, 80026, 80027, 80027.1)

The Declaration of Need shall certify that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) and that the district has made reasonable efforts to recruit individuals who meet the qualifications specified in items #1-2 above. The Declaration of Need shall also indicate the number and type of emergency permits that the district estimates it will need during the valid period of the Declaration of Need, based on the previous year's actual needs and projections of enrollment. Whenever the actual number of permits needed exceeds the estimate by 10 percent, the Board shall revise and resubmit the Declaration of Need. (5 CCR 80026)

### **Legal Reference:**

#### **EDUCATION CODE**

8360-8370 Qualifications of child care personnel

32340-32341 Unlawful issuance of a credential

35186 Complaints regarding teacher vacancy or misassignment

44066 Limitations on certification requirements

44200-44399.1 Teacher credentialing, especially:

44250-44277 Credential types; minimum requirements

44300-44302 Emergency permit

44325-44328 District interns

44330-44355 Certificates and credentials

44420-44440 Revocation and suspension of credentials

44450-44468 University intern program

44830-44929 Employment of certificated persons; requirement of proficiency in basic skills

56060-56063 Substitute teachers in special education

#### **CODE OF REGULATIONS, TITLE 5**

6100-6126 Teacher qualifications, No Child Left Behind Act

80001-80674.6 Commission on Teacher Credentialing

#### **UNITED STATES CODE, TITLE 20**

6319 Highly qualified teachers

7801 Definitions, highly qualified teacher

#### **CODE OF FEDERAL REGULATIONS, TITLE 34**

200.55-200.57 Highly qualified teachers

200.61 Parent notification regarding teacher qualifications

#### **COURT DECISIONS**

Association of Mexican-American Educators et al. v. State of California and the Commission on Teacher Credentialing, (1993) 836 F.Supp. 1534

### **Management Resources:**

#### **COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS**

CL-667 Basic Skills Requirement

CL-856 Provisional Internship Permit

CL 858 Short-Term Staff Permit

13-01 Hiring Hierarchy in Education Code 44225.7, Coded Correspondence, January 30, 2013

Subject Matter Authorization Guideline Book, 2012

Supplementary Authorization Guideline Book, 2012

California Standards for the Teaching Profession, 2009

The Administrator's Assignment Manual, rev. September 2007



***Chico Unified School District***

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

**Board Policy: #4112.2**

**Section: 4000**

**Personnel**

**Page 5 of 5**

---

**WEB SITES**

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

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

Commission on Teacher Credentialing, Credential Information Guide (for employers' use only):  
<http://www.ctc.ca.gov/credentials/cig>

National Board for Professional Teaching Standards: <http://www.nbpts.org>

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



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## **Certificated Personnel**

### **INTERNS**

~~The Board of Education supports the use of interns to fulfill the district's need for additional instructional resources and to enable future teachers to fulfill state credentialing requirements and link teaching theory with practice.~~

~~The Superintendent or designee may enter into an agreement with an accredited college or university to jointly provide supervised teaching experiences within the district as part of a teacher preparation program. He/she shall collaborate with the college or university in the selection, placement, support and performance assessment of interns.~~

~~Interns shall not be assigned to teach any classes outside the subject area, grade levels or classes authorized by their credential.~~

~~(cf. 4112.2 - Certification)~~

~~(cf. 4113 - Assignment)~~

~~Any intern hired to teach core academic subjects, as defined in law, shall be required to meet the definition of a "highly qualified" teacher adopted by the State Board of Education. (20 USC 6319, 7801; 5 CCR 6100-6112)~~

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

The district may employ interns as necessary to fulfill the need for sufficient instructional staff and to provide future teachers an opportunity to link teaching theory with practice in order to meet state credentialing requirements. In addition, the district may employ teachers who already possess a preliminary or clear credential and are pursuing a credential in a different specialization as interns for positions that require such other credential.

(cf. 4112.2 - Certification)

(cf. 4112.22 - Staff Teaching English Language Learners)

(cf. 4112.23 - Special Education Staff)

The district may enter into partnership agreements with one or more approved teacher preparation programs sponsored by colleges or universities and/or may provide a district intern program with approval of the Commission on Teacher Credentialing (CTC). Any intern program in which the district participates shall be aligned with the preconditions and program standards adopted by the CTC.

The Superintendent or designee shall make reasonable efforts to recruit an intern from an approved program within the region whenever a teacher with a preliminary or clear credential is not available for a position requiring certification. (Education Code 44225.7)

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

The Superintendent or designee shall ensure that any intern employed by the district possesses an appropriate intern credential and is adequately prepared for the responsibilities of the position.

An intern may be assigned to provide the same service as a holder of a regular multiple subject, single subject, or education specialist credential in accordance with the authorizations and grade/age level specified on the intern credential. (Education Code 44454, 44325, 44326, 44830.3)

(cf. 4113 - Assignment)





## **Chico Unified School District**

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

**Board Policy:**

**#4112.21**

**Section: 4000**

**Personnel**

**Page 2 of 3**

An intern may be assigned to teach core academic subjects, as defined in law, if he/she meets the definition of a "highly qualified" teacher adopted by the State Board of Education. (20 USC 6319, 7801; 5 CCR 6100-6112)

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

Terms of employment for interns shall be consistent with law and/or the district's collective bargaining agreement, as applicable.

(cf. 4116 - Probationary/Permanent Status)

(cf. 4141/4241 - Collective Bargaining Agreement)

Interns shall receive systematic supervision and guidance by qualified personnel in order to enhance their instructional skills and knowledge. The Superintendent or designee shall ensure that district staff serving as supervisors, mentor teachers, or other support providers receive appropriate training to fulfill their responsibilities and maintain frequent communication with the interns they are assigned to assist.

(cf. 4131 - Staff Development)

(cf. 4138 - Mentor Teachers)

Interns shall be provided with ongoing feedback regarding their performance and shall be formally evaluated at least once every year in accordance with Board policy and the district's collective bargaining agreement.

(cf. 4115 - Evaluation/Supervision)

Upon receiving notification from the Superintendent or designee that an intern has successfully completed the program, the Governing Board may recommend to the CTC that the intern be awarded a preliminary credential. (Education Code 44328, 44468, 44830.3)

### **Legal Reference:**

#### **EDUCATION CODE**

300-340 English language education for immigrant children

44225 Credentials, responsibilities of Commission on Teacher Credentialing

44225.7 Priority for hiring fully prepared teacher

44253.3-44253.4 Certificate to provide services to English learners

44253.10 Qualifications to provide specially designed academic instruction in English

44259 Minimum requirements for teaching credential

44314 Diversified or liberal arts program

44321 CTC approval of intern programs

44325-44328 District interns

44339-44341 Teacher fitness

44450-44468 Teacher Education Internship Act of 1967 (university interns)

44830.3 Employing district interns

44885.5 District interns classified as probationary employees

#### **CODE OF REGULATIONS, TITLE 5**

6100-6126 No Child Left Behind teacher requirements

80021.1 Provisional internship permit

80033 Intern teaching credential

80055 Intern credential, extension for extenuating circumstances

#### **UNITED STATES CODE, TITLE 20**

6319 Highly qualified teachers

7801 Definitions, highly qualified teacher



## **Chico Unified School District**

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

**Board Policy:**

**#4112.21**

**Section: 4000**

**Personnel**

**Page 3 of 3**

---

7801 Note *Applicability of federal regulation defining interns as highly qualified teachers*

### **COURT DECISIONS**

*Renee v. Duncan, 686 F.3d 1002 (2012)*

### **Management Resources:**

#### **COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS**

*CL-840 Early Completion Option*

*SB 2042 Multiple Subject and Single Subject Preliminary Credential Program Standards, rev. February 2014*

*Intern Preservice, Support and Supervision Requirements: Preparation to Teach English Learners, Program Sponsor Alert 13-06, June 3, 2013*

*Education Specialist Teaching and Other Related Services Credential Program Standards, rev. May 2013*

*California Standards for the Teaching Profession, October 2009*

*Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013*

*Administrator's Assignment Manual, 2008*

*Preparation of Intern Credential Holders Prior to Service as Teacher of Record as an Intern, Coded Correspondence 08-03, March 3, 2008*

#### **U.S. DEPARTMENT OF EDUCATION GUIDANCE**

*Improving Teacher Quality State Grants, rev. October 5, 2006*

#### **WEB SITES**

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

*Commission on Teacher Credentialing, Interns: <http://www.ctc.ca.gov/educator-prep/intern>*

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



## Chico Unified School District

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

Board Policy:

#4115

Section: 4000

Personnel

Page 1 of 3

### Certificated Personnel

#### EVALUATION/SUPERVISION

The Governing Board believes that supervision and evaluation can help instructional staff improve their teaching skills and raise students' levels of achievement. Evaluations also serve to hold staff accountable for their performance. The Superintendent or designee shall evaluate the performance of certificated staff members in accordance with law, negotiated employee contracts and Board-adopted evaluation standards.

*(cf. 4141/4241 - Collective Bargaining Agreement)*

*(cf. 4315 - Evaluation/Supervision)*

~~Objective standards from the National Board for Professional Teaching Standards and/or the California Standards for the Teaching Profession shall be reviewed and may be incorporated in district evaluation standards with the agreement of the exclusive representative of the certificated staff.~~

~~*(cf. 4110.21/4210.21/4310.21 - Professional Standards)*~~

~~*(cf. 4140/4240 - Bargaining Units)*~~

~~*(cf. 4315.1 - Staff Evaluating Teachers)*~~

~~Evaluation procedures may include observation of teacher performance in the classroom.~~

~~The Superintendent or designee shall ensure that evaluation ratings have uniform meaning throughout the district.~~

~~Evaluations shall be used to recognize the exemplary skills and accomplishments of staff and to identify areas needing improvement. When areas needing improvement are identified, the Board expects employees to accept responsibility for improving their performance. The Superintendent or designee shall assist employees in improving their performance and may require participation in appropriate programs. Staff members are encouraged to take initiative to request assistance as necessary to promote effective teaching.~~

~~*(cf. 4131 - Staff Development)*~~

~~*(cf. 4139 - Peer Assistance and Review)*~~

#### Legal Reference:

##### EDUCATION CODE

~~33039 - State guidelines for teacher evaluation procedures~~

~~35171 - Availability of rules and regulations for evaluation of performance~~

~~44500-44508 - Peer assistance and review program for teachers~~

~~44660-44665 - Evaluation and assessment of performance of certificated employees (the Stull Act)~~

##### GOVERNMENT CODE

~~3543.2 - Scope of representation~~

##### UNITED STATES CODE, TITLE 20

~~6319 - Highly qualified teachers~~

~~7801 - Definition of highly qualified teacher~~

#### Management Resources:

##### CTC PUBLICATIONS

~~Standards for the Quality and Effectiveness for Beginning Teacher Support and Assessment Programs, 1997~~

~~California Standards for the Teaching Profession, 1997~~

##### WEB SITES

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

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

~~California Commission on Teacher Credentialing: <http://www.cctc.ca.gov>~~

~~National Board for Professional Teaching Standards: <http://www.nbpts.org>~~

Policy Adopted: February 27, 2008



Evaluations can be used to recognize the exemplary skills and accomplishments of staff and to identify areas needing improvement. When areas needing improvement are identified, the Board expects employees to accept responsibility for improving their performance and encourages them to take initiative to request assistance as necessary, including participation in appropriate staff development and/or individualized teacher support and guidance programs.

*(cf. 4117.4 - Dismissal)*  
*(cf. 4117.6 - Decision Not to Rehire)*  
*(cf. 4131 - Staff Development)*  
*(cf. 4131.1 - Teacher Support and Guidance)*

The Superintendent or designee shall assess the performance of certificated instructional staff as it reasonably relates to the following criteria: (Education Code 44662)

1. Students' progress toward meeting district standards of expected achievement for their grade level in each area of study and, if applicable, towards the state-adopted content standards as measured by state-adopted criterion-referenced assessments

*(cf. 6011 - Academic Standards)*  
*(cf. 6162.5 - Student Assessment)*  
*(cf. 6162.51 - State Academic Achievement Tests)*

2. The instructional techniques and strategies used by the employee
3. The employee's adherence to curricular objectives
4. The establishment and maintenance of a suitable learning environment within the scope of the employee's responsibilities

With the agreement of the exclusive representative of the certificated staff when applicable, the Superintendent or designee may incorporate objective standards from the National Board for Professional Teaching Standards and/or the California Standards for the Teaching Profession into district evaluation standards.

*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*  
*(cf. 4140/4240/4340 - Bargaining Units)*

The evaluation of certificated employee performance shall not include the use of publishers' norms established by standardized tests. (Education Code 44662)

Noninstructional certificated employees shall be evaluated on their performance in fulfilling their defined job responsibilities. (Education Code 44662)

**Legal Reference:**

**EDUCATION CODE**

33039 State guidelines for teacher evaluation procedures  
35171 Availability of rules and regulations for evaluation of performance  
44660-44665 Evaluation and assessment of performance of certificated employees (the Stull Act)

**GOVERNMENT CODE**

3543.2 Scope of representation



**Chico Unified School District**

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

**Board Policy:**

**#4115**

**Section: 4000**

**Personnel**

**Page 3 of 3**

---

**UNITED STATES CODE, TITLE 20**

**6319 Highly qualified teachers**

**7801 Definition of highly qualified teacher**

**Management Resources:**

**COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS**

**California Standards for the Teaching Profession, 2009**

**WEB SITES**

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

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

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

**National Board for Professional Teaching Standards: <http://www.nbpts.org>**





**Chico Unified School District**  
1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

Board Policy: #4117.3

Section: 4000

Personnel

Page 1 of 4

---

## Certificated Personnel

### PERSONNEL REDUCTION

The Board of Education may reduce the number of certificated personnel, or their hours and wages, due to any of the following conditions: (Education Code 44955)

1. ~~Declining enrollment, provided that the percentage of reduction in probationary and permanent certificated personnel shall not exceed the corresponding percentage of student attendance lost~~
2. ~~Reduction or discontinuance of programs or services~~
3. ~~State mandated modification of the curriculum~~
4. ~~The fiscal crisis that may occur after enactment of the Budget Act when the total revenue limit per ADA has not increased by at least two percent (Education Code 44955.5)~~

~~The Board recognizes that its authority in the reduction of personnel is subject to legal requirements. Except as otherwise provided by statute, a permanent employee who is certificated and competent to render a service shall not be terminated or given a reduction in hours and wages while a probationary employee or other employee with less seniority is retained to render the service. (Education Code 44955)~~

~~To be considered competent, an employee must have academic training in the specialized area to which the district would be able to assign him/her. The district may also consider the recency of the employee's experience.~~

~~(cf. 4113 - Assignment)~~

~~(cf. 4115 - Evaluation/Supervision)~~

~~(cf. 4117.4 - Dismissal)~~

#### Legal Reference:

##### EDUCATION CODE

~~44830 - Employment of certificated persons~~

~~44949 - Dismissal of probationary employees~~

~~44955 - Reduction in number of permanent employees~~

~~44955.5 - Termination of certificated employees~~

~~44956-44959.5 - Rights of employees~~

##### GOVERNMENT CODE

~~3543.2 - Scope of representation~~

##### COURT DECISIONS

~~Menagh v. Montebello Unified School District (1993) 20 Cal.App.4th 1846~~

~~Forker v. Board of Trustees (1984) 160 Cal.App.3d 13~~

~~Moreland Teachers Assoc. v. Kurze (1980) 109 Cal.App.3d 648~~

~~King v. Berkeley Unified School District (1979) 89 Cal.App. 3d 1016~~

The Governing Board may reduce the number of probationary and permanent certificated employees when, in its opinion, any of the following conditions makes such reduction necessary:

1. Average daily attendance (ADA) in all of the schools in the district during the first six months of the school year has declined below the level for the same period in either of the previous two school years. (Education Code 44955)
2. A particular kind of service is to be reduced or discontinued not later than the beginning of the following

Policy Adopted: February 27, 2008



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school year. (Education Code 44955)

3. Attendance in the district will decline in the following year as a result of the termination of an interdistrict tuition agreement. (Education Code 44955)
4. An amendment of state law requires modification of the curriculum. (Education Code 44955)
5. During the time period between five days after the enactment of the Budget Act and August 15 of that fiscal year, the Board determines that the district's total revenue limit per ADA for the fiscal year of that Budget Act has not increased by at least two percent. (Education Code 44955.5)

#### **Determination of the Order of Layoffs**

When it is necessary to reduce the number of certificated employees for any of the reasons listed above, the services of employees shall be terminated in the inverse of the order in which they were employed by the district in probationary status, except as otherwise authorized by law. (Education Code 44844, 44955)

The Superintendent or designee shall maintain the seniority list for this purpose and shall make it available upon request.

Unless otherwise provided by law, a permanent employee shall have the right to be retained over a probationary employee or any employee with less seniority if the position is one for which he/she is certificated and competent to render service. (Education Code 44955)

(cf. 4112.2 - Certification)  
(cf. 4112.22 - Staff Teaching English Language Learners)  
(cf. 4112.23 - Special Education Staff)  
(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)  
(cf. 4113 - Assignment)  
(cf. 4116 - Probationary/Permanent Status)

To determine the order of termination between employees who first rendered paid service on the same date, the Board shall rank order those employees solely on the basis of the needs of the district and students. Upon the request of an employee whose order of termination is to be determined based on such ranking, the Board shall furnish the employee, no later than five days prior to the commencement of the administrative hearing on the layoff, a written statement of the specific criteria used in determining the order of termination and the application of the criteria in ranking the employee relative to the other employees in the group. (Education Code 44955)

The district may deviate from terminating certificated employees in order of seniority for either of the following reasons: (Education Code 44955, 44956)

1. To fill a demonstrated specific need for personnel to teach a specific course or courses of study, or to provide services authorized by a services credential with a specialization in either student personnel services or health for a school nurse, when the certificated employee has the necessary special training and experience which others with more seniority do not possess
2. To maintain or achieve compliance with constitutional requirements related to equal protection of the law

#### **Notice and Hearing Rights**

When it becomes necessary to reduce the number of permanent and/or probationary employees pursuant to Education Code 44955 as specified in items #1-4 above, the district shall give notice to the affected employees, no later than March 15, stating the reasons for the action and the employees' right to a hearing. The district shall adhere to the notice, hearing, and layoff procedures in Education Code 44949, 44955, and other applicable



**Chico Unified School District**  
1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

**Board Policy: #4117.3**

**Section: 4000**

**Personnel**

**Page 3 of 4**

---

provisions of law.

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

When an employee has requested a hearing before an administrative law judge regarding the reduction or discontinuation of services, the Board shall make a final decision regarding the sufficiency of the cause and disposition of the layoff upon receipt of the administrative law judge's proposed decision. None of the findings, recommendations, or determinations of the administrative law judge shall be binding on the Board. (Education Code 44949)

The Board may conduct its own hearing, adopt the administrative law judge's proposed decision, refer the case back to the administrative law judge for additional evidence, or reject or modify the proposed decision and make its own determination based upon its review of the record.

Following the Board's decision, the Superintendent or designee shall give final notice, in the manner specified, to the affected employees before May 15 unless the parties agree otherwise in accordance with procedures required by law. (Education Code 44955)

When layoffs become necessary pursuant to Education Code 44955.5 as specified in item #5 above, layoff proceedings shall be carried out as required by law but in accordance with a schedule of notice and hearing adopted by the Board. (Education Code 44955.5)

### **Reappointment**

If the number of employees is increased or the discontinued service reestablished, permanent certificated employees shall have the right to reappointment, in order of seniority, for 39 months from the date of termination. Probationary certificated employees shall have the same right for 24 months after being terminated, subject to the prior reappointment rights of permanent employees. (Education Code 44846, 44956, 44957)

During the period of the preferred right to reappointment, permanent certificated employees shall, in the order of original employment, be offered first opportunity for substitute service during the absence of any employee who has been granted a leave of absence or who is temporarily absent from duty. Such substitute service may be terminated upon the return to duty of the other employee. Such substitute service shall not affect the retention of the employees' previous classification and rights. Probationary certificated employees shall have the same right to substitute service during the period of preferred right to reappointment to the extent required by law, subject to the rights of permanent certificated employees. (Education Code 44918, 44956, 44957)

*(cf. 4121 - Temporary/Substitute Employees)*

Before reappointing any certificated employee to teach a subject which he/she has not previously taught and for which he/she does not have a teaching credential or which is not within the employee's major area of postsecondary study, the Board shall require the employee to pass a subject matter competency test in the appropriate subject. (Education Code 44956)

Reappointed certificated employees shall not be subject to any requirements that were not imposed on employees who continued in service. Their period of absence shall be treated as a leave of absence and not considered a break in the continuity of their service. (Education Code 44956, 44957)

### **Legal Reference:**

EDUCATION CODE  
44830 Employment of certificated persons

Policy Adopted: February 27, 2008



**Chico Unified School District**

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

**Board Policy:**

**#4117.3**

**Section: 4000**

**Personnel**

**Page 4 of 4**

---

44949 Dismissal of probationary employees

44955 Reduction in number of permanent employees

44955.5 Termination of certificated employees

44956-44959.5 Rights of employees

GOVERNMENT CODE

3543.2 Scope of representation

UNEMPLOYMENT INSURANCE CODE

1089 Notification of unemployment insurance benefits

CODE OF REGULATIONS, TITLE 22

1089-1 Notification of unemployment insurance benefits

COURT DECISIONS

Vergara v. State of California, (2014) Superior Court State of California, County of Los Angeles, Case. No. BC 484642

California Teachers Association v. Vallejo City Unified School District, (2007) 149 Cal.App.4th 135

Bakersfield Elementary Teachers Association v. Bakersfield City School District, (2006) 145 Cal.App.4th 1260

Cousins v. Weaverville Elementary School District, (1994) 24 Cal.App.4th 1846

Forker v. Board of Trustees, (1984) 160 Cal.App.3d 13

Moreland Teachers Assoc. v. Kurze, (1980) 109 Cal.App.3d 648

King v. Berkeley Unified School District, (1979) 89 Cal.App.3d 1016

**Management Resources:**

**WEB SITES**

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





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**Certificated Personnel**

**DISMISSAL/SUSPENSION/DISCIPLINARY ACTION**

~~The Board of Education desires that all employees exhibit professional and appropriate conduct and serve as positive role models at school and in the community. Unacceptable conduct shall be subject to disciplinary action in accordance with law, collective bargaining agreement, Board policy and administrative regulations.~~

~~(cf. 4141/4241 - Collective Bargaining Agreement)~~

~~The Superintendent or designee shall develop administrative regulations that identify types of misconduct and possible consequences. Disciplinary actions may include, but not be limited to, verbal warnings, written warnings, reassignment, suspension, freezing or reduction of wages, compulsory leave and dismissal.~~

~~The Superintendent or designee may take disciplinary action as he/she deems appropriate in light of the particular facts and circumstances involved. He/she shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.~~

~~(cf. 1312.1 - Complaints Concerning District Employees)~~

~~(cf. 4030 - Nondiscrimination in Employment)~~

~~(cf. 4032 - Complaints Concerning Discrimination in Employment)~~

~~(cf. 4117.4 - Dismissal)~~

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

~~In accordance with law, the Superintendent or designee shall notify the Commission on Teacher Credentialing when the status of a credentialed employee has been changed as a result of alleged misconduct.~~

~~(cf. 4117.7 - Employment Status Reports)~~

The Governing Board expects all employees to perform their jobs satisfactorily, exhibit professional and appropriate conduct, and serve as positive role models both at school and in the community. A certificated employee may be disciplined for conduct or performance in accordance with law, the applicable collective bargaining agreement, Board policy, and administrative regulation.

(cf. 4000 - Concepts and Roles)

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

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

(cf. 4141/4241 - Collective Bargaining Agreement)

Disciplinary action shall be based on the particular facts and circumstances involved and the severity of the conduct or performance. Disciplinary actions may include, but are not limited to, verbal warnings, written warnings, reassignment, suspension, freezing or reduction of wages, compulsory leave, or dismissal.

(cf. 4114 - Transfers)

The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

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

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)



## **Chico Unified School District**

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

**Board Policy:**

**#4118**

**Section: 4000**

**Personnel**

**Page 2 of 4**

---

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

### **Suspension/Dismissal Procedures**

The Superintendent shall notify the Board whenever he/she believes that there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933.

When the Board finds that there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933, it may formulate a written statement of charges specifying instances of behavior and the acts or omissions constituting the charge, the statutes and rules that the employee is alleged to have violated when applicable, and the facts relevant to each charge. The Board shall also review any duly signed and verified written statement of charges filed by any other person. (Education Code 44934, 44934.1)

Based on the written statement of charges, the Board may, upon majority vote, give notice to the employee of its intention to suspend or dismiss him/her at the expiration of 30 days from the date the notice is served. (Education Code 44934, 44934.1)

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

Prior to serving a suspension or dismissal notice that includes a charge of unsatisfactory performance, the district shall give the employee written notice of the unsatisfactory performance that specifies the nature of the unsatisfactory performance with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct his/her faults and overcome the grounds for any unsatisfactory performance charges and, if applicable, that includes the evaluation made pursuant to Education Code 44660-44665. The written notice of the unsatisfactory performance shall be provided at least 90 days prior to the filing of the suspension or dismissal notice or prior to the last one-fourth of the school days in the year. (Education Code 44938)

*(cf. 4115 - Evaluation/Supervision)*

Prior to serving a suspension or dismissal notice that includes a charge of unprofessional conduct, the district shall give the employee written notice that describes the nature of the unprofessional conduct with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct his/her faults and overcome the grounds for any unprofessional conduct charges and, if applicable, that includes the evaluation made pursuant to Education Code 44660-44665. The written notice of the unprofessional conduct shall be provided at least 45 days prior to the filing of the suspension or dismissal notice. (Education Code 44938)

Except for notices that only include charges of unsatisfactory performance, the written suspension or dismissal notice may be served at any time of year. Such notice shall be served upon the employee personally if given outside of the instructional year or, if given during the instructional year, may be served personally or by registered mail to the employee's last known address. Notices with a charge of unsatisfactory performance shall be given only during the instructional year of the school site where the employee is physically employed, and may be served personally or by registered mail to the employee's last known address. (Education Code 44936)

If an employee has been served notice and demands a hearing pursuant to Government Code 11505 and 11506, the Board shall either rescind its action or schedule a hearing on the matter. (Education Code 44941, 44941.1, 44943, 44944)

Pending suspension or dismissal proceedings for an employee who is charged with egregious misconduct, immoral conduct, conviction of a felony or of any crime involving moral turpitude, incompetency due to mental disability, or willful refusal to perform regular assignments without reasonable cause as prescribed by district rules and regulations, the Board may, if it deems it necessary, immediately suspend the employee from his/her duties. If the employee files a motion with the Office of Administrative Hearings for immediate reversal of the suspension





## **Chico Unified School District**

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

**Board Policy:**

**#4118**

**Section: 4000**

**Personnel**

**Page 3 of 4**

based on a cause other than egregious misconduct, the Board may file a written response before or at the time of the hearing. (Education Code 44939, 44939.1, 44940)

When a suspension or dismissal hearing is to be conducted by a Commission on Professional Competence, the Board shall, no later than 45 days before the date set for the hearing, select one person with a currently valid credential to serve on the Commission. The appointee shall not be an employee of the district and shall have at least three years' experience within the past 10 years at the same grade span or assignment as the employee, as defined in Education Code 44944. (Education Code 44944)

### **Legal Reference:**

#### **EDUCATION CODE**

44008 Effect of termination of probation  
44009 Conviction of specified crimes  
44010 Sex offense; definitions  
44011 Controlled substance offense; definitions  
44242.5 Reports and review of alleged misconduct  
44425 Conviction of a sex or narcotic offense  
44660-44665 Evaluation and assessment of performance of certificated employees  
44830.1 Criminal record summary certificated employees  
44929.21 Notice of reelection decision; districts with 250 ADA or more  
44929.23 Reelection and dismissal of probationary employees; districts with ADA less than 250  
44930-44988 Resignations, dismissal, and leave of absence  
45055 Drawing of warrants for teachers  
48907 Exercise of free speech, expression  
48950 Speech and other communication  
51530 Advocacy or teaching of communism

#### **GOVERNMENT CODE**

1028 Advocacy of communism  
3543.2 Scope of representation  
11505-11506 Hearing

#### **HEALTH AND SAFETY CODE**

11054 Schedule I; substances included  
11055 Schedule II, substances included  
11056 Schedule III, substances included  
11357-11361 Marijuana  
11363 Peyote  
11364 Opium  
11370.1 Possession of controlled substances with a firearm

#### **PENAL CODE**

187 Murder  
291 School employees arrest for sex offense  
667.5 Prior prison terms, enhancement of prison terms  
1192.7 Plea bargaining limitation  
11165.2-11165.6 Child abuse or neglect; definitions

#### **CODE OF REGULATIONS, TITLE 5**

80303 Reports of change in employment status  
80304 Notice of sexual misconduct

#### **COURT DECISIONS**

Vergara v. California (Los Angeles Super.Ct.) BC484642  
Crowl v. Commission on Professional Competence, (1990) 225 Cal. App. 3d 334  
Morrison v. State Board of Education (1969) 1 Cal.3d 214



***Chico Unified School District***  
*1163 East Seventh Street, Chico, CA 95928-5999*  
*(530) 891-3000*

**Board Policy: #4118**

**Section: 4000 Personnel**  
**Page 4 of 4**

---

**Management Resources:**

**COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS**

*California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007*

**WEB SITES**

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

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



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## **Certificated Personnel**

### **BEGINNING TEACHER SUPPORT/INDUCTION**

The Governing Board recognizes that intensive professional development and support will help beginning teachers apply their academic preparation more effectively in the classroom and result in greater retention of capable beginning teachers.

*(cf. 4131 - Staff Development)*

The Superintendent or designee shall inform beginning teachers about induction programs that are available to help them fulfill the requirements of the professional clear multiple- or single-subject teaching credential pursuant to Education Code 44259.

*(cf. 4112.2 - Certification)*

*(cf. 4112.21- Interns)*

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

### **District-Sponsored Induction Program**

~~When approved by the Commission on Teacher Credentialing (CTC) and the Superintendent of Public Instruction, the district may serve as a sponsor of an induction program. The program shall support beginning teachers in meeting the competencies described in the California Standards for the Teaching Profession adopted by the CTC, state-adopted academic content standards and performance levels for students, and state-adopted curriculum frameworks.~~

~~*(cf. 6011 - Academic Standards)*~~

~~Participation in the induction program shall be voluntary. (Education Code 45279.1)~~

~~Each participating teacher shall be assigned to a support provider who is an experienced teacher, knowledgeable about beginning teacher development and needed competencies, and effective in interpersonal and communication skills. The Superintendent or designee shall develop processes for identifying support providers and pairing the providers with participating teachers.~~

~~Professional development provided to a participating teacher shall be based on an individual induction plan which takes into consideration the teacher's prior preparation and experience. The participating teacher's knowledge and classroom practice shall be regularly assessed using multiple measures, and the results shall be used to monitor and revise subsequent individual induction plans.~~

~~The Superintendent or designee shall maintain a complete record of each participating teacher's participation and progress toward completion of professional credential requirements.~~

~~The Superintendent or designee shall conduct an annual evaluation of the induction program and shall report to the Board regarding its effectiveness in meeting district program goals and state standards.~~

~~*(cf. 0500 - Accountability)*~~

~~*(cf. 9000 - Role of the Board)*~~

*Legal Reference:*

Policy Adopted: February 27, 2008



**Chico Unified School District**  
1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

**Board Policy:** #4131.1

**Section: 4000**

**Personnel**  
**Page 2 of 2**

---

EDUCATION CODE

41520-41522 Teacher Credentialing Block Grant

41530-41532 Professional Development Block Grant

44259 Credential requirements

44259.5 Standards for professional preparation programs

CODE OF REGULATIONS, TITLE 5

6100-6125 Teacher qualifications, No Child Left Behind Act

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

6601-6702 Preparing, training and recruiting high quality teachers and principals

7801 Definitions, highly qualified teacher

*Management Resources:*

CTC PUBLICATIONS

Induction Manual: A Credential Application Processing Guidebook for Commission-Approved Induction Programs,  
June 2004

CDE PUBLICATIONS

NCLB Teacher Requirements Resource Guide, March 2004

WEB SITES

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

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



## Chico Unified School District

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

Board Policy:

#4139

Section: 4000

Personnel

Page 1 of 1

# DELETED

## Certificated Personnel

### PEER ASSISTANCE AND REVIEW

~~In order to assist teachers who may need additional development in subject matter knowledge and/or teaching strategies, the Board of Education shall work with the local teachers' organization to establish and maintain a program of peer assistance and review linking participating teachers with exemplary teachers serving as consulting teachers. Consulting teachers shall provide sustained, intensive support including, but not limited to, multiple classroom observations, recommendations for staff development and regular meetings with participating teachers.~~

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

~~(cf. 4141/4241 - Collective Bargaining Agreement)~~

~~The Superintendent or designee shall establish in accordance with law a joint teacher-administrator peer review panel to manage the program.~~

~~Board decisions regarding the continued employment of an individual participating teacher shall include consideration of the results of the individual's participation in the peer assistance and review program and the recommendations of the consulting teacher and review panel.~~

~~(cf. 4115 - Evaluation/Supervision)~~

~~(cf. 4117.4 - Dismissal)~~

#### Legal Reference:

##### EDUCATION CODE

~~44279.1-44279.7 - Beginning teacher support and assessment~~

~~44305-44308 - Pre-internship teaching program~~

~~44325-44328 - District intern program~~

~~44490-44497 - Mentor teacher program~~

~~44500-44508 - Peer assistance and review program~~

~~44662 - Evaluation of certificated employees~~

~~44664 - Evaluation~~

#### Management Resources:

##### WEB SITES

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

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

~~California Commission on Teacher Credentialing: <http://www.cctc.ca.gov>~~

~~California Teachers Association: <http://www.cta.org>~~

~~California Federation of Teachers: <http://www.cft.org>~~



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## **Certificated and Classified Personnel**

### **NEGOTIATIONS/CONSULTATION**

~~The Governing Board recognizes its responsibility to represent the public's interests in the collective bargaining process. In negotiating agreements on employee contracts, the Board shall balance the needs of staff and the priorities of the district in order to provide students with a high-quality instructional program based on a sound, realistic budget.~~

~~(cf. 0200 – Goals for the School District)  
(cf. 3100 – Budget)  
(cf. 4140/4240 – Bargaining Units)  
(cf. 4141/4241 – Collective Bargaining Agreement)~~

~~The Board shall negotiate in good faith with exclusive employee representatives on wages, hours of employment, and other terms and conditions of employment identified in law as being within the scope of representation. (Government Code 3543.2)~~

~~The Board believes that effective negotiations require the input of all levels of the administration. The Board shall establish a bargaining team to assist in analyzing contract provisions and conducting contract negotiations.~~

~~The Board and Superintendent shall provide its negotiator(s) with expected outcomes and clear parameters for acceptable contract provisions which promote the realization of district goals and priorities.~~

~~In consultation with the Superintendent and employee organization, the Board shall determine the collective bargaining approach or method to be used.~~

~~The Board with its bargaining team shall establish standards of conduct pertaining to the negotiations process for individual Board members and members of the bargaining team. Certain meetings related to negotiations shall be held in closed session in accordance with Government Code 3549.1 when not required by state open meeting laws (the Brown Act) to be held in public. Matters discussed in these meetings shall be kept in strict confidence.~~

~~(cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information)  
(cf. 9010 – Public Statements)  
(cf. 9011 – Disclosure of Confidential/Privileged Information)  
(cf. 9321 – Closed Session Purposes and Agendas)~~

~~The Board and its negotiator(s) shall not knowingly provide the employee organization with inaccurate information regarding the financial resources of the district. (Government Code 3543.5)~~

~~The Board shall closely monitor the progress of negotiations and carefully consider how proposed contract provisions would affect the district's short- and long-term fiscal, programmatic, instructional, and personnel goals.~~

~~(cf. 3100 – Budget)~~

~~The Board and/or Superintendent shall keep the public informed about the progress of negotiations and the ways in which negotiations may affect district goals.~~

~~(cf. 4143.1/4243.1 – Public Notice – Personnel Negotiations)~~

~~Whenever the district has a qualified or negative certification on an interim fiscal report, it shall allow the county office of education at least 10 working days to review and comment on any proposed agreement with exclusive representatives of employees. The district shall provide the County Superintendent of Schools with all information~~





~~relevant to gain an understanding of the financial impact of any final collective bargaining agreement. (Government Code 3540.2)~~

~~(cf. 3460 - Financial Reports and Accountability)~~

~~Once the final terms of the agreement have been ratified by the membership of the employee organization, the contract shall be presented to the Board at a public meeting for acceptance.~~

~~Any agreement adopted by the Board may be for a term not to exceed three years. (Government Code 3540.1)~~

~~In the event of an impasse in negotiations, the Board shall participate in good faith in state mediation and fact finding procedures pursuant to Government Code 3548-3548.8. (Government Code 3543.5)~~

~~(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)~~

~~Following adoption of the collective bargaining agreement, any subsequent amendments shall be executed in writing by the Board and the employees' exclusive representative.~~

#### **Consultation**

~~The exclusive representative of certificated staff may consult with the Board on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks.~~

~~(cf. 6011 - Academic Standards)~~

~~(cf. 6141 - Curriculum Development and Evaluation)~~

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

~~(cf. 9310 - Board Policies)~~

The Governing Board recognizes its responsibility to represent the public's interests in the collective bargaining process. In ratifying agreements on employee contracts, the Board shall balance the needs of staff and the priorities of the district in order to provide students with a high-quality instructional program based on a sound, realistic budget.

~~(cf. 0200 - Goals for the School District)~~

~~(cf. 3100 - Budget)~~

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

~~(cf. 4141/4241 - Collective Bargaining Agreement)~~

The Board and the Superintendent shall establish a bargaining team to assist in analyzing contract provisions and conducting contract negotiations. The Board shall provide its negotiator(s) with expected outcomes and clear parameters for acceptable contract provisions which promote the realization of district goals and priorities.

The Board and its bargaining team shall negotiate in good faith with exclusive employee representatives on wages, hours of employment, and other terms and conditions of employment identified in law as being within the scope of representation. (Government Code 3543.2)

When the district intends to make any change to matters within the scope of representation, it shall give reasonable written notice of its intent to the exclusive representative for the purpose of providing the exclusive representative a reasonable amount of time to negotiate with the district regarding the proposed changes. (Government Code 3543.2)

A reasonable number of representatives of the employee organization shall have the right to receive reasonable periods of released time without loss of district compensation when meeting and negotiating and/or for the



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processing of grievances. (Government Code 3543.1)

The Board and its bargaining team shall establish standards of conduct pertaining to the negotiations process for members of the bargaining team. Certain meetings related to negotiations shall not be open to the public in accordance with Government Code 3549.1 and 54957.6, except as otherwise required by law. Matters discussed in these meetings shall be kept in strict confidence in accordance with law.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 9010 - Public Statements)*  
*(cf. 9011 - Disclosure of Confidential/Privileged Information)*  
*(cf. 9321 - Closed Session Purposes and Agendas)*

The Board and its negotiator(s) shall not knowingly provide the employee organization with inaccurate information regarding the financial resources of the district. (Government Code 3543.5)

The Board shall monitor the progress of negotiations and carefully consider how proposed contract provisions would affect the district's short- and long-term fiscal, programmatic, instructional, and personnel goals.

The Board and/or Superintendent or designee shall keep the public informed about the progress of negotiations and the ways in which negotiations may affect district goals.

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

Whenever the district has a qualified or negative certification on an interim fiscal report, it shall allow the county office of education at least 10 working days to review and comment on any proposed agreement with exclusive representatives of employees. The district shall provide the County Superintendent of Schools with all information relevant to gain an understanding of the financial impact of any final collective bargaining agreement. (Government Code 3540.2)

*(cf. 3460 - Financial Reports and Accountability)*

Once the final terms of the agreement have been ratified by the membership of the employee organization, the contract shall be presented to the Board at a public meeting for acceptance.

Any agreement adopted by the Board may be for a term not to exceed three years. (Government Code 3540.1)

In the event of an impasse in negotiations, the district shall participate in good faith in mediation and fact-finding procedures pursuant to Government Code 3548-3548.8. (Government Code 3543.5)

*(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)*

Following adoption of the collective bargaining agreement, any subsequent amendments shall be executed in writing and ratified by the Board and the employees' exclusive representative.

### **Consultation**

The exclusive representative of certificated staff may consult with the Board on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks.

*(cf. 6011 - Academic Standards)*  
*(cf. 6141 - Curriculum Development and Evaluation)*  
*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*  
*(cf. 9310 - Board Policies)*



**Chico Unified School District**

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

**Board Policy:**

**#4143  
4243**

**Section: 4000**

**Personnel  
Page 4 of 4**

---

**Legal Reference:**

**EDUCATION CODE**

44987 Service as officer of employee organization (certificated)

45210 Service as officer of employee organization (classified)

**GOVERNMENT CODE**

3540-3549.3 Educational Employment Relations Act

**PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS**

*Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954*

**Management Resources:**

**CSBA PUBLICATIONS**

*Collective Bargaining DVD-ROM*

*Maximizing School Board Governance: Collective Bargaining*

*Before the Strike: Planning Ahead in Difficult Negotiations, 1996*

**WEB SITES**

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

California Public Employee Relations: <http://cper.berkeley.edu>

Center for Collaborative Solutions: <http://www.ccscenter.org/labormgmt>

Public Employment Relations Board: <http://www.perb.ca.gov>

State Mediation and Conciliation Service (SMCS): <http://www.dir.ca.gov/csmcs/smcs.aspx>



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## Management, Supervisory and Confidential Personnel

### EVALUATION/SUPERVISION

#### Certificated Management

The Governing Board believes that supervision and evaluation are key to improving the instructional leadership and management skills of administrative and supervisory staff. Evaluations shall be linked to the district's goals and school improvement plans.

(cf. 0000 - Vision)  
(cf. 0200 - Goals for the School District)  
(cf. 0460 - Local Control and Accountability Plan)  
(cf. 0500 - Accountability)  
(cf. 2140 - Evaluation of the Superintendent)  
(cf. 4300 - Administrative and Supervisory Personnel)

Evaluations shall be used to recognize the exemplary skills and accomplishments of administrative and supervisory employees. Evaluations may also identify areas needing improvement. When the evaluation indicates areas needing improvement, the Board expects employees to take the initiative to improve their performance and for their supervisors to assist them in obtaining needed job skills.

(cf. 4331 - Staff Development)

~~The Board of Education shall establish and define job responsibilities for administrative personnel. The evaluation and assessment of the competency of administrative personnel shall be based on:~~

1. The administrator's progress toward agreed-upon goals, objectives and tasks
2. General expectations of performance which recognize professional responsibility, accountability and attitude
3. The fulfillment of responsibilities contained in the specific job descriptions adopted by the Board
4. Additional factors as determined by the Superintendent or designee

The evaluation shall recognize the worth and needs of the individual in the total working environment and shall provide direction toward the improvement of his/her effectiveness.

Each administrator shall be evaluated formally at least once every third year following a positive evaluation. Administrators new to a position may be evaluated each year for the first two years in the position. Evaluation is a continuous process and may occur between scheduled periods at the request of the administrator or the administrator's immediate supervisor or any higher supervisor.

Formal management evaluations shall be recorded in writing on a form prescribed by the Superintendent or designee. The evaluation shall include recommendations for improvement, if needed. Assistance shall be provided by the district to this end.

~~The evaluation report must be signed by the evaluator and the evaluatee and may be reviewed by the evaluator's immediate supervisor at the request of either party. The signature of the evaluated administrator shall not show agreement with the evaluation unless so indicated above his/her signature.~~





## **Chico Unified School District**

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

Board Policy:

#4315

Section: 4000

Personnel

Page 2 of 3

A copy of the report shall be given to the administrator within five (5) working days following the evaluation and no later than 30 days before the last scheduled school day. The employee may make a written response to the evaluation at any time up to ten (10) days after receiving a copy of the evaluation. The response shall be attached to the evaluation and permanently placed in the employee's personnel file.

For 12-month employees, the written evaluation report shall be given to the administrator no later than June 30 and a discussion of the evaluation shall be held no later than July 30 of the year in which the evaluation takes place. (Education Code 44663)

The Superintendent or designee shall develop regulations and procedures for the evaluation of all administrative and supervisory personnel. These written regulations and procedures shall be available to administrative and supervisory personnel. (Education Code 35171)

### **Classified Management Employees**

Classified management personnel will be evaluated according to the procedures developed by the Superintendent or designee and approved by the Board. The evaluation shall include recommendations for improvement if needed. Assistance shall be provided by the district to this end.

The evaluation form must be signed by both the person being evaluated and the supervisor making the evaluation. The signature of the evaluated management employee shall not show agreement with the evaluation unless so indicated above the signature of the employee. The employee may make written response to the evaluation at any time up to ten (10) days after receiving a copy of the evaluation. The response shall be attached to the evaluation and placed in the employee's personnel file.

### **Confidential Personnel**

The Superintendent or designee shall develop appropriate procedures for the evaluation of confidential personnel. Evaluations shall be administered in the same manner and time schedule as classified employees who have similar but nonconfidential positions with the district.

The evaluation shall be dated and signed by the employee and evaluator. The employee may respond in writing to the evaluation within a reasonable time after receiving a copy of the evaluation. The response shall be attached to the evaluation and placed in the employee's personnel file.

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

#### **Legal Reference:**

##### **EDUCATION CODE**

35171 Availability of rules and regulations for evaluation of performance

44660-44665 Evaluation and assessment of performance of certificated employees

44670-44671 Principal evaluation

45113 Rules and regulations for the classified service in districts not incorporating the merit system

##### **GOVERNMENT CODE**

3540.1 Meeting and negotiating in public educational employment, definitions

3543.2 Scope of representation

3545 Determination of bargaining units

#### **Management Resources:**

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California Professional Standards for Educational Leaders

WEB SITES

Policy Adopted: February 27, 2008



***Chico Unified School District***

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

**Board Policy:**

**#4315**

**Section: 4000**

**Personnel**

**Page 3 of 3**

---

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

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

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

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





**Chico Unified School District**  
1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

Board Policy: #4315.1

Section: 4000

Personnel  
Page 1 of 1

# DELETED

## Management, Supervisory and Confidential Personnel

### STAFF EVALUATING TEACHERS

The Board of Education expects that administrators assigned to evaluate teachers shall:

1. ~~Possess a valid administrative credential~~
2. ~~Be competent in the instructional methodologies used by the teachers they evaluate~~
3. ~~Be skilled in the supervision of instruction and in techniques and procedures related to the evaluation of instruction~~
4. ~~Be familiar with district curriculum priorities, policies and practices, district standards for student progress, and district policies and procedures related to personnel supervision, performance evaluation and staff development~~

~~(cf. 4115 – Evaluation/Supervision)~~  
~~(cf. 4131 – Staff Development)~~  
~~(cf. 4131.5 – Professional Growth)~~  
~~(cf. 4331 – Staff Development)~~  
~~(cf. 5121 – Grades/Evaluation of Student Achievement)~~  
~~(cf. 5123 – Promotion/Acceleration/Retention)~~  
~~(cf. 6011 – Academic Standards)~~  
~~(cf. 6141 – Curriculum Development and Evaluation)~~  
~~(cf. 6146.1 – High School Graduation Requirements)~~  
~~(cf. 6146.5 – Elementary/Middle School Graduation Requirements)~~

#### Legal Reference:

##### EDUCATION CODE

~~33039 – Guidelines for teacher evaluation~~

~~44660-44665 – Evaluation and assessment of performance of certificated employees~~

~~44681-44689 – Administrator training and evaluation~~

##### GOVERNMENT CODE

~~3543.2 – Scope of representation (re evaluation procedures)~~



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## **Certificated/Classified Personnel**

### **MEDICAL BENEFITS FOR RETIRED PERSONNEL**

To be eligible for retiree medical benefits, the retiree must:

- A. Have served in the District as an employee for ~~a minimum of five (5) years~~ **the minimum amount of time as prescribed by the appropriate collective bargaining agreement in place.**
- B. Be at least 55 years of age at the time of resignation
- C. Be actively serving as an employee or be on approved leave during the year prior to retirement
- D. Be currently enrolled in the CUSD medical plan in order to apply for extended medical coverage prior to the end of employment
- E. Qualify and be in the process of receiving retirement benefits under the State Teachers Retirement System (STRS) and/or the Public Employees Retirement System (PERS) for the year that she/he retires
- F. Be under 65 years of age in order to receive District-paid medical benefits

If all of the above conditions are satisfied, the District shall pay the ~~total~~ cost of the medical insurance premium for the District group plan appropriate for the retiree and eligible dependent(s), as ~~selected by the District.~~ **noted in the collective bargaining agreements.**

Exceptions to District payment shall be in cases of those retirees and eligible dependent(s) who have comparable medical insurance coverage or who qualify for Medicare. The intent of this benefit is to provide coverage until Medicare or some similar plan provides for it.

A staff member who has served in the District for a minimum of five (5) years and is actively serving as an employee or has been on approved leave and who goes on STRS or PERS disability retirement prior to 55 years of age shall be offered the opportunity to remain on the District's medical insurance by paying the premium to the District. Upon reaching 55 years of age, the retiree may be eligible to receive District-paid medical benefits as outlined in this policy.

Any employee who has served in the District as an employee for a minimum of five years and who retires between the ages of 50 and 55 may continue to receive medical, dental and/or vision insurance in effect at the time of retirement by paying the premiums to the District until he or she reaches the age of 55, at which time the Chico Unified School District would pay the premiums for said health insurance as per this policy.

Any employee who has served in the District as an employee for a minimum of five years and who retires between the ages of 55 and 65 may continue to receive dental and/or vision insurance in effect by paying the premiums to the District.

District-paid medical benefits for part-time employees who elect to continue medical insurance coverage upon retirement shall be paid on a basis equal to the proportional amount paid for the medical insurance during the last year of employment in the District. However, if the employee had served a minimum of five (5) years as a full-time employee prior to becoming a part-time employee, all of the insurance premium shall be paid by the District;



**Chico Unified School District**  
1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

**Board Policy: #4740**

**Section: 4000**

**Personnel  
Page 2 of 2**

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Retirees age 65 who have an eligible dependent(s) under the age of 65 shall be entitled to continued medical insurance benefits. The premium for the insurance shall be fully paid by the retiree.

When a retiree reaches the age of 65, the retiree shall be responsible for his/her own medical coverage, except that retirees who retire effective June 30, 1988, during the 1988-89 school year, and subsequent years, who do not have Medicare coverage, may participate in the following program:

When a retiree reaches 65 years of age, the District shall contribute a maximum of \$200 per month on a dollar-for-dollar match for Medicare A and B or successor Medicare plans. The District's maximum contribution shall be \$2,400 per year.

The Board of Education reserves the right to cancel or revise this policy during any given school year, with the understanding that all employees previously covered will continue to receive the coverage. This could include any change of regulations by the insurance carrier.



## Chico Unified School District

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

Board Policy:

#5111

Section: 5000

Students

Page 1 of 2

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### ADMISSION

~~The Board of Education believes that all children should have the opportunity to receive educational services. Staff shall encourage parents/guardians to enroll all school-aged children in school.~~

~~The Superintendent or designee shall maintain procedures which provide for the verification of all entrance requirements specified in law and in Board policies and regulations.~~

~~(cf. 5111.1 - District Residency)  
(cf. 5111.11 - Residency of Students with Caregiver)  
(cf. 5111.12 - Residency Based on Parent/Guardian Employment)  
(cf. 5111.13 - Residency for Homeless Children)  
(cf. 5119 - Students Expelled from Other Districts)  
(cf. 5141.22 - Infectious Diseases)  
(cf. 5141.3 - Health Examinations)  
(cf. 5141.31 - Immunizations)~~

The Governing Board encourages the enrollment and appropriate placement of all school-aged children in school. The Superintendent or designee shall inform parents/guardians of children entering a district school at any grade level about admission requirements and shall assist them with enrollment procedures.

Before enrolling any child in a district school, the Superintendent or designee shall verify the child's age, residency, immunization, and other applicable eligibility criteria specified in law or other applicable Board policy or administrative regulation.

~~(cf. 5111.1 - District Residency)  
(cf. 5111.12 - Residency Based on Parent/Guardian Employment)  
(cf. 5125 - Student Records)  
(cf. 5141.3 - Health Examinations)  
(cf. 5141.31 - Immunizations)  
(cf. 5141.32 - Health Screening for School Entry)~~

The Superintendent or designee shall ensure that the enrollment of a homeless or foster child or a child of a military family is not delayed because of outstanding fees or fines owed to the child's last school or for his/her inability to produce previous academic, medical, or other records normally required for enrollment.

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

In addition, no child shall be denied enrollment in a district school solely on the basis of his/her arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other contact with the juvenile justice system. (Education Code 48645.5)

~~(cf. 5119 - Students Expelled from Other Districts)~~

When enrolling in any district school, including a school in their attendance area, children whose parents/guardians reside within district boundaries shall be subject to the timelines established by the Board for open enrollment. Children whose parents/guardians do not reside within the district or who are not otherwise eligible for enrollment in the district may apply for interdistrict attendance in accordance with the timelines specified in applicable Board policies and administrative regulations.



## **Chico Unified School District**

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

**Board Policy:**

**#5111**

**Section: 5000**

**Students**

**Page 2 of 2**

(cf. 5116.1 - Intradistrict Open Enrollment)  
(cf. 5117 - Interdistrict Attendance)  
(cf. 5118 - Open Enrollment Act Transfers)

The district's enrollment application shall include information about the health care options and enrollment assistance available to families within the district. The district shall not discriminate against any child for not having health care coverage and shall not use any information relating to a child's health care coverage or his/her interest in learning about health care coverage in any manner that would harm the child or his/her family. (Education Code 49452.9)

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

### **Legal Reference:**

#### **EDUCATION CODE**

46300 Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten  
46600 Agreements for admission of students desiring interdistrict attendance  
48000 Minimum age of admission (kindergarten)  
48002 Evidence of minimum age required to enter kindergarten or first grade  
48010 Minimum age of admission (first grade)  
48011 Admission from kindergarten or other school; minimum age  
48050-48053 Nonresidents  
48200 Children between ages of 6 and 18 years (compulsory full-time education)  
48350-48361 Open Enrollment Act  
48850-48859 Educational placement of homeless and foster youth  
49076 Access to records by persons without written consent or under judicial order  
49408 Information of use in emergencies  
49452.9 Health care coverage options and enrollment assistance  
49700-49704 Education of children of military families

#### **HEALTH AND SAFETY CODE**

120325-120380 Education and child care facility immunization requirements  
121475-121520 Tuberculosis tests for students

#### **CODE OF REGULATIONS, TITLE 5**

200 Promotion from kindergarten to first grade  
201 Admission to high school

#### **CODE OF REGULATIONS, TITLE 17**

6000-6075 School attendance immunization requirements

#### **UNITED STATES CODE, TITLE 42**

11431-11435 McKinney Homeless Assistance Act

### **Management Resources:**

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

Dear Colleague Letter, May 6, 2011

#### **WEB SITES**

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

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

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



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## **CHRONIC ABSENCE AND TRUANCY**

The Governing Board believes that excessive student absenteeism and tardiness, whether caused by excused or unexcused absences, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The Board desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the district.

*(cf. 5113 - Absences and Excuses)*

~~The Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students classified as chronic absentees and truants, as defined in law and administrative regulation.~~

The Superintendent or designee shall establish a system to accurately track student attendance in order to identify individual students who are chronic absentees and truants, as defined in law and administrative regulation, and to identify patterns of absence throughout the district. Such data shall be disaggregated and used in the development of annual goals and specific actions for student attendance and engagement and for inclusion in the district's local control and accountability plan and other applicable school and district plans.

*(cf. 0400 - Comprehensive Plans)*  
*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 0460 - Local Control and Accountability Plan)*

The Superintendent or designee shall develop strategies that focus on prevention of attendance problems, which may include, but are not limited to, efforts to provide a safe and positive school environment, relevant and engaging learning experiences, school activities that help develop students' feelings of connectedness with the school, school-based health services, and incentives and rewards to recognize students who achieve excellent attendance or demonstrate significant improvement in attendance.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 5126 - Awards for Achievement)*  
*(cf. 5131 - Conduct)*  
*(cf. 5131.2 - Bullying)*  
*(cf. 5137 - Positive School Climate)*  
*(cf. 5141.6 - School Health Services)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*

The Superintendent or designee shall work with students, parents/guardians, school staff, and community agencies, as appropriate, to identify factors contributing to chronic absence and truancy. He/she also may collaborate with child welfare services, law enforcement, courts, public health care agencies, other government agencies, and/or medical, mental health, and oral health care providers to ensure that alternative educational programs and nutrition, health care, and other support services are available for students and families and to intervene as necessary when students have serious attendance problems.

*(cf. 1020 - Youth Services)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 5146 - Married/Pregnant/Parenting Students)*  
*(cf. 5147 - Dropout Prevention)*  
*(cf. 5149 - At-Risk Students)*  
*(cf. 6158 - Independent Study)*  
*(cf. 6164.2 - Guidance/Counseling Services)*  
*(cf. 6164.5 - Student Success Teams)*  
*(cf. 6173 - Education for Homeless Children)*

Policy Adopted: 02/21/07; 07/17/13





## **Chico Unified School District**

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

**Board Policy:**

**#5113.1**

**Section: 5000**

**Students**

**Page 2 of 3**

---

(cf. 6173.1 - Education for Foster Youth)  
(cf. 6173.2 - Education of Children of Military Families)  
(cf. 6175 - Migrant Education Program)  
(cf. 6179 - Supplemental Instruction)  
(cf. 6181 - Alternative Schools/Programs of Choice)  
(cf. 6183 - Home and Hospital Instruction)  
(cf. 6184 - Continuation Education)  
(cf. 6185 - Community Day School)

Students who are identified as truants shall be subject to the interventions specified in law and administrative regulation.

A student's truancy, tardiness, or other absence from school shall not be the sole basis for his/her out-of-school suspension or expulsion. Alternative disciplinary strategies and positive reinforcement for attendance shall be used whenever possible.

(cf. 5144 - Discipline)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)

### **School Attendance Review Board**

In accordance with law and administrative regulation, habitual truants may be referred to a school attendance review board (SARB).

The district's SARB shall operate in accordance with Education Code 48320-48325 and procedures established by the Superintendent or designee.

#### **Legal Reference:**

##### **EDUCATION CODE**

1740 Employment of personnel to supervise attendance (county superintendent)  
37223 Weekend classes  
41601 Reports of average daily attendance  
46000 Records (attendance)  
46010-46014 Absences  
46110-46119 Attendance in kindergarten and elementary schools  
46140-46147 Attendance in junior high and high schools  
48200-48208 Children ages 6-18 (compulsory full-time attendance)  
48225.5 Work permits, entertainment and allied industries  
48240-48246 Supervisors of attendance  
48260-48273 Truants  
48290-482967 Failure to comply; complaints against parents  
48320-48325 School attendance review boards  
48340-48341 Improvement of student attendance  
48400-48403 Compulsory continuation education  
48900 Suspension and expulsion  
49067 Unexcused absences as cause of failing grade  
52052 Academic Performance Index; numerically significant student subgroups  
60901 Chronic absence  
**GOVERNMENT CODE**  
54950-54963 The Ralph M. Brown Act  
**PENAL CODE**  
270.1 Chronic truancy; parent/guardian misdemeanor  
272 Parent/guardian duty to supervise and control minor child; criminal liability for truancy  
830.1 Peace officers  
**VEHICLE CODE**



## **Chico Unified School District**

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

**Board Policy:**

**#5113.1**

**Section: 5000**

**Students**

**Page 3 of 3**

---

13202.7 Driving privileges; minors; suspension or delay for habitual truancy

WELFARE AND INSTITUTIONS CODE

256-258 Juvenile hearing officer

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

420-421 Record of verification of absence due to illness and other causes

15497.5 Local control and accountability plan template

COURT DECISIONS

L.A. v. Superior Court of San Diego County, (2012) 209 Cal.App.4th 976

### **Management Resources:**

#### **CSBA PUBLICATIONS**

Attendance Awareness Month, Fact Sheet, September 2014

#### **ATTENDANCE WORKS PUBLICATIONS**

Count Us In! Working Together to Show that Every School Day Matters, 2014

The Power of Positive Connections: Reducing Chronic Absence Through PEOPLE: Priority Early Outreach for

Positive Linkages and Engagement, 2014

#### **CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

School Attendance Review Board Handbook, 2015

School Attendance Improvement Handbook, 2000

#### **WEB SITES**

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

Attendance Works: <http://www.attendanceworks.org>

California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org>

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

California Healthy Kids Survey: <http://chks.wested.org>

California School Climate, Health, and Learning Survey System: <http://www.cal-schls.wested.org>

OnTrackCA: <http://www.ontrackca.org>



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## **STUDENT RECORDS**

The Board of Education recognizes the importance of keeping accurate, comprehensive student records as required by law. Procedures for maintaining the confidentiality of student records shall be consistent with state and federal law.

The Superintendent or designee shall establish regulations governing the identification, description and security of student records, as well as timely access for authorized persons. These regulations shall ensure parental rights to review, inspect and copy student records and shall protect the student and the student's family from invasion of privacy.

(cf. 3580 - District Records)  
(cf. 4040 - Employee Use of Technology)  
(cf. 5125.1 - Release of Directory Information)  
(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)  
(cf. 5125.3 - Challenging Student Records)

The Superintendent or designee shall designate a certificated employee to serve as custodian of records, with responsibility for student records at the district level. At each school, the principal or a certificated designee shall act as custodian of records for students enrolled at that school. The custodian of records shall be responsible for implementing Board policy and administrative regulation regarding student records. (5 CCR 431)

### **Student Records from Social Media**

The Superintendent or designee may gather and maintain information from the social media of any district student, provided that the district first notifies students and parents/guardians about the proposed program, offers an opportunity for public comment at a regularly scheduled Board meeting, and gathers only information that directly pertains to school safety or student safety. (Education Code 49073.6)

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 5131.2 - Bullying)  
(cf. 5145.6 - Parental Notifications)  
(cf. 9322 - Agenda/Meeting Materials)  
(cf. 9323 - Meeting Conduct)

### **Contract for Digital Storage, Management, and Retrieval of Student Records**

The Superintendent or designee may enter into a contract with a third party for the digital storage, management, and retrieval of student records and/or to authorize a third party provider of digital software to access, store, and use student records, provided that the contract meets the requirements of Education Code 49073.1 and other applicable state and federal laws.

(cf. 3312 - Contracts)

#### **Legal Reference:**

EDUCATION CODE  
17604 Contracts  
48201 Student records for transfer students who have been suspended/expelled  
48853.5 Foster youth; placement, immunizations  
48902 Notification of law enforcement of specified violations  
48904-48904.3 Withholding grades, diplomas, or transcripts  
48918 Rules governing expulsion procedures  
48980 Parental notifications  
48985 Notices in parent/guardian's primary language  
49060-49079 Student records



## **Chico Unified School District**

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

**Board Policy:**

**#5125**

**Section: 5000**

**Students**

**Page 2 of 2**

---

49091.14 Parental review of curriculum  
51747 Independent study  
56041.5 Rights of students with disabilities  
56050 Surrogate parents  
56055 Foster parents  
69432.9 Cal Grant program; notification of grade point average  
BUSINESS AND PROFESSIONS CODE  
22580-22582 Digital privacy  
22584-22585 Student Online Personal Information Protection Act  
CODE OF CIVIL PROCEDURE  
1985.3 Subpoena duces tecum  
FAMILY CODE  
3025 Access to records by noncustodial parents  
6552 Caregiver's authorization affidavit  
GOVERNMENT CODE  
6252-6260 Inspection of public records  
HEALTH AND SAFETY CODE  
120440 Immunizations; disclosure of information  
PENAL CODE  
245 Assault with deadly weapon  
WELFARE AND INSTITUTIONS CODE  
681 Truancy petitions  
701 Juvenile court law  
16010 Health and education records of a minor  
CODE OF REGULATIONS, TITLE 5  
430-438 Individual student records  
16020-16027 Destruction of records of school districts  
UNITED STATES CODE, TITLE 20  
1232g Family Educational Rights and Privacy Act  
1232h Protection of Pupil Rights Amendment  
UNITED STATES CODE, TITLE 26  
152 Definition of dependent child  
UNITED STATES CODE, TITLE 42  
11434a McKinney-Vento Homeless Assistance Act; definitions  
CODE OF FEDERAL REGULATIONS, TITLE 16  
Part 312 Children's Online Privacy Protection Rule  
CODE OF FEDERAL REGULATIONS, TITLE 34  
99.1-99.67 Family Educational Rights and Privacy  
300.501 Opportunity to examine records for parents of student with disability  
Management Resources:  
FEDERAL REGISTER  
Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855  
NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS  
Data in the Cloud: A Legal and Policy Guide for School Boards on Student Data Privacy in the Cloud Computing Era, April 2014  
U.S. DEPARTMENT OF EDUCATION PUBLICATIONS  
Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records, 2008  
Balancing Student Privacy and School Safety: A Guide to the Family Educational Rights and Privacy Act for Elementary and Secondary Schools, October 2007  
WEB SITES  
California Department of Education: <http://www.cde.ca.gov>  
National School Boards Association: <http://www.nsba.org>  
U.S. Department of Education, Family Policy Compliance, <http://www.ed.gov/policy/gen/guid/fpc>



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## **Awards for Achievement**

The Governing Board encourages excellence as a goal for all students and wishes to publicly recognize students for unique or exemplary achievements in academic, extracurricular or community service activities. The purpose of such awards shall be consistent with school goals.

(cf. 5121 - Grades/Evaluation of Student Achievement)  
(cf. 5127 - Graduation Ceremonies and Activities)

Student awards may include verbal recognition, a letter, a certificate, a Board resolution, public ceremony, trophy, gift, plaque or cash gift.

The Superintendent or designee shall develop procedures for the appropriate selection of student award recipients.

### **Golden State Seal Merit Diploma**

At graduation from high school, special recognition shall be awarded to those students whose academic achievements in core curriculum areas have been outstanding.

The Superintendent or designee shall identify high school students who have demonstrated mastery of the high school curriculum qualifying them for the Golden State Seal Merit Diploma. (Education Code 51454)

(cf. 6162.51 – StATE Academic Achievement Test)

### **Biliteracy Award**

The district shall present the State Seal of Biliteracy to each graduating high school student who has attained a high level of proficiency in speaking, reading, and writing in one or more languages in addition to English. (Education Code 51460-51464)

(cf. 6142.2 - World/Foreign Language Instruction)  
(cf. 6174 - Education for English Language Learners)

In order to affirm the value of bilingualism and encourage students' enrollment in world language programs, the Superintendent or designee may present awards at appropriate grade levels to recognize the pursuit and/or attainment of grade-level proficiency in one or more languages in addition to English.

#### **Legal Reference:**

**EDUCATION CODE**  
220 Nondiscrimination  
35160 Authority of governing boards  
35310-35319 Scholarship and loan funds  
44015 Awards to employees and students  
51243-51245 Credit for private school foreign language instruction  
51450-51455 Golden State Seal Merit Diploma  
51460-51464 State Seal of Biliteracy  
52164.1 Assessment of English language skills of English learners  
**CODE OF REGULATIONS, TITLE 5**  
876 Golden State Seal Merit Diploma  
1632 Credit for private school foreign language instruction  
11510-11516 Assessment of English language development



***Chico Unified School District***

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

**Board Policy:**

**#5126**

**Section: 5000**

**Students**

**Page 2 of 2**

---

**Management Resources:**

**WEB SITES**

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

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

Californians Together: <http://www.californianstogether.org>





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## **Bullying**

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, **retaliate**, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

(cf. 5131 - Conduct)  
(cf. 5136 - Gangs)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)  
(cf. 5145.9 - Hate-Motivated Behavior)

Cyberbullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

(cf. 5145.2 - Freedom of Speech/Expression)

Strategies for addressing bullying in district schools may be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable district and school plans.

(cf. 0420 - School Plans/Site Councils)  
(cf. 0450 - Comprehensive Safety Plan)  
(cf. 0460 - Local Control and Accountability Plan)  
(cf. 1220 - Citizen Advisory Committees)  
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)  
(cf. 6020 - Parent Involvement)

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations to promote safety in schools and the community.

(cf. 1020 - Youth Services)

## **Bullying Prevention**

To the extent possible, district and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

(cf. 5137 - Positive School Climate)  
(cf. 6164.2 - Guidance/Counseling Services)

The district may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.



(cf. 6163.4 - Student Use of Technology)  
(cf. 6142.8 - Comprehensive Health Education)  
(cf. 6142.94 - History-Social Science Instruction)

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias.

### **Intervention**

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially.

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

(cf. 6164.2 - Guidance/Counseling Services)

### **Complaints and Investigation**

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with the district's uniform complaint procedures specified in AR 1312.3 – Uniform Complain Procedures.

(cf. AR 1312.3 – Uniform Complain Procedures)

When a student is reported to be engaging in bullying off campus, the Superintendent or designee may investigate and document the activity and may identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

### **Discipline**

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, may be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations.

(cf. 5138 - Conflict Resolution/Peer Mediation)



## **Chico Unified School District**

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

**Board Policy:**

**#5131.2**

**Section: 5000**

**Students**

**Page 3 of 4**

(cf. 5144 - Discipline)

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

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

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

### **Legal Reference:**

#### **EDUCATION CODE**

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

32283.5 Bullying; online training

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

52060-52077 Local control and accountability plan

#### **PENAL CODE**

422.55 Definition of hate crime

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

#### **CODE OF REGULATIONS, TITLE 5**

4600-4687 Uniform complaint procedures

#### **UNITED STATES CODE, TITLE 47**

254 Universal service discounts (e-rate)

#### **CODE OF FEDERAL REGULATIONS, TITLE 28**

35.107 Nondiscrimination on basis of disability; complaints

#### **CODE OF FEDERAL REGULATIONS, TITLE 34**

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

#### **COURT DECISIONS**

Wynar v. Douglas County School District, (2013) 728 F.3d 1062

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

Lavine v. Blaine School District, (2002) 279 F.3d 719

### **Management Resources:**

#### **CSBA PUBLICATIONS**

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students,

Policy Brief, February 2014 Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

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

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

#### **CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Bullying at School, 2003

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

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Harassment and Bullying, October 2010

#### **WEB SITES**

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

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

Common Sense Media: <http://www.commonsensemedia.org>



***Chico Unified School District***  
*1163 East Seventh Street, Chico, CA 95928-5999*  
*(530) 891-3000*

**Board Policy:** **#5131.2**

**Section: 5000** **Students**  
**Page 4 of 4**

---

National School Safety Center: <http://www.schoolsafety.us>  
ON[the]LINE, digital citizenship resources: <http://www.onthelineca.org>  
U.S. Department of Education: <http://www.ed.gov>



**Chico Unified School District**  
1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

**Board Policy: #5141.4**

**Section: 5000**  
**Students**  
**Page 1 of 2**

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## **CHILD ABUSE PREVENTION AND REPORTING**

The Board of Education recognizes that the district has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse and neglect. The Superintendent or designee shall establish procedures for the identification and reporting of such incidents in accordance with law.

~~Employees who are mandated reporters, as defined by law and district administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect. Mandated reporters shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for reporting, investigating and prosecuting cases of child abuse and neglect.~~

~~Parents/guardians may contact the Superintendent or designee to obtain procedures for filing a complaint against a district employee or other person whom they suspect has engaged in abuse of a child at a school site.~~

~~(cf. 1312.1 – Complaints Concerning District Employees)~~

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

(cf. 1020 – Youth Services)

(cf. 5141.6 – School Health Services)

(cf. 6164.2 – Guidance/Counseling Services)

### **Child Abuse Reporting**

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

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

(cf. 5145.7 - Sexual Harassment)

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

The Superintendent or designee shall provide training regarding the duties of mandated reporters.

#### *Legal Reference:*

##### **EDUCATION CODE**

32280-32288 Comprehensive school safety plans

33195 Heritage schools, mandated reporters

33308.1 Guidelines on procedure for filing child abuse complaints

44252 Teacher credentialing

44691 Staff development in the detection of child abuse and neglect

44807 Duty concerning conduct of students

48906 Notification when student released to peace officer

48987 Dissemination of reporting guidelines to parents



**Chico Unified School District**  
1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

**Board Policy:** #5141.4

**Section: 5000**

**Students**  
**Page 2 of 2**

---

49001 Prohibition of corporal punishment  
51220.5 Parenting skills education  
51900.6 Sexual abuse and sexual assault awareness and prevention  
PENAL CODE  
152.3 Duty to report murder, rape, or lewd or lascivious act  
273a Willful cruelty or unjustifiable punishment of child; endangering life or health  
288 Definition of lewd or lascivious act requiring reporting  
11164-11174.3 Child Abuse and Neglect Reporting Act  
WELFARE AND INSTITUTIONS CODE  
15630-15637 Dependent adult abuse reporting  
CODE OF REGULATIONS, TITLE 5  
4650 Filing complaints with CDE, special education students  
UNITED STATES CODE, TITLE 42  
11434a McKinney-Vento Homeless Assistance Act; definitions  
COURT DECISIONS  
Camreta v. Greene (2011) 131 S.Ct. 2020

**Management Resources:**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS  
Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve  
Health Framework for California Public Schools, Kindergarten Through Grade Twelve  
WEB SITES  
California Attorney General's Office, Suspected Child Abuse Report Form:  
[http://www.ag.ca.gov/childabuse/pdf/ss\\_8572.pdf](http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf)  
California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss/ap>  
California Department of Social Services, Children and Family Services Division: <http://www.childsworld.ca.gov>  
U.S. Department of Health and Human Services, Child Welfare Information Gateway:  
<https://www.childwelfare.gov/can>





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## **NONDISCRIMINATION/HARASSMENT**

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

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

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

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

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any student **individual** who files **or otherwise participates in the filing or investigation of** a complaint or report regarding an incident of discrimination, ~~harassment, intimidation, or bullying.~~ **Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.**

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees.

(cf. 1312.3 - Uniform Complaint Procedures)  
(cf. 1330 - Use of Facilities)  
(cf. 4131 - Staff Development)  
(cf. 4231 - Staff Development)  
(cf. 4331 - Staff Development)  
(cf. 6145 - Extracurricular and Cocurricular Activities)  
(cf. 6145.2 - Athletic Competition)  
(cf. 6164.2 - Guidance/Counseling Services)

Policy Adopted: 02/21/07; 09/01/10; 08/20/14



## **Chico Unified School District**

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

**Board Policy:**

**#5145.3**

**Section: 5000**

**Students**

**Page 2 of 4**

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Students who engage in **unlawful** discrimination, **including discriminatory** harassment, intimidation, bullying, or retaliation, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline **which may include suspension or expulsion for behavior that is severe or pervasive as defined in Education Code 48900.4**. Any employee who permits or engages in prohibited discrimination, **including discriminatory** harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

*(cf. 4118 - Suspension/Disciplinary Action)*

*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*

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

*(cf. 5144 - Discipline)*

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

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

*(cf. 5145.2 - Freedom of Speech/Expression)*

### **Grievance Procedures**

The following position is designated Compliance Officer for Nondiscrimination to receive, coordinate and/or investigate complaints regarding discrimination, harassment, intimidation, or bullying, and to answer inquiries regarding the district's nondiscrimination policies:

Director of Categorical Programs  
1163 E. Seventh Street, Chico, CA 95928  
530-891-3000, x105

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

The Compliance Officer may assign other staff to investigate based on the nature of the complaint as directed under AR 1312.3, Uniform Complaint Procedures.

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

Any district employee who observes an incident of discrimination, harassment, intimidation, or bullying shall report the incident to the Compliance Officer or principal, whether or not the victim files a complaint.

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

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Compliance Officer or designee shall immediately investigate the complaint in accordance with AR 1312.3, Uniform Complaint Procedures.

*(cf. 5145.7 - Sexual Harassment/Nondiscrimination/Harassment)*

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



## **Chico Unified School District**

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

**Board Policy:**

**#5145.3**

**Section: 5000**

**Students**

**Page 3 of 4**

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

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

### **Legal Reference:**

#### **EDUCATION CODE**

200-262.4 Prohibition of discrimination  
48900.3 Suspension or expulsion for act of hate violence  
48900.4 Suspension or expulsion for threats or harassment  
48904 Liability of parent/guardian for willful student misconduct  
48907 Student exercise of free expression  
48950 Freedom of speech  
48985 Translation of notices  
49020-49023 Athletic programs  
51500 Prohibited instruction or activity  
51501 Prohibited means of instruction  
60044 Prohibited instructional materials

#### **CIVIL CODE**

1714.1 Liability of parents/guardians for willful misconduct of minor

#### **PENAL CODE**

422.55 Definition of hate crime  
422.6 Crimes, harassment

#### **CODE OF REGULATIONS, TITLE 5**

432 Student record  
4600-4687 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs

#### **UNITED STATES CODE, TITLE 20**

1681-1688 Title IX of the Education Amendments of 1972  
12101-12213 Title II equal opportunity for individuals with disabilities

#### **UNITED STATES CODE, TITLE 29**

794 Section 504 of Rehabilitation Act of 1973

#### **UNITED STATES CODE, TITLE 42**

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended  
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

#### **CODE OF FEDERAL REGULATIONS, TITLE 28**

35.107 Nondiscrimination on basis of disability; complaints

#### **CODE OF FEDERAL REGULATIONS, TITLE 34**

100.3 Prohibition of discrimination on basis of race, color or national origin  
104.7 Designation of responsible employee for Section 504  
106.8 Designation of responsible employee for Title IX  
106.9 Notification of nondiscrimination on basis of sex

#### **COURT DECISIONS**

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567  
Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

### **Management Resources:**

#### **CSBA PUBLICATIONS**

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students,  
Policy Brief, February 2014  
Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014  
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Policy Adopted: 02/21/07; 09/01/10; 08/20/14



## ***Chico Unified School District***

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

**Board Policy:**

**#5145.3**

**Section: 5000**

**Students**

**Page 4 of 4**

---

### ***FIRST AMENDMENT CENTER PUBLICATIONS***

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

### ***NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS***

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

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

*Dear Colleague Letter: Harassment and Bullying, October 2010*

*Notice of Non-Discrimination, January 1999*

### ***WEB SITES***

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

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

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

*First Amendment Center: <http://www.firstamendmentcenter.org>*

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

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



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## SEXUAL HARASSMENT

The Board of Education is committed to maintaining a safe school environment that is free from discrimination, harassment, intimidation, and bullying. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities (see AR 5145.7, Sexual Harassment). The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint **or** testifies **about**, or otherwise ~~participates in the district complaint processes~~ **supports a complainant in alleging sexual harassment.**

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

(cf. 1312.3 - Uniform Complaint Procedures)

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

(cf. 5131 – Conduct)

(cf. 5131.2 – Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

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

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer.

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

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

Complaints regarding sexual harassment shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

### Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment **under any circumstance**
3. Encouragement to report observed instances of sexual harassment, even where the **alleged** victim of the harassment has not complained
4. **A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received,**





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investigated, or resolved

5. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
6. Information about the rights of students and parents/guardians to file a criminal complaint, as applicable

### **Complaint Process**

~~Any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity (e.g., a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it in accordance with Administrative Regulation 1312.3, Uniform Complaint Procedures.~~

~~(cf. 1312.1 - Complaints Concerning District Employees)~~  
~~(cf. 5141.4 - Child Abuse Prevention and Reporting)~~

~~The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with Administrative Regulation 1312.3, Uniform Complaint Procedures. When the Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the sexual harassment and to address its effects on the victim.~~

### **Disciplinary Actions**

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 12, disciplinary action may include suspension and/or expulsion, provided that in imposing such discipline the entire circumstances of the incident(s) shall be taken into account.

~~(cf. 5144 - Discipline)~~  
~~(cf. 5144.1 - Suspension and Expulsion/Due Process)~~  
~~(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))~~

### **Confidentiality and Record-Keeping**

~~All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)~~

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

~~The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address and prevent repetitive harassing behavior in its schools.~~

Any staff member found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal in accordance with applicable policies, laws, and/or collective bargaining agreements.

~~(cf. 4117.4 - Dismissal)~~  
~~(cf. 4117.7 - Employment Status Report)~~  
~~(cf. 4118 - Suspension/Disciplinary Action)~~  
~~(cf. 4218 - Dismissal/Suspension/Disciplinary Action)~~  
~~(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)~~





## **Chico Unified School District**

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

Board Policy:

#5145.7

Section: 5000

Students

Page 3 of 3

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### **Legal Reference:**

#### **EDUCATION CODE**

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

#### **CIVIL CODE**

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

#### **GOVERNMENT CODE**

12950.1 Sexual harassment training

#### **CODE OF REGULATIONS, TITLE 5**

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

#### **UNITED STATES CODE, TITLE 20**

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX, discrimination

#### **UNITED STATES CODE, TITLE 42**

1983 Civil action for deprivation of rights

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

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

#### **CODE OF FEDERAL REGULATIONS, TITLE 34**

99.1-99.67 Family Educational Rights and Privacy

106.1-106.71 Nondiscrimination on the basis of sex in education programs

#### **COURT DECISIONS**

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

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

### **Management Resources:**

#### **CSBA PUBLICATIONS**

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

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

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

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Sexual Violence, April 4, 2011

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

#### **WEB SITES**

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

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

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



## **Chico Unified School District**

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

Board Policy:

#5147

Section: 5000

Students

Page 1 of 4

---

### **Dropout Prevention**

~~The Governing Board recognizes that regular school attendance is critical to student learning and achievement. The Board desires to provide a learning environment that engages students, helps them become self-motivated, encourages regular attendance, and enables them to meet district standards and to graduate.~~

~~(cf. 5113 – Absences and Excuses)~~

~~(cf. 6011 – Academic Standards)~~

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

~~(cf. 6146.5 – Elementary/Middle School Graduation Requirements)~~

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

~~Each school site shall utilize strategies to identify and serve students at all grade levels who are at risk of dropping out of school. Students may be identified on the basis of indicators such as frequent absenteeism, truancy, or tardiness; below grade-level achievement; or personal, social, health, or economic concerns that may make a student more likely to drop out of school.~~

~~(cf. 5113.1 – Truancy)~~

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

~~(cf. 5146 – Married/Pregnant/Parenting Students)~~

~~(cf. 5149 – At-Risk Students)~~

~~(cf. 6164.2 – Guidance/Counseling Services)~~

~~(cf. 6164.5 – Student Success Teams)~~

~~(cf. 6178 – Career Technical Education)~~

~~(cf. 6178.1 – Work Experience Education)~~

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

#### **Legal Reference:**

##### **EDUCATION CODE**

~~35160 Authority of governing board~~

~~41505-41508 Pupil Retention Block Grant~~

~~48400-48403 Compulsory continuation education~~

~~48430-48438 Continuation education~~

~~48660-48667 Community day schools~~

~~51745-51749.3 Independent study~~

~~52300-52334 Regional Occupational Centers~~

~~52890 Qualifications and duties of outreach consultants~~

~~54690-54697 Partnership academies~~

~~64000-64001 Single plan for student achievement~~

##### **REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS**

~~52014 Inclusion of activities in plan~~

~~52015 Components of plan~~

~~52900-52904 Alternative education and work centers for school dropouts~~

~~54660-54669 Elementary and Secondary School Dropout Prevention Act~~

~~54720-54735 School-based pupil motivation and maintenance program~~

~~58550-58562 Educational clinics~~

##### **UNITED STATES CODE, TITLE 20**

~~6301-6322 Title I programs~~

##### **Management Resources:**

##### **WEB SITES**

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

~~California Dropout Prevention Network: <http://www.edualliance.org/cdprn>~~

~~National Dropout Prevention Center: <http://www.dropoutprevention.org>~~



## **Chico Unified School District**

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

**Board Policy:**

**#5147**

**Section: 5000**

**Students**

**Page 2 of 4**

The Governing Board expects all students to remain in school until graduation in order to acquire critical knowledge and skills and be prepared for postsecondary education and/or employment. The Superintendent or designee shall identify factors that impede student success in school and shall implement integrated, systemic support and strategies that address dropout prevention and promote timely intervention and recovery.

(cf. 6011 - Academic Standards)  
(cf. 6146.1 - High School Graduation Requirements)  
(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)  
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

The Superintendent or designee, in collaboration with community agencies and organizations as appropriate, shall develop districtwide and schoolwide strategies that support regular school attendance for all students. Dropout prevention strategies shall include efforts to provide a safe and positive learning environment that engages and motivates students, encourages students' connectedness to the schools, offers meaningful educational opportunities, and promotes student health and well-being.

(cf. 5136 - Gangs)  
(cf. 5137 - Positive School Climate)  
(cf. 5146 - Married/Pregnant/Parenting Students)  
(cf. 6171 - Title I Programs)  
(cf. 6173 - Education for Homeless Children)  
(cf. 6173.1 - Education for Foster Youth)  
(cf. 6173.2 - Education of Children of Military Families)  
(cf. 6175 - Migrant Education Program)

In addition, the Superintendent or designee shall develop strategies to provide targeted support to individual students who are at risk of dropping out of school. Students may be identified based on indicators such as chronic absenteeism, truancy, or tardiness; below-grade-level academic achievement as evidenced by student assessment results and/or teacher evaluations; and personal, social, health, or economic circumstances that may affect student performance and behavior in school.

(cf. 5113 - Absences and Excuses)  
(cf. 5113.1 - Chronic Absence and Truancy)  
(cf. 5123 - Promotion/Acceleration/Retention)  
(cf. 6162.5 - Student Assessment)  
(cf. 6162.51 - State Academic Achievement Tests)  
(cf. 6162.52 - High School Exit Examination)

Strategies to support students at risk of dropping out of school may include:

1. Meetings and/or home visits with the student and parent/guardian to identify and address barriers to the student's success and inform them of the state's compulsory education law

(cf. 6020 - Parent Involvement)

2. Individualized instruction that responds to the needs and unique learning styles of students
3. Supplemental instruction during or outside the school day that is designed to help students overcome academic deficiencies

(cf. 6176 - Weekend/Saturday Classes)  
(cf. 6177 - Summer Learning Programs)  
(cf. 6179 - Supplemental Instruction)



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**4. Enrollment in alternative or specialized educational programs**

(cf. 6158 - Independent Study)  
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)  
(cf. 6172 - Gifted and Talented Student Program)  
(cf. 6178 - Career Technical Education)  
(cf. 6178.2 - Regional Occupational Center/Program)  
(cf. 6181 - Alternative Schools/Programs of Choice)  
(cf. 6183 - Home and Hospital Instruction)  
(cf. 6184 - Continuation Education)  
(cf. 6185 - Community Day School)

**5. Assistance locating employment or work-based learning opportunities which link classroom learning with real-world experiences**

(cf. 5113.2 - Work Permits)  
(cf. 6178.1 - Work-Based Learning)

**6. Academic guidance and personal counseling services**

(cf. 6164.2 - Guidance/Counseling Services)

**7. Referral to a student success team, school attendance review board, or other team that addresses persistent attendance problems**

(cf. 6164.5 - Student Success Teams)

**8. Referral to school and/or community support services, such as a student assistance program, health services, social services, a substance abuse program, and other resources**

(cf. 1020 - Youth Services)  
(cf. 5030 - Student Wellness)  
(cf. 5131.6 - Alcohol and Other Drugs)  
(cf. 5141.6 - School Health Services)

**9. Continued monitoring of student attendance**

**10. Employment of qualified outreach consultants to perform duties related to dropout identification, prevention, intervention, and recovery as assigned**

The strategies may be incorporated into the district's local control and accountability plan and linked to district goals for student engagement, school climate, and student achievement.

(cf. 0450 - Comprehensive School Safety Plan)  
(cf. 0460 - Local Control and Accountability Plan)

When a student leaves school prior to the end of a school year, or when a student successfully completed the prior school year but did not begin attending the next grade or school that he/she was expected to attend or had pre-registered to attend, the Superintendent or designee shall make efforts to determine whether the student has dropped out or has transferred to another educational setting. The Superintendent or designee may contact the student's parents/guardians to verify school enrollment.



## ***Chico Unified School District***

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

**Board Policy:**

**#5147**

**Section: 5000**

**Students**

**Page 4 of 4**

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The Superintendent or designee shall provide annual information on measures of student engagement, including school attendance rates, chronic absenteeism rates, middle school and high school dropout rates, and high school graduation rates.

**(cf. 0500 - Accountability)**

### *Legal Reference:*

#### **EDUCATION CODE**

35160 Authority of governing board

48200 Compulsory education

48260-48273 Truancy

48400-48403 Compulsory continuation education

48430-48438 Continuation education

48660-48666 Community day schools

49600-49604 Educational counseling

51260-51269 Gang and substance abuse prevention curriculum

51745-51749.3 Independent study

52060-52077 Local control and accountability plan

52300-52334 Regional occupational centers and programs

52890 Qualifications and duties of outreach consultants

54690-54697 Partnership academies

60900-60901 California Longitudinal Pupil Achievement Data System

64000-64001 Single plan for student achievement

#### **WELFARE AND INSTITUTIONS CODE**

18986.40-18986.46 Interagency children's services programs

#### **UNITED STATES CODE, TITLE 20**

6301-6322 Title I programs

### *Management Resources:*

#### **CSBA PUBLICATIONS**

California High School Graduation and Dropout Rates, Fact Sheet, May 2013

#### **WEB SITES**

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

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

California Dropout Research Project: <http://www.cdrp.ucsb.edu>

California Student Assistance Program Resource Center: <http://www.casapresources.org>

National Dropout Prevention Center: <http://www.dropoutprevention.org>

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





## INDEPENDENT STUDY

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.~~ **to serve students who desire a more challenging educational experience, whose health or other personal circumstances make classroom attendance difficult, who are unable to access course(s) due to scheduling problems, and/or who need to make up credits or fill gaps in their learning.** 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.

(cf. 5147 - Dropout Prevention)  
(cf. 6011 - Academic Standards)  
(cf. 6143 - Courses of Study)  
(cf. 6146.1 - High School Graduation Requirements)  
(cf. 6146.11 - Alternative Credits Toward Graduation)  
(cf. 6172 - Gifted and Talented Student Program)  
(cf. 6200 - Adult Education)

**The Superintendent or designee may provide a variety of independent study opportunities, including, but not limited to, through a program or class within a comprehensive school, an alternative school or program of choice, a charter school, a home-based format, or an online course.**

(cf. 0420.4 - Charter School Authorization)  
(cf. 6181 - Alternative Schools/Programs of Choice)

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.~~





## **Chico Unified School District**

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

Board Policy:

#6158

Section: 6000

Instruction

Page 2 of 3

~~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 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.~~

### **Written Agreements**

The Superintendent or designee shall ensure that a written master agreement and, as appropriate, a learning agreement for students participating in course-based independent study exist for each participating student as prescribed by law. (Education Code 51747, 51749.5)

An evaluation shall be conducted to determine whether it is in a student's best interest to remain in independent study whenever the student misses three assignments, unless the student's written agreement specifies a lower or higher number of missed assignments based on the nature of the assignments, the total number of assignments, and/or other unique circumstances.

### **Student-Teacher Conferences**

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. Teachers are expected to monitor student progress and work closely with each student to determine the amount and type of contact needed for the student to be successful in the program.

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

### **Home-Based Independent Study**

The Superintendent or designee shall encourage parents/guardians desiring to teach their children at home to have their children participate in independent study. Such participation allows continued contact and cooperation between the school system and the home-based student and ensures that the student will be offered a standards-based education substantially equivalent in quality and quantity to the district's classroom instruction.

#### **Legal Reference:**

##### **EDUCATION CODE**

17289 Exemption for facilities

41976.2 Independent study programs; adult education funding

42238 Revenue limits

42238.05 Local control funding formula; average daily attendance

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

46200-46208 Instructional day and year

46300-46307.1 Methods of computing average daily attendance



**Chico Unified School District**

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

Board Policy:

#6158

Section: 6000

Instruction

Page 3 of 3

---

47612.5 Independent study in charter schools  
48204 Residency  
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  
49011 Student fees  
51225.3 Requirements for high school graduation  
51745-51749.6 Independent study programs  
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  
UNITED STATES CODE, TITLE 20  
6301 Highly qualified teachers  
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  
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>



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## TRANSITIONAL KINDERGARTEN

The Governing Board desires to offer a high-quality transitional kindergarten (TK) program for eligible children who do not yet meet the minimum age criterion for kindergarten. The program shall assist TK children in developing the academic, social, and emotional skills they need to succeed in kindergarten and beyond.

The district's transitional kindergarten shall be the first year of a two-year kindergarten program. (Education Code 48000)

The Board encourages ongoing collaboration among district preschool staff, other preschool providers, elementary teachers, administrators, and parents/guardians in program development, implementation, and evaluation.

(cf. 0420 - School Plans/Site Councils)  
(cf. 1220 - Citizen Advisory Committees)  
(cf. 6020 - Parent Involvement)

### Eligibility

The district's transitional kindergarten program shall admit children whose fifth birthday is from September 2 through December 2. ~~lies between:~~ (Education Code 48000)

1. ~~November 2 and December 2 in the 2012-13 school year~~
2. ~~October 2 and December 2 in the 2013-14 school year~~
3. ~~September 2 and December 2 in the 2014-15 school year and each school year thereafter~~

Parents/guardians of eligible children shall be notified of the availability of this the TK program and the age, residency, immunization, and any other enrollment requirements. Enrollment in the transitional kindergarten program shall be voluntary.

(cf. 5111 - Admission)  
(cf. 5111.1 - District Residency)  
(cf. 5111.12 - Residency Based on Parent/Guardian Employment)  
(cf. 5111.13 - Residency for Homeless Children)  
(cf. 5141.22 - Infectious Diseases)  
(cf. 5141.3 - Health Examinations)  
(cf. 5141.31 - Immunizations)  
(cf. 5141.32 - Health Screening for School Entry)

Upon request of a child's parents/guardians, the district may, based on the educational, social and/or emotional needs of the child, admit into the district's TK program a child whose fifth birthday is on or before September 1 and who is therefore eligible for kindergarten. Such students will be subject to the two-year Kindergarten program and will transition from TK to Kindergarten the subsequent year.

### Curriculum and Instruction

The district's transitional kindergarten program shall be based on a modified kindergarten curriculum that is age and developmentally appropriate. (Education Code 48000)

(cf. 6141 - Curriculum Development and Evaluation)  
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

~~Upon recommendation by the Superintendent or designee, the Board shall approve academic standards for~~  
Policy Adopted: 7/18/12



## Chico Unified School District

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

Board Policy:

#6170.1

Section: 6000

Instruction

Page 2 of 3

~~transitional kindergarten that bridge preschool learning foundations and kindergarten standards. Such standards shall be designed to facilitate students' development in essential skills which may include, as appropriate, language and literacy, mathematics, physical development, the arts, science, social sciences, English language development, and social-emotional development.~~

~~(cf. 5148.3 - Preschool/Early Childhood Education)  
(cf. 6011 - Academic Standards)  
(cf. 6174 - Education for English Language Learners)~~

~~The number of instructional minutes offered in transitional kindergarten shall be the same as that required for the district's kindergarten program which is 180 minutes.~~

~~(cf. 6111 - School Calendar)  
(cf. 6112 - School Day)~~

~~Transitional kindergarten students may be placed in the same classrooms as kindergarten students, a TK/K combo, provided that the instructional program is differentiated to meet student needs.~~

### Staffing

~~Teachers assigned to teach in transitional kindergarten classes shall possess a teaching credential or permit that authorizes instruction at the kindergarten grade level.~~

~~(cf. 4112.2 - Certification)~~

~~The Superintendent or designee may provide professional development as needed to ensure that transitional kindergarten teachers are knowledgeable about district standards and effective instructional methods for teaching young children.~~

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

The program shall be aligned with the preschool learning foundations and preschool curriculum frameworks developed by the California Department of Education. It shall be designed to facilitate students' development in essential skills related to language and literacy, mathematics, physical development, health, visual and performing arts, science, history-social science, English language development, and social-emotional development.

(cf. 5148.3 - Preschool/Early Childhood Education)  
(cf. 6011 - Academic Standards)  
(cf. 6174 - Education for English Language Learners)

### Staffing

TK assignments are subject to assignment monitoring and reporting by the County Superintendent of Schools in accordance with Education Code 44258.9. \*\*\*

The Superintendent or designee shall ensure that teachers assigned to teach in TK classes possess a teaching credential or permit from the Commission on Teacher Credentialing (CTC) that authorizes such instruction.

(cf. 4112.2 - Certification)

A credentialed teacher who is first assigned to a TK class after July 1, 2015, shall, by August 1, 2020, have at least 24 units in early childhood education and/or child development, comparable experience in a preschool setting, and/or a child development teacher permit issued by the CTC. (Education Code 48000)



## **Chico Unified School District**

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

**Board Policy:**

**#6170.1**

**Section: 6000**

**Instruction**

**Page 3 of 3**

---

### **Continuation to Kindergarten**

Students who complete the transitional kindergarten program shall be eligible to continue in kindergarten the following school year. Parents/guardians of such students shall not be required to submit a signed parental permission form for kindergarten attendance.

A student shall not attend more than two years in a combination of transitional kindergarten and kindergarten.  
(Education Code 46300)

(cf. 5123 - Promotion/Acceleration/Retention)

### **Program Evaluation**

The Superintendent or designee shall develop or identify appropriate formal and/or informal assessments of transitional kindergarten students' development and progress. He/she shall monitor and regularly report to the Board regarding program implementation and the progress of students in meeting related academic standards and developing patterns of positive attendance.

(cf. 0500 - Accountability)

(cf. 6162.5 - Student Assessment)

### **Legal Reference:**

#### **EDUCATION CODE**

8973 Extended-day kindergarten

37202 School calendar; equivalency of instructional minutes

44258.9 Assignment monitoring by county superintendent of schools

46111 Kindergarten, hours of attendance

46114-46119 Minimum school day, kindergarten

46300 Computation of ADA, inclusion of kindergarten and transitional kindergarten

48000 Age of admission, kindergarten and transitional kindergarten

48002 Evidence of minimum age required to enter kindergarten or first grade

48200 Compulsory education, starting at age six

### **Management Resources:**

#### **CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

Transitional Kindergarten FAQs

Desired Results Developmental Profile, 2015

Transitional Kindergarten Implementation Guide: A Resource for California Public School District Administrators and Teachers, 2013

California Preschool Curriculum Framework, Vol. 1, 2010

California Preschool Learning Foundations, Vol. 1, 2008

#### **WEB SITES**

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

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

California Kindergarten Association: <http://www.ckanet.org>

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

Transitional Kindergarten California: <http://www.tkcalifornia.org>





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## GIFTED AND TALENTED STUDENT PROGRAM

~~The Board of Education believes that all students deserve an education that challenges them to meet their full potential. The Board shall provide gifted and talented students opportunities for learning commensurate with their particular abilities and talents.~~

~~Programs for gifted and talented students may include self-contained classes, pull-out classes and cluster groupings which shall be planned and organized as an integrated, differentiated learning experience within the regular school day. These programs may be augmented or supplemented with other differentiated activities related to the core curriculum using such strategies as independent study, postsecondary education, and enrichment. (Education Code 52206)~~

~~(cf. 5123 – Promotion/Acceleration/Retention)  
(cf. 6141.5 – Advanced Placement)  
(cf. 6146.11 – Alternative Credits Toward Graduation)  
(cf. 6158 – Independent Study)  
(cf. 6177 – Summer School)~~

~~The Board shall determine the most appropriate curricular components for participating students. Each participating student's program shall include an academic component and, as appropriate, instruction in basic skills. (Education Code 52206)~~

~~The Superintendent or designee shall encourage the full participation of eligible students regardless of their ethnic, cultural, linguistic or economic background.~~

~~(cf. 0410 – Nondiscrimination in District Programs and Activities)  
(cf. 5145.3 – Nondiscrimination/Harassment)  
(cf. 6174 – Education for English Language Learners)~~

~~Staff development shall be provided to support teachers of gifted and talented students in understanding the unique learning styles and abilities of these students and in developing appropriate instructional strategies.~~

~~(cf. 4131 – Staff Development)~~

~~The Board shall regularly evaluate the effectiveness of the district's program in meeting the needs of gifted and talented students.~~

~~(cf. 0500 – Accountability)  
(cf. 6190 – Evaluation of the Instructional Program)~~

~~Program planning, implementation and evaluation shall involve parents/guardians, staff, and students as appropriate.~~

~~(cf. 6020 – Parent Involvement)~~

The Governing Board believes that all students deserve an education that challenges them to reach their full potential.

(cf. 0200 - Goals for the School District)  
(cf. 0460 - Local Control and Accountability Plan)  
(cf. 6000 - Concepts and Roles)

The Superintendent or designee shall identify students for the district's gifted and talented education (GATE)





**Chico Unified School District**  
1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

**Board Policy:**

**#6172**

**Section: 6000**

**Instruction**

**Page 2 of 3**

program on the basis of demonstrated or potential intellectual development, creative ability, consistently high achievement levels, academic ability in particular subject area(s), leadership ability, and/or performing and visual arts talent.

The Superintendent or designee shall provide eligible students, including economically disadvantaged students, English learners, and students of varying cultural backgrounds, with full opportunities to participate in the GATE program.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 6164.2 - Guidance/Counseling Services)  
(cf. 6174 - Education for English Language Learners)

The district's GATE program shall be designed to provide articulated learning experiences across subjects and grade levels and shall meet or exceed state academic content standards and curriculum frameworks.

(cf. 6011 - Academic Standards)  
(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)  
(cf. 6142.94 - History-Social Science Instruction)  
(cf. 6178 - Career Technical Education)

Educational opportunities in the district's GATE program may include:

1. Classes which are designed to meet specific academic needs of gifted and talented students and are appropriately differentiated from other classes in the same subjects at the school
2. Part-time groupings, in which students attend classes or seminars that are organized to provide advanced or enriched subject matter for a part of the school day
3. Cluster groupings, in which students are grouped within a regular classroom setting and receive appropriately differentiated activities from the regular classroom teacher
4. Independent study supervised by a certificated district employee or through enrollment in correspondence courses pursuant to Education Code 51740 and 5 CCR 1633

(cf. 6158 - Independent Study)

5. Acceleration, in which students are placed in grade levels or classes more advanced than those of their chronological age group and are provided special counseling and/or instruction outside the regular classroom in order to facilitate their advanced work

(cf. 5123 - Promotion/Acceleration/Retention)

6. Opportunities to attend classes conducted by a college or community college

(cf. 6172.1 - Concurrent Enrollment in College Classes)

7. Advanced Placement classes, International Baccalaureate program, or honors classes



**Chico Unified School District**  
1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

**Board Policy:** #6172

**Section: 6000** **Instruction**  
**Page 3 of 3**

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*(cf. 6141.5 - Advanced Placement)*

8. Supplemental educational activities which augment students' regular educational programs in their regular classrooms and may include the use of advanced materials and/or provide special opportunities from persons other than the regular classroom teacher

In addition, the district's program shall support the social and emotional development of GATE students in order to promote student engagement in school.

*(cf. 5113.1 - Chronic Absence and Truancy)*  
*(cf. 5147 - Dropout Prevention)*

Staff development shall be provided as needed to support teachers in understanding the unique learning styles and abilities of gifted and talented students and in developing appropriate instructional strategies.

*(cf. 4112.2 - Certification)*  
*(cf. 4131 - Staff Development)*

**Legal Reference:**

EDUCATION CODE  
37223 Weekend classes for mentally gifted minors  
48800-48802 Enrollment of gifted students in community college  
51740 Instruction by correspondence  
51745-51749.3 Independent study programs  
52060-52077 Local control and accountability plan  
76000-76002 Enrollment in community college  
CODE OF REGULATIONS, TITLE 5  
1633 Instruction by correspondence

**Management Resources:**

WEB SITES  
CSBA: <http://www.csba.org>  
California Association for the Gifted: <http://www.cagifted.org>  
Council for Exceptional Children, The Association for the Gifted (CEC-TAG): <http://www.cectag.org>  
National Association for Gifted Children: <http://www.nagc.org>



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## **EDUCATION FOR ENGLISH LANGUAGE LEARNERS**

The Governing Board intends to provide English learners with challenging curriculum and instruction that develop proficiency in English as rapidly and effectively as possible while facilitating student achievement in the district's regular course of study.

The district shall identify in its local control and accountability plan (LCAP) specific actions and services to enhance student engagement, academic achievement, and other outcomes for English learners.

*(cf. 0460 - Local Control and Accountability Plan)*  
*(cf. 3100 - Budget)*

English learners shall be provided English language development instruction targeted to their English proficiency level and aligned with state content standards. The district's program shall be based on sound instructional theory, and adequately supported in order to use standards-aligned instructional materials, and assist students in accessing the full educational program.

*(cf. 6011 - Academic Standards)*  
*(cf. 6141 - Curriculum Development and Evaluation)*  
*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*  
*(cf. 6161.11 - Supplementary Instructional Materials)*  
*(cf. 6171 - Title I Programs)*

The Superintendent or designee shall ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing.

*(cf. 4112.22 – Staff Teaching English Language Learners)*

The Superintendent or designee shall provide to teachers, administrators, and other school staff research-based professional development that is designed to improve the instruction and assessment of English learners and enhance staff's ability to understand and use curricula, assessment, and instructional strategies for English learners. (20 USC 6825)

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

The Superintendent or designee shall encourage parent/guardian and community involvement in the development, implementation, and evaluation of English language development programs.

*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 6020 - Parent Involvement)*

### **Identification and Assessment**

The Superintendent or designee shall maintain procedures which provide for the accurate identification of English learners and an assessment of their proficiency and needs in the areas of listening, speaking, reading, and writing in English.

Once identified as an English learner, a student shall be annually assessed for language proficiency until he/she is reclassified based on criteria specified in the administrative regulation.



English learners' academic achievement in English language arts, mathematics, science, and any additional subject required by law shall be assessed using the California Assessment of Student Performance and Progress. As necessary, the test shall be administered with allowable testing variations in accordance with 5 CCR 853.5 and 853.7. English learners who are in their first 12 months of attending a school in the United States shall be exempted from taking the English language arts assessment to the extent allowed by federal law. (Education Code 60603, 60640; 5 CCR 853.5, 853.7)

(cf. 6162.51 - State Academic Achievement Tests)

### **Placement of English Learners**

Students who are English language learners shall be educated through “~~sheltered~~ **structured** English immersion” (**also known as “structured sheltered** English immersion”) as defined in law and administrative regulation, during a temporary transition period not normally intended to exceed one year. “Nearly all” of the classroom instruction in the district’s structured English immersion program shall be in English, but with the curriculum and presentation designed for students who are learning the language. (Education Code 305, 306)

~~For purposes of determining the amount of instruction conducted in English in the structured English immersion classroom, “nearly all” shall be defined as follows:~~

~~No less than 80% of instruction shall be delivered in English. Primary language support may be utilized to support student understanding and promote student success in the curriculum.~~

**“Nearly all,” for the purpose of determining the amount of instruction to be conducted in English, means that all classroom instruction shall be conducted in English except for clarification, explanation, and support as needed.**

When an English language learner has acquired a reasonable level of English proficiency as measured by any of the state-designated assessments approved by the California Department of Education, any District assessments, and/or other criteria, he/she shall be transferred from a structured English immersion classroom to an English language mainstream classroom in which the instruction is overwhelmingly in English. (Education Code 305; 5 CCR 11301)

An English learner has acquired a “reasonable level of English proficiency” when he/she has achieved the following:

- Intermediate level on CELDT in listening and speaking
- Intermediate level on CELDT in reading and writing

(cf. 6011 - Academic Standards)  
(cf. 6162.5 - Student Assessment)  
(cf. 6171 - Title I Programs)

At any time during the school year, the parent/guardian of an English learner may have his/her child moved into an English language mainstream program. (5 CCR 11301)

### **Parental Exception Waivers**

When allowed by law, the parent/guardian of an English learner may submit a request that his/her child be exempted from placement in a structured English immersion program and instead be placed in a class where he/she is taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. (Education Code 310-311)

Each waiver request shall be considered on its individual merits with deference given to parental preference for student placement.

Policy Adopted: 05/03/07; 07/17/13



## **Chico Unified School District**

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

**Board Policy:**

**#6174**

**Section: 6000**

**Instruction**

**Page 3 of 4**

A waiver request shall be granted in accordance with law unless the principal and educational staff have determined that an alternative program would not be better suited to the student's overall educational development. (5 CCR 11309)

If the Superintendent or designee denies the waiver request, he/she shall provide a written justification to the parent/guardian describing the reasons for the denial. A parent/guardian may appeal the Superintendent's decision in writing to the Board. The Board may consider the matter at its next regular Board meeting. The Board may decide not to hear the appeal, in which case the Superintendent's decision shall be final. If the Board hears the appeal, the Superintendent shall send the Board's decision to the parent/guardian within seven working days.

### **Program Evaluation**

The Superintendent or designee shall regularly evaluate the effectiveness of the district's educational program for English learners, including the progress of English learners towards proficiency in English, the number and percentage of English learners reclassified as fluent English proficient, the number and percentage of English learners who are or are at risk of being classified as long-term English learners in accordance with Education Code 313.1, the achievement of English learners on standards-based tests in core curricular areas, progress toward any other goals for English learners identified in the district's LCAP, and a comparison of current data with data from at least the previous year. Reports from any district or schoolwide English learner advisory committee shall be made available to the public.

#### **Legal Reference:**

##### **EDUCATION CODE**

300-340 English language education

430-446 English Learner and Immigrant Pupil Federal Conformity Act

33050 State Board of Education waiver authority

42238.02-42238.03 Local control funding formula

44253.1-44253.11 Qualifications for teaching English learners

48985 Notices to parents in language other than English

52052 Academic Performance Index; numerically significant student subgroups

52060-52077 Local control and accountability plan

52130-52135 Impacted Languages Act of 1984

52160-52178 Bilingual Bicultural Act

60200.7 Suspension of state instructional materials adoptions

60605.87 Supplemental instructional materials, English language development

60640 California Assessment of Student Performance and Progress

60810-60812 Assessment of language development

62005.5 Continuation of advisory committee after program sunsets

##### **CODE OF REGULATIONS, TITLE 5**

853.5-853.7 Test administration; universal tools, designated supports, and accommodations

11300-11316 English learner education

11510-11517 California English Language Development Test

##### **UNITED STATES CODE, TITLE 20**

1701-1705 Equal Educational Opportunities Act

6312 Local education agency plans

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

7012 Parental notification

##### **COURT DECISIONS**

Valeria G. v. Wilson, (2002) 307 F.3d 1036

California Teachers Association v. State Board of Education et al., (9th Circuit, 2001) 271 F.3d 1141

McLaughlin v. State Board of Education, (1999) 75 Cal.App.4th 196

Teresa P. et al v. Berkeley Unified School District et al, (1989) 724 F.Supp. 698

##### **ATTORNEY GENERAL OPINIONS**

Policy Adopted: 05/03/07; 07/17/13



***Chico Unified School District***

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

**Board Policy:**

**#6174**

**Section: 6000**

**Instruction**

**Page 4 of 4**

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83 Ops.Cal.Atty.Gen. 40 (2000)

**Management Resources:**

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

*Academic Criterion for Reclassification, CDE Correspondence, August 11, 2014*

*California English Language Development Test (CELDT): 2013-14 CELDT Information Guide, 2013*

*English Language Arts/English Language Development Framework for California Public Schools: Transitional Kindergarten Through Grade Twelve, 2014*

*English Language Development Standards for California Public Schools: Kindergarten Through Grade Twelve, 2012*

*Matrix of Test Variations, Accommodations, and Modifications for Administration of California Statewide Assessments*

**U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE**

*Assessment and Accountability for Recently Arrived and Former Limited English Proficient (LEP) Students, May 2007*

**WEB SITES**

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

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