

**Regular Governing Board Meeting Agenda
Thursday, October 15, 2020 – 4:00 PM**

**Julie Russell, Lee Pontes, Esther Valdes-Clayton, Dr. Helen Anderson-Cruz, Maria Simon
Student Board Representative: Kelli Morris
Superintendent/Secretary: Karl Mueller Recording Secretary: Kami McElligott**

Times indicated are Anticipated and Serve as Guidelines for Discussion; this meeting will be videotaped and will show live on Spectrum Cable, Channel 19, and also on the internet at www.coronadotv.me.

1. CALL TO ORDER

1.1 Call to Order

2. OPEN SESSION (10 min.)

Speaker Cards will be accepted by the President via the Recording Secretary at this time. Speaker Cards will be accepted prior to the start of that item you wish to address. Once an item begins Speaker Cards will not be accepted.

2.1 Pledge to the American Flag

2.2 Approval of the Agenda: Any changes to the agenda must be made at this time

2.3 Board Member Comments

2.4 Superintendent's Comments

3. COMMENTS FROM THE AUDIENCE (20 min.)

Anyone wishing to address the Board on agenda, non-agenda, and/or Closed Session items may do so. Individual speakers will be limited to three minutes. Total public input on any one subject will be limited to twenty minutes, and may be extended at the discretion of the Board President. Comments on an agenda item may be taken when the agenda item is discussed by the Board. Comments on non-agenda items will be heard before the Consent Motion if there are three speaker cards or less per topic. If there are more than three speaker cards per topic, then the comments from the audience may be held until the end of the agenda.

3.1 [Submission of Public Comments](#)

4. CONSOLIDATED MOTION FOR CONSENT CALENDAR (5 min.)

The purpose of the consolidated motion is to expedite action on routine agenda items. All agenda items will be approved as written as part of the consolidated motion. Items held for discussion will be acted upon individually after all other agenda items have been considered. Any member of the audience who wishes to speak to an agenda item should complete a yellow card and present it to the Recording Secretary before approval of the Consent Calendar.

4.1 [Approve the Board Meeting Minutes of September 9, 10 & 17, 2020](#)
That the Board approve the attached minutes with any necessary modifications.

4.2 [Approve the Personnel Register](#)

4.3 [Approve/Ratify Contracts for Services](#)

4.4 [Approve/Ratify Purchase Orders and Warrants](#)

4.5 [Authorize Disposal of Surplus Property & Equipment](#)

4.6 [Accept Uniform Complaint Quarterly Report](#)

4.7 [Approve Equity Board Policy 0415](#)

5. PUBLIC HEARING (10 min.)

6. ACTION ITEMS (10 min.)

7. REPORTS (30 min.)

7.1 ACT Report - Jennifer Landry (5 min.)

7.2 CSEA Report - Marshall Redding (5 min.)

7.3 [Learning and Instruction Updates \(5 min. + Board Discussion\)](#)

7.4 [Student Services: Equity Action Plan Update \(5 min. + Board Discussion\)](#)

7.5 [Superintendent's Report: Long Range Plan Update Â \(5 min. + Board Discussion\)](#)

8. FIRST READING

8.1 [Revisions to Board Policies, Board Bylaws, Administrative Regulations, and/or Exhibits](#)

9. ORGANIZATIONAL BUSINESS (5 min.)

9.1 [Proposed List of Agenda Items for Future Board Meetings](#)

9.2 [Upcoming Meetings](#)

10. ITEMS PULLED CONSOLIDATED MOTION FOR CONSENT CALENDAR

11. CLOSED SESSION

12. ADJOURN

Individuals who require special accommodation (American Sign Language Interpreter, accessible seating, documentation in accessible formats, etc.) should contact the Superintendent or designee at least two days before the meeting date. In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the Board in advance of a meeting, may be viewed at 201 Sixth Street, Coronado, CA 92118, or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact Kami McElligott, Executive Assistant to the Superintendent/Board, at (619) 522-8900, ext. 1025.

AGENDA - October 15, 2020

COMMENTS FROM THE AUDIENCE (20 min.)

3.1 Submission of Public Comments

Department/Category: DISTRICT ORGANIZATION AND BOARD OPERATION

Background Information:

The Governing Board of Education is interested in hearing your comments on any Agenda Item. In the interest of reducing the spread of COVID-19, members of the public are encouraged to submit their comments in one of two ways. First, by calling and leaving a message at (619) 522-8900 ext. 1025 (not to exceed three (3) minutes). Second, submit a written comment for the meeting (not to exceed 250 words) by [clicking here](#). Public Comments during Special Board Meetings are limited to items on the agenda.

Superintendent's Recommendation:

LCAP Goals:

Moved _____ . Seconded _____

Ayes _____ Noes _____ Absent _____ Abstain _____ Student _____

AGENDA - October 15, 2020

CONSOLIDATED MOTION FOR CONSENT CALENDAR (5 min.)

4.1 Approve the Board Meeting Minutes of September 9, 10 & 17, 2020

Department/Category: DISTRICT ORGANIZATION AND BOARD OPERATION

Background Information:

Presented for Board Approval:

- September 10, 2020, Special Meeting Minutes
- September 10, 2020, Regular Meeting Minutes
- September 17, 2020, Special Meeting Minutes

Superintendent's Recommendation:

LCAP Goals:

Moved _____ . Seconded _____

Ayes _____ Noes _____ Absent _____ Abstain _____ Student _____

[September 9 2020 - SBM - DRAFT.pdf](#)

[September 10 2020 - RBM - DRAFT.pdf](#)

[September 17 2020 - SBM - DRAFT.pdf](#)

Special Governing Board Meeting MINUTES
Wednesday, September 9, 2020, 5:00 PM

Julie Russell ♦ Lee Pontes ♦ Esther Valdes-Clayton ♦ Dr. Helen Anderson-Cruz ♦ Maria Simon
Student Board Representative: Kelli Morris
Superintendent/Secretary: Karl Mueller Recording Secretary: Kami McElligott

1.0 CALL TO ORDER

1.1 Call to Order

President Russell called the meeting to order at 5:02 PM at Coronado Unified School District, 201 Sixth Street, Coronado, CA.

Roll Call

The following Board members were present: Julie Russell, Lee Pontes, Maria Simon, Helen Anderson-Cruz, and Esther Valdes-Clayton. Also present were Superintendent, Karl Mueller, Assistant Superintendent, and Donnie Salamanca.

2.0 OPEN SESSION

Speaker Cards will be accepted by the President via the Recording Secretary at this time. Speaker Cards will be accepted prior to the start of that item you wish to address. Once an item begins Speaker Cards will not be accepted.

2.1 Pledge to the American Flag

2.2 Approval of the Agenda: Any changes to the agenda must be made at this time

Motion: Pontes Second: Russell Vote: 4-0-1(Simon Absent for Vote) #7

3.0 COMMENTS FROM THE AUDIENCE

Anyone wishing to address the Board on an agenda items may do so. Individual speakers will be limited to three minutes. Total public input on any one subject will be limited to twenty minutes, and may be extended at the discretion of the Board President. Comments on an agenda item will be taken when the agenda item is discussed by the Board..

3.1 Submission of Public Comments

No Public Comments

4.0 EQUITY BOARD POLICY WORKSHOP

The purpose of the consolidated motion is to expedite action on routine agenda items. All agenda items will be approved as written as part of the consolidated motion. Items held for discussion will be acted upon individually after all other agenda items have been considered. Any member of the audience who wishes to speak to an agenda item should **complete a yellow card** and present it to the Recording Secretary **before approval of the Consent Calendar**.

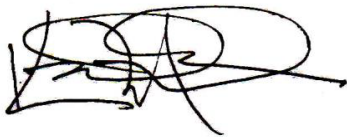
4.1 Board Policy 0415 Equity: Facilitated by Fabiola Bagula Ph.D, Senior Director of Equity with the San Diego County Office of Education

Senior Director of Equity, Fabiola Bagula Ph.D along with Student Services Director, Niamh Foley presented the Equity Board Policy Workshop and answered questions from the Board.

5.0 ADJOURN

The meeting adjourned at 7:01 PM.

Individuals who require special accommodation (American Sign Language Interpreter, accessible seating, documentation in accessible formats, etc.) should contact the Superintendent or designee at least two days before the meeting date. In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the Board in advance of a meeting, may be viewed at 201 Sixth Street, Coronado, CA 92118, or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact Kami McElligott, Executive Assistant to the Superintendent/Board, at (619) 522-8900, ext. 1025.



Karl Mueller, Superintendent

DRAFT

Regular Governing Board Meeting MINUTES
Thursday, September 10, 2020, 4:00 PM

Julie Russell ♦ Lee Pontes ♦ Esther Valdes-Clayton ♦ Dr. Helen Anderson-Cruz ♦ Maria Simon
Student Board Representative: Kelli Morris
Superintendent/Secretary: Karl Mueller Recording Secretary: Kami McElligott

Times indicated are Anticipated and Serve as Guidelines for Discussion; this meeting will be videotaped and will show live on Spectrum Cable, Channel 19, and also on the internet at www.coronadotv.me

1.0 CALL TO ORDER

1.1 Call to Order

President Russell called the meeting to order at 4:00 PM at Coronado Unified School District, 201 Sixth Street, Coronado, CA.

Roll Call

The following Board members were present: Julie Russell, Lee Pontes, Maria Simon, Helen Anderson-Cruz, and Esther Valdes-Clayton. Also present were Superintendent, Karl Mueller, Assistant Superintendent, Donnie Salamanca, and Student Representative Kelli Morris.

2.0 OPEN SESSION (10 min.)

Speaker Cards will be accepted by the President via the Recording Secretary at this time. Speaker Cards will be accepted prior to the start of that item you wish to address. Once an item begins Speaker Cards will not be accepted.

2.1 Pledge to the American Flag

2.2 Approval of the Agenda: Any changes to the agenda must be made at this time

Motion: Pontes Second: Simon Vote: 5-0 #8

A motion was made to pull Item 4.7 to the end of the meeting for discussion.

2.3 Board Member Comments

Student Representative, Kelli Morris shared ASB updates and updates from all schools in the district.

The Board Members gave an update on their activities and interaction with the community.

2.4 Superintendent's Comments

The Superintendent updated the Board on his and district activities.

3.0 COMMENTS FROM THE AUDIENCE (20 min.)

Anyone wishing to address the Board on agenda, non-agenda, and/or Closed Session items may do so. Individual speakers will be limited to three minutes. Total public input on any one subject will be limited to twenty minutes, and may be extended at the discretion of the Board President. Comments on an agenda item may be taken when the agenda item is discussed by the Board. Comments on non-agenda items will be heard before the Consent Motion if there are three speaker cards or less per topic. If there are more than three speaker cards per topic, then the comments from the audience may be held until the end of the agenda.

3.1 Submission of Public Comments

- Community members and parents: Donna Manning, Carlisle Johnson, Patricia Flores-Charter, Allen Frances, Angelica Rocha, Carolyn, Paul Warner, and Julie Young expressed their concerns regarding racism in Coronado and the Equity Action Plan.
- Community members and parents: Stacy Keszei and Mike Canada expressed their concerns regarding the 1619 Project being used.
Community member/parent: Stacy Keszei presented her questions regarding Assembly
- Bill 331
Community member/parent: Christina Hughes presented her concerns regarding
- virtual learning.

4.0 CONSOLIDATED MOTION FOR CONSENT CALENDAR (5 min.)

The purpose of the consolidated motion is to expedite action on routine agenda items. All agenda items will be approved as written as part of the consolidated motion. Items held for discussion will be acted upon individually after all other agenda items have been considered. Any member of the audience who wishes to speak to an agenda item should **complete a yellow card** and present it to the Recording Secretary **before approval of the Consent Calendar**.

Motion: Pontes Second: Simon Vote: 5-0 #9

- 4.1 Approve the Board Meeting Minutes of August 13, 2020
- 4.2 Approve the Personnel Register
- 4.3 Approve/ Ratify Contracts for Services
- 4.4 Approve/Ratify Purchase Orders and Warrants
- 4.5 Approve the Arts, Media, and Entertainment Industry Sector Leadership Project \$95,000 Contract
- 4.6 Approve Title Change for K-12 Pathway Coordinator to Director

5.0 ACTION ITEMS (30 min.)

- 5.1 Adopt Resolution on Sufficiency of Instructional Materials for 2020-21

Motion: Simon Second: Anderson-Cruz Vote: 5-0 #10

- 5.2 Adopt 2019-20 Unaudited Actuals SACS Financial Report

Motion: Simon Second: Pontes Vote: 5-0 #11

- 5.3 Adopt Final Accounting for 2019-20 of Education Protection Account Funds

Motion: Pontes Second: Simon Vote: 5-0 #12

- 5.4 Adopt the GANN Limit Resolution 20-09-03

Motion: Pontes Second: Simon Vote: 5-0 #13

- 5.5 Learning Continuity and Attendance Plan

Motion: Pontes Second: Simon Vote: 5-0 #14

- 5.6 Approve Board Policy 0415 Equity

Motion was made to bring this item to the October meeting for approval.

- 5.7 Approve Board Policy 0530 COVID-19 Mitigation Plan

Motion: Pontes Second: Valdes-Clayton Vote: 5-0 #15

6.0 REPORTS (40 min.)

- 6.1 ACT Report - Jennifer Landry (5 min.)

ACT President, Jennifer Landry, updated the Board on certificated staff members and their activities.

6.2 CSEA Report - Marshall Redding (5 min.)

No CSEA Report was presented.

6.3 Learning and Instruction Updates: BRIDGE (5 min. + Board Discussion)

Public Comment was received from Emily Foster and Christine Ward with their concerns regarding virtual learning.

Senior Director of Learning, Dr. Megan Battle presented the BRIDGE Learning and Instruction update to the Board and answered questions.

6.4 Student Services: Equity Action Plan (5 min. + Board Discussion)

Public Comment was received from Terry Zach and Marely Ramirez regarding the Equity Action Plan and the Disciplinary Action Guide.

Director of Student Services, Niamh Foley presented the Equity Action Plan update to the Board and answered questions.

6.5 Department Updates (5 min. + Board Discussion)

Deputy Superintendent, Donnie Salamanca presented the Department Update Report and answered questions from the Board.

6.6 Superintendent's Report: Long Range Plan Update (5 min. + Board Discussion)

Superintendent, Karl Mueller presented the Long Range Plan Update and answered questions from the Board.

7.0 PUBLIC HEARING

7.1 Public Hearing on Sufficiency of Instructional Materials for 2020-21

President Russell opened the Public Hearing at 7:05 PM. There were no public comments and the Public Hearing was closed at 7:06 PM.

8.0 ORGANIZATIONAL BUSINESS

8.1 Proposed List of Agenda Items for Future Board Meetings

8.2 Upcoming Meetings

- Regular Board Meeting, October 15, 2020
- Regular Board Meeting, November 12, 2020
- Regular/Organizational Board Meeting, December 17, 2020

9.0 ITEMS PULLED CONSOLIDATED MOTION FOR CONSENT CALENDAR

Adopt Revisions to Board Policies, Board Bylaws, Administrative Regulations, and/or Exhibits

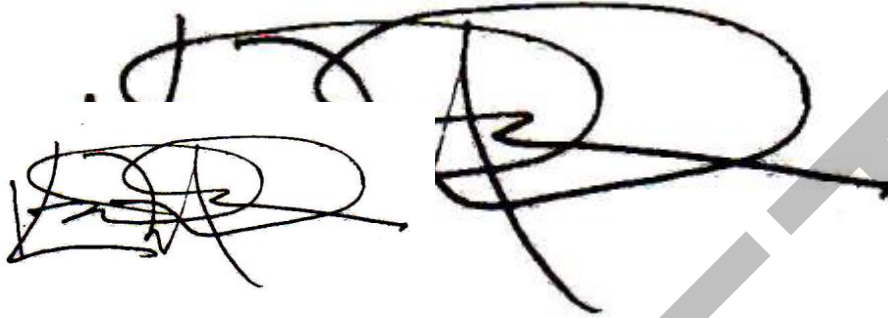
Motion: Valdes-Clayton Second: Pontes Vote: 5-0 #16

, Executive Assistant to the Superintendent/Board, at (619) 522-8900, ext. 1025.

10.0 ADJOURN

The meeting adjourned at 7:31 PM.

Individuals who require special accommodation (American Sign Language Interpreter, accessible seating, documentation in accessible formats, etc.) should contact the Superintendent or designee at least two days before the meeting. All written reports and minutes should be submitted to the Superintendent at 201 Sixth Street, Room 201, at least two days before the meeting. Any record related to the meeting should be submitted to the Superintendent/Board, at least two days before the meeting.



Karl Mueller, Superintendent

DRAFT

Special Governing Board Meeting MINUTES
Thursday, September 17, 2020, 5:00 PM

Julie Russell ♦ Lee Pontes ♦ Esther Valdes-Clayton ♦ Dr. Helen Anderson-Cruz ♦ Maria Simon
Student Board Representative: Kelli Morris
Superintendent/Secretary: Karl Mueller Recording Secretary: Kami McElligott

1.0 CALL TO ORDER

1.1 Call to Order

President Russell called the meeting to order at 5:01 PM at Coronado Unified School District, 201 Sixth Street, Coronado, CA.

Roll Call

The following Board members were present: Julie Russell, Lee Pontes, Maria Simon, and Helen Anderson-Cruz. Also present were Superintendent, Karl Mueller, Assistant Superintendent, Donnie Salamanca, and Student Representative Kelli Morris.

2.0 OPEN SESSION

Speaker Cards will be accepted by the President via the Recording Secretary at this time. Speaker Cards will be accepted prior to the start of that item you wish to address. Once an item begins Speaker Cards will not be accepted.

2.1 Pledge to the American Flag

2.2 Approval of the Agenda: Any changes to the agenda must be made at this time

Motion: Anderson-Cruz Second: Simon Vote: 4-0-1 #17
(Valdes-Clayton Absent)

3.0 COMMENTS FROM THE AUDIENCE (20 min.)

Anyone wishing to address the Board on an agenda items may do so. Individual speakers will be limited to three minutes. Total public input on any one subject will be limited to twenty minutes, and may be extended at the discretion of the Board President. Comments on an agenda item will be taken when the agenda item is discussed by the Board..

3.1 Submission of Public Comments

- Community Members and Parents: Ramona Loiselle, Tande Scott, Jacqueline Hardt, Kristy Fernandez, Heidi Iversen, Mike Canada, Heather Morrison, and Stacy Keszei expressed their support, concerns, and ideas regarding the CUSD Safe At School Reopening Plan.

4.0 CUSD SAFE AT SCHOOL REOPENING WORKSHOP (1 hour)

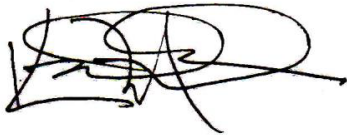
4.1 CUSD Safe At School Reopening Discussion

Superintendent Mueller; Senior Director of Learning, Dr. Megan Battle; and District Nurse, Joellen Semo presented the CUSD Safe At School Reopening Plan and answered questions from the Board.

5.0 ADJOURN

The meeting adjourned at 6:12 PM.

Individuals who require special accommodation (American Sign Language Interpreter, accessible seating, documentation in accessible formats, etc.) should contact the Superintendent or designee at least two days before the meeting date. In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the Board in advance of a meeting, may be viewed at 201 Sixth Street, Coronado, CA 92118, or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact Kami McElligott, Executive Assistant to the Superintendent/Board, at (619) 522-8900, ext. 1025.



Karl Mueller, Superintendent

DRAFT

AGENDA - October 15, 2020

CONSOLIDATED MOTION FOR CONSENT CALENDAR (5 min.)

4.2 Approve the Personnel Register

Department/Category: PERSONNEL

Background Information:

Attached is a report of the personnel actions processed by the Human Resource Department including hires, changes in assignment, resignations and retirements.

For inquiries regarding this Board Item, please contact HR Director, Armando Farias at 619-522-8900, ext. 1010 or via email at armando.farias@coronadousd.net.

Superintendent's Recommendation:

Subject to passage of a pre-placement physical and all pre-placement processing on all new hires, the Superintendent recommends Board approval of the Personnel Register.

LCAP Goals:

LEARNING: Integrate personalized learning with assessment methods that will prepare all students for academic and vocational success.

Standards Aligned Core Curriculum, Assessment and Instruction

Moved _____ . Seconded _____

Ayes _____ Noes _____ Absent _____ Abstain _____ Student _____

[October 2020 personnel register.pdf](#)

ADMINISTRATIVE PERSONNEL REGISTER

APPROVE ADDITIONAL WORKDAYS

Name	Position	Number of Contract Days	Additional Days	Amount
Shane Schmeichel	CHS Principal	220	5	\$3,237
Karin Mellina	CMS Principal	215	5	\$3,326
Heidi Bergener	VES Principal	210	5	\$3,267
Jennifer Moore	SSES Principal	210	5	\$3,224

Additional workdays required for CUSD planning and reopening during COVID19 pandemic. The additional days shall apply only to the 2020-21 school year.

CERTIFICATED PERSONNEL REGISTER

APPROVE EMPLOYMENT

Name	Position	Salary	Effective Date
Maylen Rafuls	.60 French Teacher – CHS	Range 6 Step 7 \$43,154.40	9/17/2020

APPROVE CHANGE IN FTE

Name	Position	Salary	Effective Date
Eveleen Coker	From .50 to 1.0 FTE Teacher Village – Temporary 9/14/2020 – 12/18/2020	Range 6 Step 16 \$89,155.00	9/14/2020
Jennifer Rogale	From .50 to 1.0 FTE Village Teacher	Range 4 Step 11 \$75,906.00	8/1/2020
Amanda White	From .40 to .60 FTE Teacher CHS Temporary 10/5/2020 – 1/28/2020	Range 5 Step 6 \$3,646.04	10/5/2020
Heather Bice	From .70 to .90 FTE Teacher CHS Temporary 10/5/2020 – 1/28/2020	Range 6 Step 12 \$6,863.07	10/5/2020

CLASSIFIED PERSONNEL REGISTER

APPROVE EMPLOYMENT

Name	Position	Salary	Effective Date
Jose Nunez	IA – Behavior Health Care – Village Recall from layoff .75 FTE	Range 7 Step 1 \$2,001.14	9/28/2020

APPROVE CHANGE IN EMPLOYMENT

Name	Position	Salary	Effective Date
Michelle Jenkins	From IA to IA – Behavior Health – Village – Recall from layoff	Range 7 Step 4 \$2,242.13	9/28/2020

APPROVE RESIGNATION

Name	Position	Reason	Effective Date
Kenya Castro	IA – Behavior Health Care	Resignation	9/28/2020
Peter Barkas	Preschool Teacher Assistant	Resignation	9/17/2020

APPROVE LEAVE OF ABSENCE

Name	Position	Reason	Effective Date
Lori Couture	Pre-School Teacher Assistant	Personal	8/24/2020

AGENDA - October 15, 2020

CONSOLIDATED MOTION FOR CONSENT CALENDAR (5 min.)

4.3 Approve/Ratify Contracts for Services

Department/Category: BUSINESS & FISCAL MANAGEMENT

Background Information:

Board Policy 3312 states “The Superintendent or designee may enter into contracts on behalf of the District. All contracts must be approved or ratified by the Governing Board. No contract made under this delegation of power shall be valid until the Board approves or ratifies the contract.”

Reports:

The attached contracts need the approval/ratification of the Board.

Financial Impact:

The attached contracts will be paid from the sources as noted. All of the listed contracts are included in the current approved District budget.

Superintendent's Recommendation:

That the Board approve/ratify the contracts for services.

LCAP Goals:

COMMUNICATION: Communicate openly, freely and accurately to engage and involve all shareholders

Informative Communication to the CUSD Community

SUPPORT: Maintain safe and supportive schools where students and staff thrive

Safe and Clean Facilities

Moved _____ . Seconded _____

Ayes _____ Noes _____ Absent _____ Abstain _____ Student _____

[Contracts for Services 2020-10-15.pdf](#)

The following contracts require approval/ratification from the Board at the October 15, 2020 Board Meeting.

Name	Description	Dates	Amount	Source of Funds
24 Hour Elevator	Replace Push Buttons CHS Elevators	N/A	NTE \$8,739	Special Reserve for Capital Outlay
Banyan Tree Foundations Academy San Diego	ISA Student 20-10-01	7/1/20 – 6/30/21	NTE \$63,601	Special Education Fund 01
Canam Ergonomics Inc.	Storage Cabinets for CMS	N/A	NTE \$15,347	Special Reserve for Capital Outlay
Coronado High School Athletics	CHS Athletic Department Expenses	7/1/20 – 6/30-21	NTE \$18,215	General Fund 01
Document Tracking Service	School Accountability Report Card, Local Control Accountability Plan	11/15/20 – 11/15/21	NTE \$1,650	General Fund 01
Genesee Lake School	Special Education Master Contract, Appendices, and ISA Student 20-10-6	7/1/20 – 9/24/20	NTE \$89,357	Special Education Fund 01
Good News Electric	Electrical Repairs	7/1/20 – 6/30/21	Per Fee Schedule	General Fund 01
JJ Perez	Landscape Village Elementary	N/A	NTE \$3,900	General Fund 01
Leonida Builders	Emergency Mainline Repair at CHS	N/A	NTE \$12,800	Special Reserve for Capital Outlay
Leonida Builders	Miscellaneous Drywall Repairs Campus Wide	N/A	NTE \$4,303	Special Reserve for Capital Outlay
San Diego Center for Vision Care	ISA Student 20-10-02	7/1/20 – 6/30/21	NTE \$790	Special Education Fund 01
San Diego Center for Vision Care	ISA Student 20-10-03	7/1/20 – 6/30/21	NTE \$3,980	Special Education Fund 01
San Diego County Office of Education	Synergy SQL Scripts	N/A	NTE \$1,500	General Fund 01
San Diego County Superintendent of Schools	Foster Focus Data System	7/1/20 – 6/30/25	Year 2 -5 NTE \$500 Annually	Special Education Fund 01
San Diego County Superintendent of Schools	CTE Participation Agreement	7/1/20 – 6/30/21	NTE \$79,721 Revenue	General Fund 01
San Diego County Superintendent of Schools	Outdoor Education Program	7/1/20 – 6/30/21	Per Fee Schedule	General Fund 01
San Diego State University	Student Teaching Agreement	7/1/20 – 6/30/25	N/A	N/A
Southland Technology	Purchase Chromebooks using NCPA Contract NCPA #01-97 Expiration 7/31/22	N/A	NTE \$126,116	Special Reserve for Capital Outlay
SYNNEX GOVSolv	NCPA Contract 01-97 Advanced Technology Solutions Aggregator	8/1/19 – 7/31/22 Two Additional Option Years	N/A	N/A
The Music Therapy Center	IC Student 20-10-05	7/1/20 – 10/16/20	NTE \$2,670	Special Education Fund 01
The Winston School	Special Education Master Contract and Appendix	N/A	Per Fee Schedule	Special Education Fund 01

The Winston School	ISA Student 20-10-04	7/1/20 – 6/30/21	NTE \$37,989	Special Education Fund 01
Vortex	Inspect Fire Doors Village Kitchen	N/A	NTE \$1,350	General Fund 01
Washington, Alex	Referee Adult Ed Basketball	6/28/20 – 6/30/21	NTE \$5,600	General Fund 01
West Coast Custom Tint & Screens	Window Tint for Village Elementary and District Office	N/A	NTE \$28,000	Special Reserve for Capital Outlay

BBMAC POOL RENTAL CONTRACTS

Name	Description	Dates	Rental Income Amount
Bloomquist, Janis	Swim	3/5/20 – 6/30/21	Per Fee Schedule
Coronado Aquatics Club	Swim	8/24/20 – 12/19/20	\$14,425
Coronado Swim Association	Swim	8/31/20 – 12/18/20	\$36,355
Different Strokes Swim Team	Swim	8/24/20 – 9/30/21	Per Fee Schedule
Legacy Swim Academy, LLC	Swim	7/6/20 – 11/14/20	Per Fee Schedule
Minty Motion Studio	Photo Shoot	10/3/20	\$1,500
Ola Vista Photography	Photo Shoot	10/5/20 – 10/7/20	\$531
San Diego Seaport Aquatics	Swim	8/24/20 – 12/19/20	\$37,195
San Diego Shores Water Polo	Water Polo	8/11/20 – 12/10/20	\$11,773
Water Sports & Physical Therapy	Therapy	8/25/20 – 6/30/21	Per Fee Schedule
USA Water Polo Olympic Development	Water Polo	8/30/20 – 12/13/20	\$19,163

AGENDA - October 15, 2020

CONSOLIDATED MOTION FOR CONSENT CALENDAR (5 min.)

4.4 Approve/Ratify Purchase Orders and Warrants

Department/Category: BUSINESS & FISCAL MANAGEMENT

Background Information:

A list of all purchase orders has been submitted to the Governing Board per Education Code 39657. Warrants submitted for ratification and approval represent invoiced payments against purchase orders previously approved. Warrants were audited and approved by the County Superintendent of Schools prior to payment.

Reports:

The Purchase Order and Warrant Registers are attached to this agenda item.

Financial Impact:

Purchase Orders September 1, 2020 through September 30, 2020 \$586,185

Commercial Warrants September 1, 2020 through September 30, 2020 \$989,624

Superintendent's Recommendation:

That the Board approve/ratify the listed purchase orders and warrants.

LCAP Goals:

COMMUNICATION: Communicate openly, freely and accurately to engage and involve all shareholders

Informative Communication to the CUSD Community

Moved _____ . Seconded _____

Ayes _____ Noes _____ Absent _____ Abstain _____ Student _____

[Purchase Orders September 2020.pdf](#)

[Warrants September 2020.pdf](#)

PO No.	PO Date	Supplier	PO Ref	Fund	Total by Account	Item Description
0000012317	9/1/2020	CENGAGE LEARNING	CHS - CRIMINAL JUSTICE EBOOK	0100	\$ 1,800.00	MINDTAP CRIMINAL JUSTICE, 1 TERM (6 MONTHS) PRINTED ACCESS CARD F
0000012318	9/1/2020	BONNIE S KERR	H.R. - REIMBURSEMENT	0100	\$ 500.00	BONNIE KERR - MEDICARE REIMBURSEMENT
0000012319	9/1/2020	DONNA DENTE	H.R. - REIMBURSEMENT	0100	\$ 500.00	DONNA DENTE - MEDICARE REIMBURSEMENT
0000012320	9/1/2020	MARSHA L BONNETT	H.R. - REIMBURSEMENT	0100	\$ 500.00	MARSHA BONNETT - MEDICARE REIMBURSEMENT
0000012321	9/1/2020	AMERICAN FIDELITY ASSURANCE	H.R. - AMERICAN FIDELITY 2020	0100	\$ 1,593.50	AMERICAN FIDELITY 2020 REPORTING OF 1094/1095
0000012322	9/1/2020	JURMAN MEDICAL ASSOCIATION	H.R. - CPR/FIRST AID TRAINING	0100	\$ 560.00	CPR/FIRST AID TRAINING 8/14/2020
0000012323	9/1/2020	KING FENCING	M&O - VES FENCE REPAIR	4900	\$ 27,775.00	VILLAGE ELEMENTARY SCHOOL FENCE WORK- TWO INVOICES
0000012324	9/1/2020	HARRIS SCHOOL SOLUTIONS	CNS - ACTIVATION FEE 20/21	1300	\$ 495.00	PSBB100 - ACTIVATION FEE FOR BROWSER-BASED POS (LESS THAN 10 SITES)
0000012325	9/1/2020	SIGN DIEGO	B.S. - FLOOR DECALS COVID	0100	\$ 1,916.88	EMERGENCY ORDER FOR COVID-19 FLOOR DECALS
0000012326	9/1/2020	EDPUZZLE, INC	CHS - 1 YEAR ACCESS	0100	\$ 1,300.00	1 YEAR UNLIMITED ACCESS EDPUZZLE SITE LICENSE FOR CHS PER QUOTE # 1
0000012327	9/1/2020	JESI SIMPSON	CNS - REIMBURSEMENT	1300	\$ 5.85	PREPAID MEAL REFUND FOR ID #47005136
0000012328	9/2/2020	READYREFRESH BY NESTLE	ECDC - WATER DELIVERIES 20/21	6300	\$ 350.00	OPEN PO FOR WATER DELIVERIES ECDC/CROWN 20/21 SCHOOL YEAR
0000012330	9/2/2020	KARRIE JACKSON	C&L - REIMBURSEMENT	0100	\$ 433.99	REIMBURSEMENT FOR WEBOOST HOME ROOM (472120) CELL PHONE SIGN,
0000012331	9/2/2020	THRIVELY	CMS - THRIVELY	0100	\$ 2,000.00	THRIVELY LICENSES FOR GRADE 6 AND ASB
0000012332	9/2/2020	SAVVAS LEARNING COMPANY LLC	C&L - BOOK ORDER CHS	0100	\$ 166.99	9780134893228 - COLLEGE & CAREER READINESS TEACHER EDITION - NATIC
0000012332	9/2/2020	SAVVAS LEARNING COMPANY LLC	C&L - BOOK ORDER CHS	0100	\$ 2,543.65	9780134893310 - STUDENT'S ACTIVITY GUIDE FOR COLLEGE AND CAREER RE
0000012332	9/2/2020	SAVVAS LEARNING COMPANY LLC	C&L - BOOK ORDER CHS	0100	\$ 2,827.68	9780134985428 - VITAL SOURCE FOR COLLEGE AND CAREER READINESS STU
0000012332	9/2/2020	SAVVAS LEARNING COMPANY LLC	C&L - BOOK ORDER CHS	0100	\$ 126.00	9780134986074 - TEACHER'S EDITION FOR PERSONAL FINANCIAL LITERACY
0000012332	9/2/2020	SAVVAS LEARNING COMPANY LLC	C&L - BOOK ORDER CHS	0100	\$ 1,883.36	9781269639736 - LIFE SKILLS 21ST CENTURY BUILDING FOUNDATION
0000012332	9/2/2020	SAVVAS LEARNING COMPANY LLC	C&L - BOOK ORDER CHS	0100	\$ 6,371.15	9781269752367 - LIFE SKILLS FOR THE 21ST CENTURY PRINT +6 YEAR CSPE E
0000012333	9/2/2020	SCOLAB INC	CMS - BUZZMATH LICENSES	0100	\$ 1,350.00	CMS BUZZMATH. 225 LICENSES FOR 2020-2021, GRADE 6 AND ASB CLASS.
0000012334	9/2/2020	CDW GOVERNMENT INC	CMS - ADMIN PRINTER	0100	\$ 395.08	HP LASERJET PRO M404N, MONOCHROME LASER PRINTER MFG# W1A52A#I
0000012335	9/3/2020	JULIA BRAGA	C&L - REIMBURSEMENT	0100	\$ 60.00	REIMBURSEMENT FOR FOUNTAS & PINNEL ONLINE MANAGEMNET SYSTEM
0000012336	9/3/2020	COAST TROPICAL AND/OR OLYMPIC FRUIT AND	CNS - OPEN PO 20/21	1300	\$ 10,000.00	OPEN PO FOR FRESH PRODUCE FOR FY 2020-21
0000012337	9/3/2020	AMAZON CAPITAL SERVICES, INC.	VES - AMAZON	0100	\$ 23.14	2020-2021 TEACHER PLANNER - ACADEMIC LESSON PLANNER WITH QUOTE!
0000012337	9/3/2020	AMAZON CAPITAL SERVICES, INC.	VES - AMAZON	0100	\$ 29.45	ADHESIVE MAGNETS FOR CRAFTS - 100 PCS FLEXIBLE ROUND MAGNETS WIT
0000012337	9/3/2020	AMAZON CAPITAL SERVICES, INC.	VES - AMAZON	0100	\$ 89.30	BOSTITCH EZ SQUEEZE 40 SHEET 3-HOLE PUNCH (HP40)
0000012337	9/3/2020	AMAZON CAPITAL SERVICES, INC.	VES - AMAZON	0100	\$ 67.11	DUNWELL MAGAZINE FILE HOLDER (SET OF 6, BLACK), STURDY CARDBOARD
0000012337	9/3/2020	AMAZON CAPITAL SERVICES, INC.	VES - AMAZON	0100	\$ 28.75	EXPO LOW ODOR DRY ERASE MARKER SET WITH WHITE BOARD ERASER AND
0000012337	9/3/2020	AMAZON CAPITAL SERVICES, INC.	VES - AMAZON	0100	\$ 22.61	INTEACHER PLANNER 2020-2021 - PLANNER FOR ACADEMIC YEAR, JUL 2020
0000012337	9/3/2020	AMAZON CAPITAL SERVICES, INC.	VES - AMAZON	0100	\$ 28.00	NOVELINKS TRANSPARENT 4" X 6" PHOTO CASES AND CLEAR CRAFT KEEPER
0000012337	9/3/2020	AMAZON CAPITAL SERVICES, INC.	VES - AMAZON	0100	\$ 107.74	POST-IT SUPER STICKY EASEL PAD, 25 X 30 INCHES, 30 SHEETS/PAD, 6 PADS I
0000012337	9/3/2020	AMAZON CAPITAL SERVICES, INC.	VES - AMAZON	0100	\$ 112.05	TABLETOP MAGNETIC EASEL & WHITEBOARD (2 SIDES) INCLUDES: 4 DRY ER

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0000012337	9/3/2020	AMAZON CAPITAL SERVICES, INC.	VES - AMAZON	0100	\$ 23.69	TYEERDEC FOLDABLE STORAGE BINS 2 PACK STORAGE BOXES WITH LIDS ANI
0000012337	9/3/2020	AMAZON CAPITAL SERVICES, INC.	VES - AMAZON	0100	\$ 19.51	U.S. ART SUPPLY 66" STURDY SILVER ALUMINUM TRIPOD ARTIST FIELD AND JOHN STYN INVOICE: JS1 DATE: AUGUST 27, 2020
0000012338	9/3/2020	JOHN STYN	SUPER - JOHN STYN INVOICE	0100	\$ 400.00	CUSD STAFF WELCOME BACK EVENT "CONNECTION" TALK.
0000012339	9/3/2020	NICOLE CHRISTINE SHELTON	SPED - NICOLE SHELTON	0100	\$ 1,750.00	PROFESSIONAL DEVELOPMENT FOR SPED DEPT. SD COUNTY SCHOOL BOARDS ASSOCIATION INVOICE: SDCSBA-2021-08 DATE: JULY 7, 2020 AMOUNT: \$231.00
0000012340	9/3/2020	SAN DIEGO COUNTY SCHOOL BOARDS	SUPER - SDCSBA 20/21	0100	\$ 231.00	CUSD MEMBERSHIP DUES FOR SCHOOL YEAR 2020-21
0000012341	9/3/2020	TAMI BROMLEY	PAYROLL - RETURNED WARRANT	0100	\$ 4,397.83	RETURNED DIRECT DEPOSIT
0000012342	9/11/2020	VORTEX INDUSTRIES INC	M&O - CHS FIRE DOOR TESTING	0100	\$ 1,350.00	VORTEX WILL DROP TEST TWO (2) EXISTING ROLLING STEEL FIRE DOORS AS I ITEM #41513
0000012343	9/11/2020	VARI SALES CORPORATION		4900	\$ 121.22	DUAL-MONITOR ARM 180 DEGREE ITEM #49884
0000012343	9/11/2020	VARI SALES CORPORATION		4900	\$ 436.39	VARIDESK CUBE PLUS 40 (BLACK)
0000012344	9/11/2020	READYREFRESH BY NESTLE	CMS - WATER DELIVERIES	0100	\$ 1,500.00	READYFRESH WATER CONTRACT FOR CMS FOR 2020-2021
0000012345	9/11/2020	HEATHER C ALLISON	HR - REIMBURSEMENT	0100	\$ 500.00	HEATHER ALLISON - MEDICARE REIMBURSEMENT
0000012346	9/11/2020	JURMAN MEDICAL ASSOCIATION	HR - CPR/FIRST AID TRAINING	0100	\$ 425.00	CPR/FIRST AID TRAINING 8/14/2020
0000012347	9/11/2020	KIMBERLEY JUNK	SSES - POSTAGE REIMBURSEMENT	0100	\$ 226.10	REIMBURSEMENT FOR POSTAGE FOR SCHOOL RECORDS AND YEARBOOKS
0000012348	9/11/2020	DEFRANCE PRINTING	SS - HEALTH FOLDERS	0100	\$ 1,069.26	HEALTH FOLDERS
0000012349	9/11/2020	ANTONELLA PALMIERO	SSES - REIMBURSEMENT	0100	\$ 14.11	REIMBURSEMENT FOR STAFF CHILDCARE ENRICHMENT ITEMS.
0000012350	9/11/2020	PITNEY BOWES INC	CHS - PITNEY BOWES SUPPLIES	0100	\$ 256.42	DM300C/400C RED INK CTDG 765-9
0000012350	9/11/2020	PITNEY BOWES INC	CHS - PITNEY BOWES SUPPLIES	0100	\$ 64.10	DOUBLE TAPE SHEETS (150 BOX) 620-9
0000012351	9/11/2020	AMAZON CAPITAL SERVICES, INC.	VES - EVELEEN'S ORDER	0100	\$ 13.58	GRAY CLEAR POCKET CHART FOR CLASSROOM - HANGING STORAGE BAG FO
0000012351	9/11/2020	AMAZON CAPITAL SERVICES, INC.	VES - EVELEEN'S ORDER	0100	\$ 193.51	LARGE 60 X 40-IN MAGNETIC DRY ERASE BOARD WITH PEN TRAY WALL-MC
0000012351	9/11/2020	AMAZON CAPITAL SERVICES, INC.	VES - EVELEEN'S ORDER	0100	\$ 150.85	MAINSTAYS STUDENT DESK, (DESK ONLY, RODEO OAK)
0000012351	9/11/2020	AMAZON CAPITAL SERVICES, INC.	VES - EVELEEN'S ORDER	0100	\$ 481.56	MARCO GROUP MGC2226-22-BBLK 24" X 48" RECTANGULAR SCHOOL ACTIV
0000012351	9/11/2020	AMAZON CAPITAL SERVICES, INC.	VES - EVELEEN'S ORDER	0100	\$ 118.47	MODWAY RIPPLE RIBBED ARMLESS MID BACK SWIVEL COMPUTER DESK OFF
0000012351	9/11/2020	AMAZON CAPITAL SERVICES, INC.	VES - EVELEEN'S ORDER	0100	\$ 147.07	SAFAVIEH VISION COLLECTION VSN606N MODERN CONTEMPORARY OMBRE
0000012351	9/11/2020	AMAZON CAPITAL SERVICES, INC.	VES - EVELEEN'S ORDER	0100	\$ 417.04	STOREX WIGGLE STOOL, ADJUSTABLE HEIGHT 12", 14", 16", OR 18" FOR ACT

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0000012352	9/11/2020	MEGUMI HARRIS	CNS - REFUND	1300	\$ 49.25	PREPAID MEALS REFUND FOR ID #47006887 #47006957 INVOICE #7003810 DATE: 04/01/2019 OPEN INVOICE FROM THE 19-20 SCHOOL YEAR.
0000012353	9/11/2020	ABA & VERBAL BEHAVIOR GROUP, INC.	SPED - 19/20 SY CHARGE	0100	\$ 1,220.00	*ORIGINAL PO#10813* 10 WELL PLASTIC TRAY WITH COVER, 7½" DIAMETER, WHITE
0000012354	9/11/2020	BLICK ART MATERIALS	CHS - ART SUPPLIES	0100	\$ 178.87	ITEM#: 03068-1010 AMERICAN EASEL WAHKEENA TABLE TOP EASEL
0000012354	9/11/2020	BLICK ART MATERIALS	CHS - ART SUPPLIES	0100	\$ 233.90	ITEM#: 50359-1001 MASTERSON PREMIER PALETTE - 16" X 12" X 1 3/4"
0000012354	9/11/2020	BLICK ART MATERIALS	CHS - ART SUPPLIES	0100	\$ 363.12	ITEM#: 03029-0000
0000012355	9/11/2020	OTICON INC	SS - WIRELESS REMOTE	0100	\$ 1,138.60	EDUMIC WIRELESS REMOTE MICROPHONE SYSTEM (TO INCLUDE BATTER, ST
0000012356	9/11/2020	SOUTHWEST SCHOOL & OFFICE	CHS - HAND SANITIZER	0100	\$ 242.83	HAND SANITIZER PURELL 12 OZ PUMP, 12 EA/CS
0000012357	9/15/2020	DELL MARKETING L P	CHS - SHANE'S MONITORS	0100	\$ 300.30	DELL MONITOR 22" QUOTE#3000068070591
0000012358	9/15/2020	CRAFTERS FENCE, INC	M&O - CMS FENCE WORK	4900	\$ 19,750.00	CMS - REPLACE CHAIN LINK FABRIC AT WEST SIDE OF SPORTS FIELD COMPLETE VES AS DRAWN INCLUDING: *700 PODS*
0000012359	9/15/2020	CANAM ERGONOMICS, INC.	VES - 700 POD CUBBIES	4900	\$ 25,019.93	(7) CLASS ROOMS, EACH WITH (8) 4 HOLE CUBBIES, (TOTAL 32 CUBBIES MODEL # 10-C0045NW
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 6,992.98	COLLABORATIVE COLLECTIVE CC023 COLLECTION MODEL # 10-C0055NW
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 10,667.25	SEEDPOD COLLECTION, LARGE MODEL # 10-C0060NW
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 5,926.25	SEEDPOD COLLECTION, SMALL MODEL # 10-C0245
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 4,326.16	AMPHI PRESENTATION JNR COLLECTION MODEL # 10-C0615
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 1,244.51	WORKPAD CADDY W/WORKPADS MODEL # 10-T0030-4728NW
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 1,244.51	COLLABORATIVE COLLECTIVE STRAIGHT TABLE, 47"/28"

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0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 1,659.35	MODEL # 10-T0040-28NW COLLABORATIVE COLLECTIVE HALF ROUND TABLE, 28"
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 3,911.33	MODEL # 10-T0270W SUNS HINEONACLOUDIEDAY FOLDABLE TABLE
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 170.39	MODEL # 11-SG031 AMPHI JNR MATS, SMALL
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 533.36	MODEL # 11-SG032 AMPHI JNR MATS, MEDIUM
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 545.22	MODEL # 11-SG043 GENGA BLOCK, SMALL
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 2,903.86	MODEL # 11-SG052-SML HALF ROUND OTTOMAN, SMALL, FABRIC
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 3,852.06	MODEL # 11-SG068 ROCKER OTT 10 LARGE
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 3,022.39	MODEL # 12-EJ009 SCOFA SINGLE W/A ARMS
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 7,111.50	MODEL # 12-EJ010 SCOFA DOUBLE W/A ARMS
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 1,096.36	MODEL # 12-EJ048 GRASSYOTT DOME, MEDIUM, GRASSY
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 3,333.52	MODEL # 12-EJ048 GRASSYOTT DOME, SMALL (FABRIC)
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 1,970.49	MODEL # 12-EJ049 GRASSYOTT DOME, MEDIUM, FABRIC
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 1,185.25	MODEL # 12-EJ065 SWIVEL STOOL, VR STOOL
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 3,792.80	MODEL # HEXCL ACOUSTICAL INTERACTIVE WALL, HEX
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 5,215.10	MODEL #10-C0605W PEBBLETREE LOW
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 562.99	MODEL #11-SG036 AMPHI JNR STRAIGHT BENCH, LOW, 12"H

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						MODEL #11-SG037
0000012360	9/15/2020	METEOR EDUCATION, LLC	VES - LIBRARY	4900	\$ 444.47	AMPHI JNR STRAIGHT BENCH, HIGH, 18"H
0000012361	9/15/2020	BSN SPORTS LLC	C&L - FITNESS	0100	\$ 596.00	FITNESS GRAM SOFTWARE LICENSE RENEWAL, VALID: 11/01/20-11/01/21, #
0000012362	9/15/2020	ARTS FOR LEARNING SAN DIEGO	C&L - ARTS FOR LEARNING SD	0100	\$ 137,780.00	ARTS FOR LEARNING SAN DIEGO (A4LSD) WILL PROVIDE PROFESSIONAL TEA
0000012363	9/16/2020	AMAZON CAPITAL SERVICES, INC.	C&L - AMAZON LAP BOARDS	0100	\$ 215.39	DRY ERASE LAPBOARDS WITH GRID LINES - PACK OF 25 GRAPH WHITEBOAR
0000012364	9/16/2020	SUPERINTENDENT OF SCHOOLS SDCOE	C&L - ONLINE TUITION SDCOE	0100	\$ 350.00	TUITION FOR SDCOE ONLINE & BLENDED TEACHER CERTIFICATION - LEADIN
0000012365	9/16/2020	DISCOVERY EDUCATION	C&L - DISCOVERY EDUCATION	0100	\$ 6,404.00	DISCOVERY EDUCATION EXPERIENCE LICENSE FOR SILVER STRAND & VILLAG
0000012365	9/16/2020	DISCOVERY EDUCATION	C&L - DISCOVERY EDUCATION	0100	\$ 5,772.00	DISCOVERY EDUCATION EXPERIENCE LICENSE FOR SILVER STRAND AND VILL
0000012366	9/16/2020	AMAZON CAPITAL SERVICES, INC.	C&L - AMAZON ORDER	0100	\$ 74.35	APPLE USB-C-DIGITAL AV MULTIPOINT ADAPTER
0000012367	9/16/2020	BRAINPOP LLC	C&L - BRAINPOP	0100	\$ (809.50)	10% DISCOUNT FOR A MULTI-SITE SMALL DISTRICT ORDER
0000012367	9/16/2020	BRAINPOP LLC	C&L - BRAINPOP	0100	\$ (2,195.00)	DISCOUNT FOR COMPLEMENTARY ACCESS REFERENCE
0000012367	9/16/2020	BRAINPOP LLC	C&L - BRAINPOP	0100	\$ 2,195.00	DISTRICT BP 24/7, PER SCHOOL - RENEWAL - UNLIMITED ACCESS TO OVER 8
0000012367	9/16/2020	BRAINPOP LLC	C&L - BRAINPOP	0100	\$ 2,195.00	DISTRICT BP 24/7, PER SCHOOL-RENEWAL-UNLIMITED ACCESS TO OVER 800
0000012367	9/16/2020	BRAINPOP LLC	C&L - BRAINPOP	0100	\$ 5,900.00	DISTRICT COMBO 24/7, PER SCHOOL - RENEWAL - UNLIMITED 12-MONTH A
0000012368	9/16/2020	SUPERINTENDENT OF SCHOOLS SDCOE	C&L - MTSS & PBIS TRAINING	0100	\$ 3,000.00	MTSS & PBIS DISTRICT TRAINING AT SDCOE FOR THE 2019-20 SCHOOL YEAR,
0000012368	9/16/2020	SUPERINTENDENT OF SCHOOLS SDCOE	C&L - MTSS & PBIS TRAINING	0100	\$ 3,000.00	MTSS & PBIS DISTRICT TRAINING AT SDCOE FOR THE 2019-20 SCHOOL YEAR,
0000012369	9/16/2020	B E PUBLISHING	C&L - B E PUBLISHING	0100	\$ 3,952.00	EDUT_5 EDUTYPING ANNUAL TRANSFERRABLE STUDENT LICENSES (2 YEAR L
0000012370	9/16/2020	JEANNE SCHNESE	CHILDCARE - REFUND COVID-19	0100	\$ 130.00	CHILDCARE REFUND DUE TO COVID-19 CLOSURE
0000012371	9/16/2020	BETSY CASTILLO	CHILDCARE - REFUND COVID-19	0100	\$ 100.00	REFUND OF TUITION
0000012372	9/16/2020	ELLEN KENNEDY	CHILDCARE - REFUND COVID-19	0100	\$ 100.00	TUITION REFUND
0000012373	9/16/2020	ALLYSON HEYEN	CHILDCARE - REFUND COVID-19	0100	\$ 50.00	TUITION REFUND
0000012374	9/16/2020	VIVIANA ALCAZAR-HAYNES	COSA - ALCAZAR 20/21	0100	\$ 2,790.00	OPEN PO FOR COSA CONSULTANT VIVIANA ALCAZAR, PER BOARD APPROVE
0000012375	9/16/2020	DEVIN BURNWORTH	COSA - BURNWORTH 20/21	0100	\$ 2,000.00	OPEN PO FOR COSA CONSULTANT DEVIN BURNWORTH, PER BOARD APPRO'
0000012376	9/16/2020	DONALD S. GERSONDE	COSA - Gersonde 20/21	0100	\$ 4,050.00	OPEN PO FOR COSA CONSULTANT DONNY GERSONDE, PER BOARD APPROVI
0000012377	9/16/2020	SABRA BERKLEY CHIDESTER	COSA - CHIDESTER 20/21	0100	\$ 2,000.00	OPEN PO FOR COSA CONSULTANT SABRA CHIDESTER, PER BOARD APPROVE
0000012378	9/16/2020	MICHELLE GREGOIRE	COSA - GREGOIRE 20/21	0100	\$ 1,824.00	OPEN PO FOR COSA CONSULTANT MICHELLE GREGOIRE, PER BOARD APPRO
0000012379	9/16/2020	TRYSTAN M LOUCADO	COSA - LOUCADO 20/21	0100	\$ 4,550.00	OPEN PO FOR COSA CONSULTANT TRYSTAN LOUCADO, PER BOARD APPROV
0000012380	9/16/2020	ZAQUIA MAHLER SALINAS	COSA - SALINAS 20/21	0100	\$ 1,510.00	OPEN PO FOR COSA CONSULTANT ZAQUIA SALINAS, PER BOARD APPROVED
0000012381	9/16/2020	KATHERINE SAPPER	COSA - SAPPER 20/21	0100	\$ 6,040.00	OPEN PO FOR COSA CONSULTANT KATIE SAPPER, PER BOARD APPROVED CC
0000012382	9/16/2020	MATTHEW G CARNEY	COSA - CARNEY 20/21	0100	\$ 3,270.00	OPEN PO FOR COSA CONSULTANT MATT CARNEY, PER BOARD APPROVED CC
0000012383	9/16/2020	MARTIN MARTIARENA	COSA - MARTIARENA 20/21	0100	\$ 3,280.00	OPEN PO FOR COSA CONSULTANT MARTIN MARTIARENA, PER BOARD APPR
0000012384	9/16/2020	MARK MARGOLIES	COSA - MARGOLIES 20/21	0100	\$ 2,000.00	OPEN PO FOR COSA CONSULTANT MARK MARGOLIES, PER BOARD APPROVE
0000012385	9/16/2020	NCS PEARSON INC	COSA - ADOBE SOFTWARE 20/21	0100	\$ 3,640.00	ACA CLASSROOM LICENSE BUNDLE-GRAPHIC DESIGN AND PRINT PRODUCTI

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0000012385	9/16/2020	NCS PEARSON INC	COSA - ADOBE SOFTWARE 20/21	0100	\$ 1,995.00	ADOBE CERTIFICATION, SOFTWARE LICENSE FOR COSA DIGARTS ACA ELEARI EVERYCHILD CALIFORNIA 2020-21 MEMBERSHIP RENEWAL
0000012386	9/16/2020	EVERY CHILD CALIFORNIA	ECDC - EVERYCHILD CA	6300	\$ 300.00	LISA ALONSO - COMPREHENSIVE
0000012387	9/16/2020	OFFICE SOLUTIONS	ECDC - OPEN PO OFFICE SOL	1200	\$ 800.00	OPEN PO FOR ECDC PURCHASES DURING THE 20/21 SCHOOL YEAR
0000012388	9/16/2020	SUPERINTENDENT OF SCHOOLS SDCOE	B.S. - DONNIE'S BUISNESS CARDS	0100	\$ 122.84	BUSINESS CARDS FOR DONNIE SALAMANCA
0000012389	9/16/2020	ACSA	B.S. - ACSA DUES 20/21	0100	\$ 1,525.00	ACSA DUES FOR FULL REGULAR MEMBERS 20/21 SCHOOL YEAR
0000012390	9/16/2020	HEIDI BERGENER	B.S. - HEIDI'S REIMBURSEMENT	0100	\$ 930.00	ACSA ORG DUES
0000012391	9/16/2020	LEONIDA BUILDERS, INC	M&O - EMERGENCY REPAIR	4900	\$ 12,800.00	EMERGENCY MAINLINE REPAIR AT CORONADO HIGH SCHOOL PRODUCT #HRC2163HXA
0000012392	9/16/2020	LA VERNE POWER EQUIPMENT, INC.	M&O - MOWERS	4900	\$ 2,520.96	21" COMMERCIAL MOWER, HYDRO DRIVE, BBC
0000012393	9/16/2020	CANAM ERGONOMICS, INC.	B.S. - CABINETS FOR VES	4900	\$ 15,346.83	JOB NAME: CORONADO CUSD STORAGE CABINETS:QUANTITY (12):STORAGE
0000012394	9/16/2020	SUPERINTENDENT OF SCHOOLS SDCOE	B.S. - 6 SQL SCRIPTS	0100	\$ 1,500.00	6 SQL SCRIPTS ORDERED BY DONNIE SALAMANCA AALRR INVOICE: 600947 DATE: JULY 31, 2020 AMOUNT: \$570.00
0000012395	9/16/2020	ATKINSON, ANDELSON, LOYA,	SUPER - AALRR INVOICE	0100	\$ 570.00	STUDENT SERVICES
0000012396	9/16/2020	PROBLEM SOLVER, INC	VES - RACHEL'S ORDER	0100	\$ 25.36	36 INCH HAUSERMAN FILE BAR
0000012396	9/16/2020	PROBLEM SOLVER, INC	VES - RACHEL'S ORDER	0100	\$ 29.08	36 INCH SUPREME LATERAL FILE BAR
0000012397	9/16/2020	INTRADATA	SSES - READNQUIZ	0100	\$ 355.60	READNQUIZ SUBSCRIPTION 8/22/20 - 8/22/21
0000012398	9/16/2020	AMAZON CAPITAL SERVICES, INC.	VES - KELLY'S ORDER	0100	\$ 364.20	FDP 14" CONTOUR SCHOOL STACKING STUDENT CHAIR, ERGONOMIC MOLD
0000012398	9/16/2020	AMAZON CAPITAL SERVICES, INC.	VES - KELLY'S ORDER	0100	\$ 193.95	LARGE 60 X 40-IN MAGNETIC DRY ERASE BOARD WITH PEN TRAY WALL-MC
0000012398	9/16/2020	AMAZON CAPITAL SERVICES, INC.	VES - KELLY'S ORDER	0100	\$ 242.42	PEMBERLY ROW 48" WIDE HOME OFFICE COMPUTER DESK IN GRAY WITH C
0000012398	9/16/2020	AMAZON CAPITAL SERVICES, INC.	VES - KELLY'S ORDER	0100	\$ 150.74	SIHOO MESH OFFICE CHAIR, OFFICE DESK CHAIR, BREATHABLE CHAIR WITH
0000012399	9/18/2020	DANIELLE ZIRELLI	VES - ZIRELLI'S REIMBURSEMENT	0100	\$ 199.91	REIMBURSEMENT DUE DANIELLE ZIRELLI
0000012400	9/18/2020	KRISTOPHER L APPLE	COSA - APPLE 20/21	0100	\$ 1,800.00	OPEN PO FOR COSA CONSULTANT KRIS APPLE, PER BOARD APPROVED CONT
0000012401	9/18/2020	AMAZON CAPITAL SERVICES, INC.	VES - ALEXIS' ORDER	0100	\$ 160.22	NORWOOD COMMERCIAL FURNITURE NOR-TY1000BK-SO LAPTOP CADDY C/
0000012402	9/18/2020	ULINE	VES - RACHEL'S ORDER	0100	\$ 93.40	BOSTON ROUND PUMP BOTTLES - 32 OZ.
0000012403	9/18/2020	TOSHIBA BUSINESS SOLUTIONS	CMS - TOSHIBA MOVE	0100	\$ 225.00	MOVE COPIERS FROM GRANZER BACK INTO TWR
0000012403	9/18/2020	TOSHIBA BUSINESS SOLUTIONS	CMS - TOSHIBA MOVE	0100	\$ 225.00	MOVE COPIERS FROM TWR TO GRANZER FOR REGISTRATION
0000012404	9/21/2020	ANANDA DEJARNETTE	CMS - ANANDA'S REIMBURSEMENT	0100	\$ 123.51	REIMBURSE ANANDA DEJARNETTE FOR COMPUTER MONITOR FOR REMOTE
0000012405	9/21/2020	JUNIOR LIBRARY GUILD	CMS - JR LIBRARY GUILD	0100	\$ 1,077.66	CMS 3 YEAR SUBSCRIPTION TO JR. LIBRARY GUILD
0000012406	9/21/2020	LISA RYAN	CMS - LISA'S REIMBURSEMENT	0100	\$ 75.00	REIMBURSE LISA RYAN FOR C2 TEACHER LABS ONLINE CONFERENCE

PO No.	PO Date	Supplier	PO Ref	Fund	Total by Accto	Item Description
0000012407	9/21/2020	LISA RYAN	CMS - LISA'S REIMBURSEMENT	0100	\$ 50.00	REIMBURSE LISA RYAN TEACHERS PAY TEACHERS
0000012408	9/22/2020	PURANIC, INC		0100	\$ 3,830.40	N95 NIOSH APPROVED MASKS*4 CASES / 960 MASKS*
0000012408	9/22/2020	PURANIC, INC		0100	\$ 4,254.86	PURANIC PREMIUM HAND SANITIZER 1 GALLON WITH PUMP (ALOE VERA & PART NUMBER NEWX2324A-ULTRABOARD BARRIER MICRO LARGE 3-WINDOW 23"X24"
0000012409	9/22/2020	MONTROY SUPPLY COMPANY		0100	\$ 10,370.94	-\$19.25 EACH
0000012410	9/22/2020	SOUTHWEST SCHOOL & OFFICE	DESK SHIELDS	0100	\$ 11,798.63	ITEM #SSS9SSC222319STUDENT DESK TRIFOLD BARRIER, 22W X 23H X 19D, QUOTATION 119663 2510DS 25" DUAL SIDED LAMINATE FOR VARIQUEST COLD LAMINATOR
0000012411	9/23/2020	SPINITAR	VES - COLD LAMINATOR	0100	\$ 688.48	2510
0000012412	9/23/2020	CESAR M VILLELA	COSA - CESAR'S OPEN PO 20/21	0100	\$ 3,270.00	OPEN PO FOR COSA CONSULTANT CESAR VILLELA PER BOARD APPROVED CC
0000012413	9/23/2020	TOSHIBA BUSINESS SOLUTIONS	CMS - TOSHIBA 20/21	0100	\$ 4,000.00	CMS TOSHIBA SERVICES CONTRACT 2020-2021
0000012414	9/23/2020	SCHOLASTIC INC	CMS - SCHOLASTIC ORDER	0100	\$ 3,355.00	CMS SCHOLASTIC ORDER 2021 (REV) PER ATTACHED INVOICE
0000012415	9/24/2020	MARIBEL KASTLUNGER	VES - MARIBEL'S REFUND	0100	\$ 130.78	REIMBURSEMENT DUE FOR MATERIAL AND SUPPLIES
0000012416	9/24/2020	OFFICE DEPOT	SSES - OFFICE DEPOT 20/21	0100	\$ 2,110.00	ORIGINAL PO #12300 WAS CLOSED BEFORE PAYMENT WAS MADE. THIS WIL SYNERGY STUDENT EDUCATIONAL PLATFORM
0000012417	9/25/2020	EDUPOINT EDUCATIONAL SYSTEMS		0100	\$ 2,674.00	*SUBSCRIPTION SOFTWARE LICENSE 20/21*
0000012418	9/25/2020	KATHLEEN WHELAN	ROP - CLASS REFUND	1100	\$ 247.50	REFUND FOR ADULTED CLASS CANCELED--SPRING 2020
0000012419	9/25/2020	ANNE MCCOY	ROP - AD ED REFUND	1100	\$ 190.00	REFUND ADULT ED CLASS-SPRING 2019
0000012420	9/25/2020	AMAZON CAPITAL SERVICES, INC.	SSES - AMAZON ORDER	0100	\$ 89.13	HEFTY SLIDER JUMBO FOOD STORAGE BAGS - 2.5 GALLON SIZE, 9 BOXES OF
0000012421	9/25/2020	SOUTHWEST SCHOOL & OFFICE	COVID DECALS - ALL SITES	0100	\$ 5,590.93	BESAFE MESSAGING "FOLLOW THE ARROWS FOR YOUR SAFETY" WALL DECA
0000012422	9/25/2020	TPRS BOOKS	CHS - BOOK ORDER	0100	\$ 7.00	9781603722438 OU EST PASSE MARTIN
0000012422	9/25/2020	TPRS BOOKS	CHS - BOOK ORDER	0100	\$ 7.00	ISBN: 9781603722056 MA VOITURE A MOI
0000012422	9/25/2020	TPRS BOOKS	CHS - BOOK ORDER	0100	\$ 7.00	ISBN: 9781603722223 BART VEIT UN CHAT
0000012422	9/25/2020	TPRS BOOKS	CHS - BOOK ORDER	0100	\$ 38.36	ISBN: 9781603723404 JEAN-PAUL AT SES BONS AMIS- NOVEL
0000012422	9/25/2020	TPRS BOOKS	CHS - BOOK ORDER	0100	\$ 8.00	ISBN: 9781935575849 PROBLEMES AU PARADIS
0000012422	9/25/2020	TPRS BOOKS	CHS - BOOK ORDER	0100	\$ 7.00	ISBN:9781603722278 LA STATUE - NOVEL
0000012422	9/25/2020	TPRS BOOKS	CHS - BOOK ORDER	0100	\$ 7.00	ISBN:9781603722285 PRESQUE MORT- NOVEL
0000012422	9/25/2020	TPRS BOOKS	CHS - BOOK ORDER	0100	\$ 7.00	ISBN:9781603722353 NOUVELLE ECOLE, NOUVEAUX AMIS
0000012422	9/25/2020	TPRS BOOKS	CHS - BOOK ORDER	0100	\$ 7.00	ISBN:9781603722773 DANIEL LE DETECTIVE- NOVEL
0000012422	9/25/2020	TPRS BOOKS	CHS - BOOK ORDER	0100	\$ 8.00	ISBN:9781935575627 NUITS MYSTERIEUSES ALYON- NOVEL
0000012422	9/25/2020	TPRS BOOKS	CHS - BOOK ORDER	0100	\$ 8.00	ISBN:9781940408408 FELIPE ALOU
0000012422	9/25/2020	TPRS BOOKS	CHS - BOOK ORDER	0100	\$ 8.00	ISBN:9781940408903 BRANDON BROWN DIT LA VERITE- NOVEL

PO No.	PO Date	Supplier	PO Ref	Fund	Total by Account	Item Description
						STUDENT NUMBER RACK KIT QUANTITY 6
0000012423	9/25/2020	THE MATH LEARNING CENTER	SSES - NUMBER RACK KIT	0100	\$ 74.65	SHIPPING AND TAXES INCLUDED
0000012424	9/25/2020	MEGAN APPEL	CMS - MEGAN'S REIMBURSEMENT	0100	\$ 18.56	REIMBURSE MEGAN APPEL MILEAGE FOR CPM CONFERENCE 2019
0000012425	9/25/2020	KARIN MELLINA	CMS - KARIN'S REIMBURSEMENT	0100	\$ 68.57	REIMBURSE KARIN MELLINA FOR MOSQUITO REPELLENT EQUIPMENT
0000012426	9/25/2020	AMANDA GREGORY	CMS - AMANDA'S REIMBURSEMENT	0100	\$ 12.76	REIMBURSE AMANDA GREGORY MILEAGE FOR "STARTING ON THE RIGHT FC OPEN PURCHASE ORDER FOR ART SUPPLIES PURCHASE FOR SCHOOL SITES. SITE: CHS
0000012427	9/28/2020	AMAZON CAPITAL SERVICES, INC.	C&L - AMAZON OPEN PO 20/21	0100	\$ 250.00	PURCHASER: HEATHER BICE OPEN PURCHASE ORDER FOR ART SUPPLIES PURCHASE FOR SCHOOL SITES. SITE/GRADE: CMS/8TH
0000012428	9/28/2020	AMAZON CAPITAL SERVICES, INC.	C&L - CMS AMAZON PO 20/21	0100	\$ 800.00	PURCHASER: ANCY THANKACHAN
0000012429	9/29/2020	FITNESS FINDERS INC	SSES - EZ SCAN 20/21	0100	\$ 149.95	EZ SCAN RE-NEWAL FOR 20/21 CLICK IMAGE TO OPEN EXPANDED VIEW
0000012430	9/30/2020	AMAZON CAPITAL SERVICES, INC.	VES - ALEXIS' ORDER	0100	\$ 68.92	EOOUT 24PCS MESH ZIPPER POUCH DOCUMENT BAG, PLASTIC ZIP FILE
0000012430	9/30/2020	AMAZON CAPITAL SERVICES, INC.	VES - ALEXIS' ORDER	0100	\$ 89.99	EXPO 86001 LOW ODOR DRY ERASE MARKER, FINE POINT, BLACK (PACK OF :
0000012430	9/30/2020	AMAZON CAPITAL SERVICES, INC.	VES - ALEXIS' ORDER	0100	\$ 72.70	PAPER MATE PINK PEARL ERASERS, LARGE, 12 COUNT ROLL OVER IMAGE TO ZOOM IN
0000012430	9/30/2020	AMAZON CAPITAL SERVICES, INC.	VES - ALEXIS' ORDER	0100	\$ 63.23	AMAZONBASICS LOW-ODOR DRY ERASE WHITE BOARD MARKERS - CHISEL
0000012430	9/30/2020	AMAZON CAPITAL SERVICES, INC.	VES - ALEXIS' ORDER	0100	\$ 125.68	SCOTCH 5-INCH SOFT TOUCH POINTED KID SCISSORS, 12 COUNT TEACHER P
0000012430	9/30/2020	AMAZON CAPITAL SERVICES, INC.	VES - ALEXIS' ORDER	0100	\$ 75.32	SHARPIE PERMANENT MARKERS, ULTRA FINE POINT, BLACK, 12 COUNT
0000012430	9/30/2020	AMAZON CAPITAL SERVICES, INC.	VES - ALEXIS' ORDER	0100	\$ 29.31	TICONDEROGA PENCILS, WOOD-CASED GRAPHITE #2 HB SOFT, PRE-SHARPEI
0000012431	9/30/2020	AMAZON CAPITAL SERVICES, INC.	C&L - AMAZON ORDER	0100	\$ 77.85	QUARTET B244LC BULLETIN BOARD, 4X3', CHERRY FRAME
0000012432	9/30/2020	AMAZON CAPITAL SERVICES, INC.	C&L - AMAZON ORDER - IPAD CASE	0100	\$ 4,388.31	IPAD 7TH GENERATION CASE WITH KEYBOARD, 7 COLOR BACKLIT DETACHA
0000012433	9/30/2020	APPLE COMPUTER INC	C&L - APPLE ORDER	0100	\$ 10,356.93	MK0C2AM/A - APPLE PENCIL (1ST GENERATION)
0000012433	9/30/2020	APPLE COMPUTER INC	C&L - APPLE ORDER	0100	\$ 59,581.44	PYLD2LL/A - PERSONALIZED 10.2-INCH IPAD WI-FI 128GB - SPACE GRAYENGI
0000012434	9/30/2020	JAMF SOFTWARE, LLC	C&L - JAMF 20/21	0100	\$ 378.00	9901040099 - JAMF SCHOOL ENHANCED SUPPORT
0000012434	9/30/2020	JAMF SOFTWARE, LLC	C&L - JAMF 20/21	0100	\$ 1,890.00	9901050099 - JAMF SCHOOL LIFETIME LICENSE
0000012435	9/30/2020	DOCUMENT TRACKING SERVICES LLC	C&L - DOCU TRACKING	0100	\$ 1,250.00	DOCUMENT TRACKING SERVICES (11/15/20-11/15/21) 4 SCHOOLS & DISTRIK
0000012435	9/30/2020	DOCUMENT TRACKING SERVICES LLC	C&L - DOCU TRACKING	0100	\$ 400.00	TRANSLATION SERVICES 2020 SPANISH SCHOOL ACCOUNTABILITY REPORT C

PO No.	PO Date	Supplier	PO Ref	Fund	Total by Account	Item Description
0000012436	9/30/2020	AMAZON CAPITAL SERVICES, INC.	C&L - ART OPEN PO 20/21	0100	\$ 800.00	OPEN PURCHASE ORDER FOR ART SUPPLIES PURCHASE FOR SCHOOL SITES. SITE/GRADE: VILLAGE/TK-K PURCHASER:TAMI BROMLEY
0000012437	9/30/2020	AMAZON CAPITAL SERVICES, INC.	C&L - ART OPEN PO 20/21	0100	\$ 600.00	OPEN PURCHASE ORDER FOR ART SUPPLIES PURCHASE FOR SCHOOL SITES. SITE/GRADE: VILLAGE/1ST PURCHASER: RACHEL BEVILACQUA
0000012438	9/30/2020	AMAZON CAPITAL SERVICES, INC.	C&L - LINDSEY'S AMAZON OPEN PO	0100	\$ 600.00	OPEN PURCHASE ORDER FOR ART SUPPLIES PURCHASE FOR SCHOOL SITES. SITE/GRADE: VILLAGE/2ND PURCHASER: LINDSEY CUMMINS
0000012439	9/30/2020	AMAZON CAPITAL SERVICES, INC.	C&L - EVELEEN'S AMAZON PO	0100	\$ 600.00	OPEN PURCHASE ORDER FOR ART SUPPLIES PURCHASE FOR SCHOOL SITES. SITE/GRADE: VILLAGE/3RD PURCHASER: EVELEEN COKER
0000012440	9/30/2020	AMAZON CAPITAL SERVICES, INC.	C&L - KERRI'S OPEN AMAZON PO	0100	\$ 600.00	OPEN PURCHASE ORDER FOR ART SUPPLIES PURCHASE FOR SCHOOL SITES. SITE/GRADE: VILLAGE/4TH PURCHASER: KERRI RAMIREZ
Total					\$ 586,184.99	

- 0100 General Fund
- 1100 Adult Education Fund
- 1200 Child Development Fund
- 1300 Cafeteria Fund
- 1400 Deferred Maintenance Fund
- 1700 Special Reserve Other than Cap Outlay
- 1900 BBMAC
- 2518 Capital Facilities - Developer Fees
- 4000 Special Reserve - Capital Projects
- 5700 Foundation Permanent Fund
- 6200 Charter School Enterprise Fund
- 6300 Other Enterprise Fund (Crown Preschool)



Warrant ID	Vendor Name	Payment Date	Invoice Item Description	Fund	Amount
14706224	AMERICAN FIDELITY ASSURANCE	9/3/2020	AMERICAN FIDELITY 2020 REPORTI	0100	\$ 1,593.50
14706225	JURMAN MEDICAL ASSOCIATION	9/3/2020	CPR/FIRST AID TRAINING 8/14/20	0100	\$ 560.00
14706226	DONNA DENTE	9/3/2020	DONNA DENTE - MEDICARE REIMBUR	0100	\$ 500.00
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	(24 PACK) STICKY NOTES 3X3 IN	0100	\$ 16.14
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	BLUE SUMMIT SUPPLIES KIDS SCIS	0100	\$ 186.81
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	CRAYOLA CRAYONS 24 COLORS	0100	\$ 321.42
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	EASEL FLIP CHART PAD - PLAIN 2	0100	\$ 18.67
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	ECR4KIDS MESSAGESTOR 2-POCKET	0100	\$ 215.32
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	ELMER'S GLUE STICK (E599), WAS	0100	\$ 187.31
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	EXPO 1920940 LOW ODOR DRY ERAS	0100	\$ 145.58
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	HABBI 300PCS PENCIL TOP ERASER	0100	\$ 56.47
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	HEAVY DUTY CLEAR SHEET PROTECT	0100	\$ 30.14
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	HEAVYWEIGHT LIGHT BLUE PLASTIC	0100	\$ 43.05
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	HEAVYWEIGHT PLASTIC 2 POCKET P	0100	\$ 43.05
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	IRIS USA MEDIUM MODULAR SUPPLY	0100	\$ 362.41
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	MEAD CASE OF 6 PRIMARY JOURNAL	0100	\$ 64.62
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	MEAD COMPOSITION BOOK, WIDE RU	0100	\$ 64.58
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	OPEN PO FOR DISTRICT OFFICE SU	0100	\$ 93.15
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	OPEN PO FOR MATERIALS AND SUPP	0100	\$ 1,087.13
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	OPEN PURCHASE ORDER FOR CHS FR	0100	\$ 279.94
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	PACON CHART TABLET, 24\"X32\"	0100	\$ 92.33
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	PAPER MATE PINK PEARL ERASERS,	0100	\$ 51.91
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	PENTEL HI-POLYMER BLOCK ERASER	0100	\$ 107.63
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	POST-IT NOTES, CANARY YELLOW,	0100	\$ 134.11
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	SCHOOL SMART RULED EASEL PADS,	0100	\$ 140.01
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	SCOTCH MAGIC TAPE, 6 ROLLS, NU	0100	\$ 12.89
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	SHARPIE PERMANENT MARKERS, ULT	0100	\$ 88.31
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	SHARPIE TANK STYLE HIGHLIGHTER	0100	\$ 66.72
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	SMEAD FILE FOLDER, 1/3-CUT TAB	0100	\$ 22.07
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	STERILITE SUPPLY BOX - 6 PACK	0100	\$ 166.86
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	STOREX LARGE PENCIL BOX CASE,	0100	\$ 121.52
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	TICONDEROGA LADDIE PENCILS, WO	0100	\$ 20.74
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	TICONDEROGA PENCILS, WOOD-CASE	0100	\$ 53.79

Warrant ID	Vendor Name	Payment Date	Invoice Item Description	Fund	Amount
14706227	AMAZON CAPITAL SERVICES, INC.	9/3/2020	TWO POCKET PORTFOLIO FOLDERS,	0100	\$ 96.88
14706228	SAVVAS LEARNING COMPANY LLC	9/3/2020	0000000124231-CA ELEVATE SCIEN	0100	\$ 2,800.00
14706228	SAVVAS LEARNING COMPANY LLC	9/3/2020	9781418274832-ELEVATE MIDDLE G	0100	\$ -
14706228	SAVVAS LEARNING COMPANY LLC	9/3/2020	9781418310592-ELEVATE MIDDLE G	0100	\$ -
14706228	SAVVAS LEARNING COMPANY LLC	9/3/2020	9781418310608-ELEVATE MIDDLE G	0100	\$ -
14706228	SAVVAS LEARNING COMPANY LLC	9/3/2020	9781418315405-ELEVATE MIDDLE G	0100	\$ 46,783.80
14706228	SAVVAS LEARNING COMPANY LLC	9/3/2020	9781418315412-ELEVATE MIDDLE G	0100	\$ 35,352.20
14706228	SAVVAS LEARNING COMPANY LLC	9/3/2020	9781418315429-ELEVATE MIDDLE G	0100	\$ 35,352.20
14706228	SAVVAS LEARNING COMPANY LLC	9/3/2020	9781418330620-ELEVATE ELEMENTA	0100	\$ 6,305.82
14706228	SAVVAS LEARNING COMPANY LLC	9/3/2020	9781418330637-ELEVATE ELEMENTA	0100	\$ 9,318.15
14706228	SAVVAS LEARNING COMPANY LLC	9/3/2020	9781418330644-ELEVATE ELEMENTA	0100	\$ 6,749.60
14706228	SAVVAS LEARNING COMPANY LLC	9/3/2020	9781418331658-ELEVATE ELEMENTA	0100	\$ 4,024.68
14706228	SAVVAS LEARNING COMPANY LLC	9/3/2020	9781418331665-ELEVATE ELEMENTA	0100	\$ 7,172.90
14706228	SAVVAS LEARNING COMPANY LLC	9/3/2020	9781418331672-ELEVATE ELEMENTA	0100	\$ 5,076.72
14706229	HOUGHTON MIFFLIN HARCOURT PUBLISHING	9/3/2020	3017262 - 9780545890106 - READ	0100	\$ 703.64
14706230	JESI SIMPSON	9/3/2020	PREPAID MEAL REFUND FOR ID #47	1300	\$ 5.85
14706231	ATKINSON, ANDELSON, LOYA,	9/3/2020	NO PO	0100	\$ 1,580.00
14706232	AT&T	9/3/2020	OPEN PO FOR 2020/21 SCHOOL YEA	0100	\$ 43.48
14706233	BONNIE S KERR	9/3/2020	BONNIE KERR - MEDICARE REIMBUR	0100	\$ 500.00
14706234	CALIFORNIA-AMERICAN WATER CO	9/3/2020	OPEN PO FOR 2020/21 WATER USAG	0100	\$ 5,168.56
14706234	CALIFORNIA-AMERICAN WATER CO	9/3/2020	OPEN PO FOR WATER	1900	\$ 1,516.86
14706235	CORONADO HARDWARE	9/3/2020	SUPPLIES FOR 20/21 SY	0100	\$ 111.26
14706236	COX COMMUNICATION OF SAN DIEGO	9/3/2020	WIDE AREA NETWORK LEASE FOR FI	0100	\$ 3,061.16
14706237	DAVE'S SPORT SALES & SCREENPRINTING	9/3/2020	OPEN PO FOR UNIFORMS	1900	\$ 2,499.00
14706238	DELL MARKETING L P	9/3/2020	DELL XPS 15 9500 LAPTOP COMPUT	4900	\$ 2,453.19
14706239	EDCO DISPOSAL CORP	9/3/2020	OPEN PO FOR 2020/21 FOR WASTE	0100	\$ 5,392.17
14706239	EDCO DISPOSAL CORP	9/3/2020	OPEN PO FOR TRASH SERVICES	1900	\$ 205.98
14706240	KARRIE JACKSON	9/3/2020	REIMBURSEMENT FOR WEBOOST HOME	0100	\$ 433.99
14706241	MARSHA L BONNETT	9/3/2020	MARSHA BONNETT - MEDICARE REIM	0100	\$ 500.00
14706242	MISSION FEDERAL CREDIT UNION	9/3/2020	NO PO	0100	\$ 2,708.68
14706243	PITNEY BOWES GLOBAL	9/3/2020	PITNEY BOWES ANNUAL LEASE	0100	\$ 389.34
14706244	SAN DIEGO GAS & ELECTRIC	9/3/2020	OPEN PO FOR 2020/21 SCHOOL YEA	0100	\$ 27,540.72
14706245	SOUTH BAY UNION	9/3/2020	PO 10247	0100	\$ 63,071.30

Warrant ID	Vendor Name	Payment Date	Invoice Item Description	Fund	Amount
14706246	SIGN DIEGO	9/3/2020	EMERGENCY ORDER FOR COVID-19 F #SSS9GOWN	0100	\$ 1,916.88
14706247	SOUTHWEST SCHOOL & OFFICE	9/3/2020	QTY: 2,000 UNITS EA	0100	\$ 6,443.45
14706248	TIME WARNER CABLE	9/3/2020	OPEN PO FOR RENTAL OF 3 CABLE	0100	\$ 17.21
14706249	TOSHIBA BUSINESS SOLUTIONS	9/3/2020	OPEN PO FOR COPIER SERVICE	0100	\$ 4.61
14706249	TOSHIBA BUSINESS SOLUTIONS	9/3/2020	OPEN PURCHASE ORDER FOR TOSHIB	0100	\$ 3.49
14706250	VALLEY INDUSTRIAL SPECIALTIES	9/3/2020	PLUMBING SUPPLIES	0100	\$ 103.74
14706251	VECTOR RESOURCES INC	9/3/2020	OPEN PO FOR TECH SERVICE HOURL	0100	\$ 187.50
14706252	WARD'S SCIENCE	9/3/2020	ESTIMATED S & H	0100	\$ 105.70
14706252	WARD'S SCIENCE	9/3/2020	ITEM 470012-624 REFILL KIT FOR	0100	\$ 47.50
14706252	WARD'S SCIENCE	9/3/2020	ITEM 470025-584 GLAENA CLEAVAB	0100	\$ 40.64
14706252	WARD'S SCIENCE	9/3/2020	ITEM 470025-614 GYPSUM-SELENIT	0100	\$ 15.04
14706252	WARD'S SCIENCE	9/3/2020	ITEM 470025-622 HALITE-CLEVEAG	0100	\$ 16.31
14706252	WARD'S SCIENCE	9/3/2020	ITEM 470025-686 MICROCLINE-PIN	0100	\$ 16.84
14706252	WARD'S SCIENCE	9/3/2020	ITEM 470025-722 OLVINE-COARSE	0100	\$ 17.89
14706252	WARD'S SCIENCE	9/3/2020	ITEM 470025-740 DIOPSIDE-PYROX	0100	\$ 27.19
14706252	WARD'S SCIENCE	9/3/2020	ITEM 470226-286 WARDS ESSENTIA	0100	\$ 10.30
14706252	WARD'S SCIENCE	9/3/2020	ITEM 470226-314 WARDS ESSENTIA	0100	\$ 10.30
14706252	WARD'S SCIENCE	9/3/2020	ITEM 470226-342 WARDS ESSENTIA	0100	\$ 10.30
14706252	WARD'S SCIENCE	9/3/2020	ITEM 470226-344 WARDS ESSENTIA	0100	\$ 10.30
14706252	WARD'S SCIENCE	9/3/2020	ITEM 470226-370 WARDS ESSENTIA	0100	\$ 22.96
14706252	WARD'S SCIENCE	9/3/2020	ITEM 470226-374 WARDS ESSENTIA	0100	\$ 22.96
14707121	OFFICE SOLUTIONS	9/8/2020	OPEN PO FOR ADMIN ON LINE ORDE	0100	\$ 98.08
14707122	WEX BANK	9/8/2020	FUEL FOR DISTRICT AUTOMOBILES	0100	\$ 834.47
14707123	JULIA BRAGA	9/8/2020	REIMBURSEMENT FOR FOUNTAS & PI	0100	\$ 60.00
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	8 PACK MAGNETIC DRY ERASER - W	0100	\$ 47.26
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	ADEPT BBC MICRO:BIT SENSOR ST	0100	\$ 75.41
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	AMAZONBASICS DRY ERASE WHITEBO	0100	\$ 10.78
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	AMAZONBASICS PRE-SHARPENED WOO	0100	\$ 64.12
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	AMAZONBASICS WIDE RULED LOOSE	0100	\$ 54.01
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	ARTEZA DRY ERASE MARKERS, BULK	0100	\$ 38.79
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	ASTROBRIGHTS COLOR PAPER, 8.5"	0100	\$ 19.70
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	BAZIC 20 CT. 8.5" X 7" MANILA	0100	\$ 117.38

Warrant ID	Vendor Name	Payment Date	Invoice Item Description	Fund	Amount
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	BIC VLGB11-BLU VELOCITY BOLD R	0100	\$ 9.19
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	COLORATIONS PENBOX WHITE CARDB	0100	\$ 71.55
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	CRAYOLA BROAD LINE MARKERS, CL	0100	\$ 568.16
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	CRAYOLA BULK COLORED PENCILS,	0100	\$ 508.12
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	CRAYOLA CLASSIC COLOR PACK CRA	0100	\$ 140.93
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	CRAYOLA LARGE CRAYONS, BROWN,	0100	\$ 7.22
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	CRAYOLA LARGE CRAYONS, CARNATI	0100	\$ 18.68
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	CRAYOLA LARGE CRAYONS, GRAY, A	0100	\$ 18.74
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	CRAYOLA ULTRA CLEAN WASHABLE M	0100	\$ 706.63
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	ELMER'S ALL PURPOSE SCHOOL GLU	0100	\$ 227.07
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	ELMER'S LIQUID SCHOOL GLUE, WA	0100	\$ 22.67
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	ENSIGHT 50 PACK TWO POCKET FOL	0100	\$ 107.77
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	EXPO 81803 NON-TOXIC WHITEBOAR	0100	\$ 39.15
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	FISKARS 5 INCH BLUNT TIP KIDS	0100	\$ 483.56
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	HP 414A TONER CARTRIDGE - CYAN	0100	\$ 118.41
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	INTERRUPTING RACISM - EQUITY A	0100	\$ 185.03
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	IRIS USA MEDIUM MODULAR SUPPLY	0100	\$ 290.88
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	KLEENEX PROFESSIONAL FACIAL TI	0100	\$ 116.28
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	LICHAMP MASKING TAPE 10 PACK G	0100	\$ 27.49
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	MEAD COMPOSITION BOOK, WIDE RU	0100	\$ 538.60
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	MICRO:BIT CLUB 10 PACK, POCKET	0100	\$ 354.02
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	MR. PEN PENCIL TOP ERASERS, CA	0100	\$ 31.61
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	NEENAH CARDSTOCK, 8.5" X 11",	0100	\$ 93.83
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	OPEN PO FOR AMAZON--DISTANCE L	0100	\$ 4,599.56
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	OPEN PO FOR DISTRICT OFFICE SU	0100	\$ 31.87
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	OPEN PO FOR LEARNING DEPARTMEN	0100	\$ 347.58
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	OPEN PO FY 2020/2021	1900	\$ 785.45
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	OPEN PURCHASE ORDER FOR CHS AR	0100	\$ 87.25
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	OPEN PURCHASE ORDER FOR CHS FR	0100	\$ 479.81
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	PAPER MATE FLAIR FELT TIP PENS	0100	\$ 146.63
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	PAPER MATE FLAIR ORIGINAL FIBR	0100	\$ 16.54
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	PAPER MATE PINK PEARL ERASERS,	0100	\$ 50.76
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	PENDAFLEX FILE FOLDERS, LETTER	0100	\$ 15.02

Warrant ID	Vendor Name	Payment Date	Invoice Item Description	Fund	Amount
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	POST-IT NOTES, CANARY YELLOW,	0100	\$ 10.19
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	POST-IT NOTES, YELLOW, LARGE P	0100	\$ 10.73
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	SC JOHNSON PROFESSIONAL ZIPLOC	0100	\$ 34.14
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	SCOTCH BRAND DOUBLE SIDED TAPE	0100	\$ 68.21
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	SCOTCH MAGIC TAPE, 6 ROLLS, NU	0100	\$ 43.51
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	SHARPIE 38264PP PERMANENT MARK	0100	\$ 7.51
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	SHARPIE SUPER PERMANENT MARKER	0100	\$ 15.33
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	SUNWORKS CONSTRUCTION PAPER, B	0100	\$ 40.68
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	SUNWORKS CONSTRUCTION PAPER, R	0100	\$ 4.43
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	SUNWORKS CONSTRUCTION PAPER, V	0100	\$ 4.51
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	SUNWORKS CONSTRUCTION PAPER, W	0100	\$ 8.37
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	SUNWORKS CONSTRUCTION PAPER, Y	0100	\$ 4.73
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	SWINGLINE STAPLES, S.F. 4, PRE	0100	\$ 6.85
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	TICONDEROGA LADDIE TRI-WRITE P	0100	\$ 151.96
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	X-ACTO SCHOOL PRO CLASSROOM EL	0100	\$ 72.87
14707124	AMAZON CAPITAL SERVICES, INC.	9/8/2020	ZIPLOC STORAGE BAGS WITH NEW G	0100	\$ 18.08
14707125	NICOLE CHRISTINE SHELTON	9/8/2020	PROFESSIONAL DEVELOPMENT FOR S	0100	\$ 1,750.00
14707126	EDPUZZLE, INC	9/8/2020	1 YEAR UNLIMITED ACCESS EDPUZZ	0100	\$ 1,300.00
			JOHN STYN		
			INVOICE: JS1		
14707127	JOHN STYN	9/8/2020	DATE: A	0100	\$ 400.00
			Y31882 - GR K		
14707128	BENCHMARK EDUCATION COMPANY	9/8/2020	BENCHMARK ADVANC	0100	\$ 107.75
14707129	CALIFORNIA-AMERICAN WATER CO	9/8/2020	OPEN PO FOR 2020/21 WATER USAG	0100	\$ 2,877.94
14707130	CORONADO HIGH SCHOOL ASB	9/8/2020	NO PO	0100	\$ 1,155.00
14707131	DISCOVERY EDUCATION	9/8/2020	DISCOVERY EDUCATION EXPERIENCE	0100	\$ 5,200.00
14707132	OFFICE DEPOT	9/8/2020	OPEN PO FOR ADMIN DEPT FOR ON-	0100	\$ 135.07
14707133	SAN DIEGO COUNTY SCHOOL BOARDS	9/8/2020	SD COUNTY SCHOOL BOARDS ASSOCI	0100	\$ 231.00
14707134	TAMI BROMLEY	9/8/2020	RETURNED DIRECT DEPOSIT	0100	\$ 4,397.83
14707901	OFFICE SOLUTIONS	9/10/2020	CMS OFFICE SOLUTIONS OPEN PO F	0100	\$ 428.46
14707901	OFFICE SOLUTIONS	9/10/2020	OFFICE SOLUTIONS OPEN PO FOR C	0100	\$ 37.99
14707901	OFFICE SOLUTIONS	9/10/2020	OPEN PO FOR ADMIN ON LINE ORDE	0100	\$ 20.48
14707902	AMAZON CAPITAL SERVICES, INC.	9/10/2020	CMS OPEN AMAZON PO FOR ADMIN 2	0100	\$ 1,087.44

Warrant ID	Vendor Name	Payment Date	Invoice Item Description	Fund	Amount
			QUOTE #QU-0614		
			ITEM #WPS50F		
14707903	FRONTLINE SUPPLIES	9/10/2020	-7	0100	\$ 5,931.00
14707904	POWERSCHOOL GROUP LLC	9/10/2020	TALENT ED/POWER SCHOOL	0100	\$ 7,574.87
14708680	JURMAN MEDICAL ASSOCIATION	9/14/2020	CPR/FIRST AID TRAINING 8/14/20	0100	\$ 425.00
14708681	OFFICE SOLUTIONS	9/14/2020	OFFICE SOLUTIONS OPEN PO FOR C	0100	\$ 19.44
14708681	OFFICE SOLUTIONS	9/14/2020	OPEN PO FOR ADMIN ON LINE ORDE	0100	\$ 123.35
14708681	OFFICE SOLUTIONS	9/14/2020	OPEN PO FOR LEARNING DEPARTMEN	0100	\$ 26.50
14708682	MAINTEX INC	9/14/2020	JANITORIAL SUPPLIES	0100	\$ 2,640.25
14708683	KIMBERLEY JUNK	9/14/2020	REIMBURSEMENT FOR POSTAGE FOR	0100	\$ 226.10
14708684	JOHNSTONE SUPPLY	9/14/2020	HVAC & REFRIGERATION SUPPLIES	0100	\$ 1,054.22
14708685	ARTS FOR LEARNING SAN DIEGO	9/14/2020	PO 11040	0100	\$ 3,045.00
14708686	VERNIER SOFTWARE & TECHNOLOGY	9/14/2020	PIVOT INTERACTIVE- HIGH SCHOOL	0100	\$ 805.00
14708687	AMAZON CAPITAL SERVICES, INC.	9/14/2020	OPEN PO FOR ADMIN OFFICE ORDER	0100	\$ 350.53
14708687	AMAZON CAPITAL SERVICES, INC.	9/14/2020	OPEN PURCHASE ORDER FOR CHS AR	0100	\$ 36.33
			CHS BBMAC GUTTERS		
14708688	SAN DIEGO RAIN GUTTERS, INC.	9/14/2020	-GUTTER, SPO	4900	\$ 1,475.00
14708689	PODS ENTERPRISES, LLC	9/14/2020	PODS PO FOR DELIVERY TO ECDC A	4900	\$ 2,718.90
14708690	COMMERCIAL DOOR METAL SYSTEMS, INC.	9/14/2020	WORK DONE AT BBMAC	4900	\$ 4,313.47
14708691	WAYSIDE PUBLISHING	9/14/2020	APPRENON, 2ND EDITION, MULTI-Y	0100	\$ -
14708691	WAYSIDE PUBLISHING	9/14/2020	APPRENONS, 2ND EDITION MULTI-Y	0100	\$ 1,854.00
14708691	WAYSIDE PUBLISHING	9/14/2020	APPRENONS, 2ND EDITION, 1 YEAR	0100	\$ 1,251.35
14708691	WAYSIDE PUBLISHING	9/14/2020	APPRENONS, 2ND EDITION, MULTI-	0100	\$ -
14708692	ANTONELLA PALMIERO	9/14/2020	REIMBURSEMENT FOR STAFF CHILDC	0100	\$ 14.11
14708693	READYREFRESH BY NESTLE	9/14/2020	OPEN PO FOR WATER DELIVERIES E	6300	\$ 21.21
14708693	READYREFRESH BY NESTLE	9/14/2020	READYFRESH WATER CONTRACT FOR	0100	\$ 88.81
14708693	READYREFRESH BY NESTLE	9/14/2020	READYFRESH WATER OPEN PO FOR C	0100	\$ 6.46
14708694	AT&T	9/14/2020	OPEN PO FOR 2020/21 SCHOOL YEA	0100	\$ 284.30
14708695	BLICK ART MATERIALS	9/14/2020	OPEN P.O. FOR COSA VISUAL ART	0100	\$ 373.18
14708696	CALIFORNIA-AMERICAN WATER CO	9/14/2020	OPEN PO FOR 2020/21 WATER USAG	0100	\$ 398.59
14708697	EDCO DISPOSAL CORP	9/14/2020	OPEN PO FOR 2020/21 FOR WASTE	0100	\$ 4,126.56
14708698	OFFICE DEPOT	9/14/2020	OPEN PO FOR TEACHER SUPPLIES	0100	\$ 390.00
14708699	FOLLETT SCHOOL SOLUTIONS INC	9/14/2020	48206P - DISTRICT MEMBER LM -	0100	\$ 6,187.92

Warrant ID	Vendor Name	Payment Date	Invoice Item Description	Fund	Amount
14708699	FOLLETT SCHOOL SOLUTIONS INC	9/14/2020	67058P - TITLEPEEK ONLINE SERV	0100	\$ 780.00
14708699	FOLLETT SCHOOL SOLUTIONS INC	9/14/2020	67059P - RPS ONLINE FOR LEXILE ITEM #73044A	0100	\$ 716.40
14708699	FOLLETT SCHOOL SOLUTIONS INC	9/14/2020	ADVANCED PATRON D	0100	\$ 1,499.00
14708700	HEATHER C ALLISON	9/14/2020	HEATHER ALLISON - MEDICARE REI	0100	\$ 500.00
14708701	NAPA AUTO PARTS	9/14/2020	AUTOMOTIVE PARTS & SUPPLIES	0100	\$ 60.88
14708702	PITNEY BOWES INC	9/14/2020	DM300C/400C RED INK CTDG 765-9	0100	\$ 256.42
14708702	PITNEY BOWES INC	9/14/2020	DOUBLE TAPE SHEETS (150 BOX) 6	0100	\$ 64.10
14708703	SWEETWATER	9/14/2020	BEHRINGER ULTRATONE K900FX - 9	0100	\$ 360.74
14708704	TOSHIBA BUSINESS SOLUTIONS	9/14/2020	OPEN PO FOR COPIER SERVICE	0100	\$ 3.32
14708705	WAXIE	9/14/2020	CUSTODIAL SUPPLIES	0100	\$ 232.43
14709796	SUPERINTENDENT OF SCHOOLS SDCOE	9/17/2020	6 SQL SCRIPTS ORDERED BY DONNI	0100	\$ 1,500.00
14709796	SUPERINTENDENT OF SCHOOLS SDCOE	9/17/2020	BUSINESS CARDS FOR DONNIE SALA	0100	\$ 122.84
14709796	SUPERINTENDENT OF SCHOOLS SDCOE	9/17/2020	MTSS & PBIS DISTRICT TRAINING	0100	\$ 6,000.00
14709797	24 HOUR ELEVATOR INC	9/17/2020	MAINTENACE AGREEMENT FOR ELEVA	0100	\$ 1,517.47
14709798	DAVE BANG ASSOCIATES INC OF CA	9/17/2020	SSES PLAYGROUND QUOTE #CA 1429	4900	\$ 47,132.99
14709798	DAVE BANG ASSOCIATES INC OF CA	9/17/2020	VES PLAYGROUND - QUOTE CA 1429	4900	\$ 98,903.52
14709799	OFFICE SOLUTIONS	9/17/2020	OPEN PO FOR ADMIN ON LINE ORDE	0100	\$ 164.59
14709799	OFFICE SOLUTIONS	9/17/2020	OPEN PO FOR LEARNING DEPARTMEN	0100	\$ 8.01
14709800	MAINTEX INC	9/17/2020	JANITORIAL SUPPLIES	0100	\$ 1,992.30
14709801	BSN SPORTS LLC	9/17/2020	FITNESS GRAM SOFTWARE LICENSE	0100	\$ 596.00
14709802	DONALD S. GERSONDE	9/17/2020	OPEN PO FOR COSA CONSULTANT DO	0100	\$ 120.00
14709803	EVERY CHILD CALIFORNIA	9/17/2020	EVERYCHILD CALIFORNIA 2020-21 INVOICE #7003810	6300	\$ 300.00
14709804	ABA & VERBAL BEHAVIOR GROUP, INC.	9/17/2020	DATE: 04/01/2	0100	\$ 1,220.00
14709805	HEIDI BERGENER	9/17/2020	ACSA ORG DUES	0100	\$ 930.00
14709806	AMAZON CAPITAL SERVICES, INC.	9/17/2020	OPEN PO FOR AMAZON ORDERS FOR	0100	\$ 369.73
14709806	AMAZON CAPITAL SERVICES, INC.	9/17/2020	OPEN PO FOR MATERIALS AND SUPP	0100	\$ 1,653.81
14709806	AMAZON CAPITAL SERVICES, INC.	9/17/2020	OPEN PURCHASE ORDER FOR CHS FR	0100	\$ 59.21
14709807	INTEGRATED PEST CONTROL MANAGEMENT, INC.	9/17/2020	PEST CONTROL	0100	\$ 2,040.00
14709808	LEONIDA BUILDERS, INC	9/17/2020	EMERGENCY MAINLINE REPAIR AT C	4900	\$ 12,800.00
14709809	CORODATA	9/17/2020	OPEN PO FOR 2020/21 RECORD DES	0100	\$ 54.00
14709810	ACSA	9/17/2020	ACSA DUES FOR FULL REGULAR MEM	0100	\$ 1,525.00

Warrant ID	Vendor Name	Payment Date	Invoice Item Description	Fund	Amount
			AALRR		
			INVOICE: 600947		
14709811	ATKINSON, ANDELSON, LOYA,	9/17/2020	DATE: JU	0100 \$	570.00
14709812	READYREFRESH BY NESTLE	9/17/2020	READYFRESH WATER OPEN PO FOR C	0100 \$	291.87
14709813	AT&T	9/17/2020	OPEN PO FOR 2020/21 SCHOOL YEA	0100 \$	9,143.51
14709814	BLICK ART MATERIALS	9/17/2020	OPEN P.O. FOR COSA VISUAL ART	0100 \$	741.48
14709815	BANK OF AMERICA	9/17/2020	OPEN PO / 4300001	0100 \$	36.55
14709815	BANK OF AMERICA	9/17/2020	OPEN PO / 5200001	0100 \$	-
14709816	CDW GOVERNMENT INC	9/17/2020	HP LASERJET PRO M404N, MONOCHR	0100 \$	395.08
14709817	COUNTYWIDE MECHANICAL	9/17/2020	GENERAL MAINTENANCE AND REPAIR	0100 \$	8,673.14
14709817	COUNTYWIDE MECHANICAL	9/17/2020	GENERAL MAINTENANCE AND REPAIR	4900 \$	-
14709817	COUNTYWIDE MECHANICAL	9/17/2020	INSTALL ICE MAKER LINE AT VILL	0100 \$	1,284.25
14709818	COX COMMUNICATION OF SAN DIEGO	9/17/2020	WIDE AREA NETWORK LEASE FOR FI	0100 \$	601.27
14709819	DELTA EDUCATION	9/17/2020	CLAY, POWDERED GRAY #0323168	0100 \$	8.63
14709819	DELTA EDUCATION	9/17/2020	D-CELLS, ALKALINE #0209152	0100 \$	95.34
14709819	DELTA EDUCATION	9/17/2020	EARTH AND SUN REFILL KIT 15305	0100 \$	205.16
14709819	DELTA EDUCATION	9/17/2020	LIGHTBULBS #222 - #0205809	0100 \$	28.68
14709819	DELTA EDUCATION	9/17/2020	LIVE ORGANISM COUPON, 200 MEAL	0100 \$	42.24
14709819	DELTA EDUCATION	9/17/2020	LIVING SYSTMES REFILL KIT 3531	0100 \$	820.62
14709819	DELTA EDUCATION	9/17/2020	MIXTURES AND SOLUTIONS REFILL	0100 \$	1,194.74
14709819	DELTA EDUCATION	9/17/2020	PEBBLES, SMALL #1595433	0100 \$	10.76
14709819	DELTA EDUCATION	9/17/2020	ROCKS, CONGLOMERATE #1411638	0100 \$	91.50
14709819	DELTA EDUCATION	9/17/2020	ROCKS, GRANITE GRAY #0778928	0100 \$	60.70
14709819	DELTA EDUCATION	9/17/2020	ROCKS, LIMESTONE, SMALL #14116	0100 \$	58.20
14709819	DELTA EDUCATION	9/17/2020	ROCKS, MARBLE, SMALL #1801095	0100 \$	15.54
14709819	DELTA EDUCATION	9/17/2020	ROCKS, SANDSTONE, GRAY #180121	0100 \$	26.08
14709819	DELTA EDUCATION	9/17/2020	SAND, MOUNTAIN STREAM #1595429	0100 \$	3.99
14709819	DELTA EDUCATION	9/17/2020	STEEL BALLS, MED #996409	0100 \$	6.30
14709819	DELTA EDUCATION	9/17/2020	VIALS, 12 DRAM W/ CAPS #220082	0100 \$	16.09
14709820	DEVIN BURNWORTH	9/17/2020	OPEN PO FOR COSA CONSULTANT DE	0100 \$	50.00
14709821	DISCOVERY EDUCATION	9/17/2020	DISCOVERY EDUCATION EXPERIENCE	0100 \$	12,176.00
14709822	GRAINGER	9/17/2020	SUPPLIES	0100 \$	853.38
14709823	LEARNING WITHOUT TEARS INC	9/17/2020	KICK START KINDERGARTEN 978193	0100 \$	592.18

Warrant ID	Vendor Name	Payment Date	Invoice Item Description	Fund	Amount
14709823	LEARNING WITHOUT TEARS INC	9/17/2020	KICK START KINDERGARTEN TEACHE	0100	\$ 19.48
14709823	LEARNING WITHOUT TEARS INC	9/17/2020	LETTERS AND NUMBERS FOR ME 978	0100	\$ 1,872.06
14709823	LEARNING WITHOUT TEARS INC	9/17/2020	LETTERS AND NUMBERS FOR ME TEA	0100	\$ 97.41
14709823	LEARNING WITHOUT TEARS INC	9/17/2020	MY PRINTING BOOK #978193981445	0100	\$ 2,050.55
14709823	LEARNING WITHOUT TEARS INC	9/17/2020	PENCILS FOR LITTLE HANDS #9781	0100	\$ 64.84
14709824	SAN DIEGO GAS & ELECTRIC	9/17/2020	OPEN PO FOR 2020/21 SCHOOL YEA	0100	\$ 532.71
14709825	TIME WARNER CABLE	9/17/2020	OPEN PO FOR RENTAL OF 3 CABLE	0100	\$ 20.35
14709826	WAXIE	9/17/2020	CUSTODIAL SUPPLIES	0100	\$ 1,919.38
14710922	SUPERINTENDENT OF SCHOOLS SDCOE	9/21/2020	TUITION FOR SDCOE ONLINE & BLE	0100	\$ 350.00
14710923	INTRADATA	9/21/2020	READNQUIZ SUBSCRIPTION 8/22/20	0100	\$ 355.60
14710924	OFFICE SOLUTIONS	9/21/2020	OFFICE SOLUTIONS OPEN PO FOR C	0100	\$ 148.59
14710924	OFFICE SOLUTIONS	9/21/2020	OPEN PO FOR ADMIN ON LINE ORDE	0100	\$ 47.73
14710925	MAINTEX INC	9/21/2020	JANITORIAL SUPPLIES	0100	\$ 6,806.52
14710926	AMAZON CAPITAL SERVICES, INC.	9/21/2020	OPEN PO FOR ADMIN OFFICE ORDER	0100	\$ 96.84
14710926	AMAZON CAPITAL SERVICES, INC.	9/21/2020	OPEN PO FOR LEARNING DEPARTMEN	0100	\$ 16.63
14710926	AMAZON CAPITAL SERVICES, INC.	9/21/2020	SY 20/21 OPEN PURCHASE ORDER A	0100	\$ 30.14
14710927	THOMPSON PLUMBING SUPPLY INC,	9/21/2020	PRODUCT - 0126 - CHURCH #126CA	4900	\$ 287.71
14710927	THOMPSON PLUMBING SUPPLY INC,	9/21/2020	PRODUCT - 5BWWB - # 5 BOWL WAX	4900	\$ 37.55
14710927	THOMPSON PLUMBING SUPPLY INC,	9/21/2020	PRODUCT - K96064 - KOHLER K960	4900	\$ 1,229.31
14710927	THOMPSON PLUMBING SUPPLY INC,	9/21/2020	PRODUCT - S111 - SLOAN ROYAL 1	4900	\$ 666.54
14710927	THOMPSON PLUMBING SUPPLY INC,	9/21/2020	PRODUCT - S111-1.28 - SLOAN 11	4900	\$ 799.85
			VES		
			-PLANTER BY STREET		
14710928	J.J. PEREZ LANDSCAPE INC.	9/21/2020	-REMOVE	0100	\$ 1,900.00
			WORK ON ECDC		
14710928	J.J. PEREZ LANDSCAPE INC.	9/21/2020	-REMOVE SHRUBS AN	0100	\$ 5,100.00
			VES - LIBRARY STORE FRONT		
14710929	LEONIDA BUILDERS, INC	9/21/2020	-INS	4900	\$ 52,000.00
14710930	DANIELLE ZIRELLI	9/21/2020	REIMBURSEMENT DUE DANIELLE ZIR	0100	\$ 199.91
14710931	DAVE'S AUTO SERVICE	9/21/2020	AUTOMOTIVE REPAIR	4900	\$ 2,009.02
			PRODUCT #HRC2163HXA		
14710932	LA VERNE POWER EQUIPMENT, INC.	9/21/2020	21" COMMER	4900	\$ 2,520.96
14710933	JEANNE SCHNESE	9/21/2020	CHILDCARE REFUND DUE TO COVID-	0100	\$ 130.00

Warrant ID	Vendor Name	Payment Date	Invoice Item Description	Fund	Amount
14710934	PODS ENTERPRISES, LLC	9/21/2020	CONTAINERS DELIVERED TO ECDC F	4900	\$ 1,684.24
14710935	BETSY CASTILLO	9/21/2020	REFUND OF TUITION	0100	\$ 100.00
14710936	ELLEN KENNEDY	9/21/2020	TUITION REFUND	0100	\$ 100.00
14710937	ALLYSON HEYEN	9/21/2020	TUITION REFUND	0100	\$ 50.00
14710938	CORONADO LOCK AND KEY	9/21/2020	LOCK REPLACEMENT	0100	\$ 13.47
14710939	COUNTYWIDE MECHANICAL	9/21/2020	GENERAL MAINTENANCE AND REPAIR	0100	\$ 1,969.38
14710939	COUNTYWIDE MECHANICAL	9/21/2020	GENERAL MAINTENANCE AND REPAIR	4900	\$ -
14710940	DELTA EDUCATION	9/21/2020	021-1200 BAKING SODA	0100	\$ 8.09
14710940	DELTA EDUCATION	9/21/2020	021-3740 ZIP BAGS, 4 L	0100	\$ 1.25
14710940	DELTA EDUCATION	9/21/2020	0211353 ZIP BAGS, 1 L	0100	\$ 6.45
14710940	DELTA EDUCATION	9/21/2020	031-4577 CUPS, PLASTIC, 500 ML	0100	\$ 4.00
14710940	DELTA EDUCATION	9/21/2020	031-9440 CLAY, POTTER'S CLAY	0100	\$ 20.38
14710940	DELTA EDUCATION	9/21/2020	031-9868 CUP, PLASTIC, SMALL,	0100	\$ 0.24
14710940	DELTA EDUCATION	9/21/2020	031-9868 CUPS, PLASTIC, 250 ML	0100	\$ 4.75
14710940	DELTA EDUCATION	9/21/2020	033-8937 CHALK, SIDEWALK, YELL	0100	\$ 19.74
14710940	DELTA EDUCATION	9/21/2020	034-2733 CUPS, PLASTIC PLANTER	0100	\$ 32.06
14710940	DELTA EDUCATION	9/21/2020	040488 TAPE, TRANSPARENT	0100	\$ 25.75
14710940	DELTA EDUCATION	9/21/2020	1015886 CLOTHESPINS, WOODEN	0100	\$ 4.10
14710940	DELTA EDUCATION	9/21/2020	120-2453 LIDS, DOME	0100	\$ 1.56
14710940	DELTA EDUCATION	9/21/2020	1391971 MASS SETS, 33 PIECES	0100	\$ 7.53
14710940	DELTA EDUCATION	9/21/2020	140-0937 NUTRIENT	0100	\$ 3.72
14710940	DELTA EDUCATION	9/21/2020	1595692 GRAVEL	0100	\$ 7.05
14710940	DELTA EDUCATION	9/21/2020	160-0972 WAXED PAPER	0100	\$ 8.58
14710940	DELTA EDUCATION	9/21/2020	160-2798 PAPER PLATES, WHITE	0100	\$ 9.87
14710940	DELTA EDUCATION	9/21/2020	160-2798 PLATES, PAPER	0100	\$ 4.93
14710940	DELTA EDUCATION	9/21/2020	161-8270 CRAFT STICKS	0100	\$ 2.42
14710940	DELTA EDUCATION	9/21/2020	180-4450 RUBBER BANDS	0100	\$ 3.39
14710940	DELTA EDUCATION	9/21/2020	190-0337 SAND	0100	\$ 2.69
14710940	DELTA EDUCATION	9/21/2020	190-1338 SEEDS, MARIGOLDS	0100	\$ 0.96
14710940	DELTA EDUCATION	9/21/2020	190-6497 STRAWS, JUMBO	0100	\$ 1.69
14710940	DELTA EDUCATION	9/21/2020	190-9731 SYRINGES, 50 ML	0100	\$ 10.95
14710940	DELTA EDUCATION	9/21/2020	191-3559 SOIL, POTTING	0100	\$ 19.40
14710940	DELTA EDUCATION	9/21/2020	191-4582 STRING, THIN	0100	\$ 5.01

Warrant ID	Vendor Name	Payment Date	Invoice Item Description	Fund	Amount
14710940	DELTA EDUCATION	9/21/2020	191-4604 STRAWS, SUPERJUMBO	0100	\$ 2.51
14710940	DELTA EDUCATION	9/21/2020	192-0775, SAND, UNWASHED WITH	0100	\$ 6.96
14710940	DELTA EDUCATION	9/21/2020	193-6614 SEEDS, SUNFLOWER	0100	\$ 7.85
14710940	DELTA EDUCATION	9/21/2020	200-0371 TAPE, MASKING	0100	\$ 4.32
14710940	DELTA EDUCATION	9/21/2020	200-1746 TOOTHPICKS	0100	\$ 1.53
14710940	DELTA EDUCATION	9/21/2020	201-1283 GOLF TEES	0100	\$ 2.91
14710940	DELTA EDUCATION	9/21/2020	220-0615 VINEGAR, WHITE	0100	\$ 12.62
14710940	DELTA EDUCATION	9/21/2020	260-0190 ZIP BAGS, 4 L	0100	\$ 4.04
14710940	DELTA EDUCATION	9/21/2020	270--4129 LIVE ORGANISM COUPON	0100	\$ 42.20
14710941	GRAINGER	9/21/2020	SUPPLIES	0100	\$ 100.13
14710942	LINCOLN AQUATICS	9/21/2020	OPEN PO FOR POOL EQUIPMENT AND	1900	\$ 675.81
14710943	NUCO2 LLC	9/21/2020	OPEN PO FOR CO2	1900	\$ 677.81
14710943	NUCO2 LLC	9/21/2020	OPEN PO FOR CO2 TANK RENTAL	1900	\$ 152.99
14710944	TOSHIBA BUSINESS SOLUTIONS	9/21/2020	ECDC/CHILDCARE TOSHIBA OPEN PO	6300	\$ 7.16
14710944	TOSHIBA BUSINESS SOLUTIONS	9/21/2020	OPEN PO FOR 2020/21 MAINTENANC	0100	\$ 539.51
14710944	TOSHIBA BUSINESS SOLUTIONS	9/21/2020	OPEN PO FOR COPIER SERVICE	0100	\$ 30.79
14710944	TOSHIBA BUSINESS SOLUTIONS	9/21/2020	OPEN PURCHASE ORDER FOR TOSHIB	0100	\$ 71.92
14710944	TOSHIBA BUSINESS SOLUTIONS	9/21/2020	TOSHIBA COPY USAGE AT SILVER S	0100	\$ 57.75
14710945	UNITED RENTALS	9/21/2020	EQUIPMENT RENTALS	0100	\$ 1,284.89
14710946	WAXIE	9/21/2020	CUSTODIAL SUPPLIES	0100	\$ 3,274.20
14710946	WAXIE	9/21/2020	OPEN PO FOR JANITORIAL	1900	\$ 692.37
14711916	OFFICE SOLUTIONS	9/24/2020	CMS OFFICE SOLUTIONS OPEN PO F	0100	\$ 204.74
14711916	OFFICE SOLUTIONS	9/24/2020	OPEN PO FOR ADMIN ON LINE ORDE ITEM #41513	0100	\$ 356.63
14711917	VARI SALES CORPORATION	9/24/2020	DUAL-MONITOR ARM 1 ITEM #49884	4900	\$ 121.22
14711917	VARI SALES CORPORATION	9/24/2020	VARIDESK CUBE PLUS	4900	\$ 436.39
14711918	GALASSO'S BAKERY	9/24/2020	OPEN PO FOR FRESH BREAD FOR FY	1300	\$ 201.96
14711919	ANANDA DEJARNETTE	9/24/2020	REIMBURSE ANANDA DEJARNETTE FO	0100	\$ 123.51
14711920	ALL AMERICAN PLASTIC & PACKAGING	9/24/2020	OPEN PO FOR PAPER SUPPLIES FOR	1300	\$ 544.64
14711921	TONY PAINTING	9/24/2020	PAINTING	4900	\$ 14,965.00
14711922	AMAZON CAPITAL SERVICES, INC.	9/24/2020	AMAZON OPEN PO FOR COSA OFFICE	0100	\$ 41.12
14711922	AMAZON CAPITAL SERVICES, INC.	9/24/2020	APPLE USB-C-DIGITAL AV MULTIPO	0100	\$ 74.35

Warrant ID	Vendor Name	Payment Date	Invoice Item Description	Fund	Amount
14711922	AMAZON CAPITAL SERVICES, INC.	9/24/2020	OPEN PO FOR AMAZON--DISTANCE L	0100	\$ 74.35
14711922	AMAZON CAPITAL SERVICES, INC.	9/24/2020	OPEN PO FOR DISTRICT OFFICE SU	0100	\$ 131.49
14711922	AMAZON CAPITAL SERVICES, INC.	9/24/2020	SY 20/21 OPEN PURCHASE ORDER A	0100	\$ 68.00
14711923	MEGUMI HARRIS	9/24/2020	PREPAID MEALS REFUND FOR ID #4	1300	\$ 49.25
14711924	READYREFRESH BY NESTLE	9/24/2020	OPEN PO FOR BOTTLED WATER DELI	0100	\$ 5.39
14711924	READYREFRESH BY NESTLE	9/24/2020	OPEN PO FOR READY FRESH WATER	0100	\$ 39.33
14711925	CALIFORNIA-AMERICAN WATER CO	9/24/2020	OPEN PO FOR 2020/21 WATER USAG	0100	\$ 10,642.28
14711926	COUNTY OF SAN DIEGO	9/24/2020	OPEN PO FOR COUNTY HEALTH PERM	1900	\$ 432.00
14711927	CENGAGE LEARNING	9/24/2020	MINDTAP CRIMINAL JUSTICE, 1 TE	0100	\$ 1,877.58
14711928	DIAMOND JACK ENTERPRISES	9/24/2020	OPEN PO FOR FRESH PRODUCE FOR	1300	\$ 1,675.60
14711929	HARRIS SCHOOL SOLUTIONS	9/24/2020	OPEN PO FOR SUPPORT FEES (TRAN	1300	\$ 8.75
14711930	HOLLANDIA DAIRY	9/24/2020	OPEN PO FOR DAIRY PRODUCTS/JUI	1300	\$ 3,854.42
14711931	KNORR SYSTEMS INC	9/24/2020	OPEN PO FOR MAINTENANCE CONTRA	1900	\$ 1,641.20
14711932	LISA RYAN	9/24/2020	REIMBURSE LISA RYAN FOR C2 TEA	0100	\$ 75.00
14711932	LISA RYAN	9/24/2020	REIMBURSE LISA RYAN TEACHERS P	0100	\$ 50.00
14711933	SAN DIEGO GAS & ELECTRIC	9/24/2020	OPEN PO FOR 2020/21 SCHOOL YEA	0100	\$ 18,937.16
14711933	SAN DIEGO GAS & ELECTRIC	9/24/2020	OPEN PO FOR SDG&E	1900	\$ 8,017.80
14711934	SOUTHWEST SCHOOL & OFFICE	9/24/2020	BESAFE MESSAGING "BE SAFE SOCI	0100	\$ 1,581.78
14711934	SOUTHWEST SCHOOL & OFFICE	9/24/2020	BESAFE MESSAGING "DON'T SPREAD	0100	\$ 110.59
14711934	SOUTHWEST SCHOOL & OFFICE	9/24/2020	BESAFE MESSAGING "FOLLOW THE A	0100	\$ 1,397.73
14711934	SOUTHWEST SCHOOL & OFFICE	9/24/2020	BESAFE MESSAGING "LEAVE SOME S	0100	\$ 790.89
14711934	SOUTHWEST SCHOOL & OFFICE	9/24/2020	BESAFE MESSAGING "STAY 6 FEET	0100	\$ 790.89
14711934	SOUTHWEST SCHOOL & OFFICE	9/24/2020	BESAFE MESSAGING "STOP HERE" F	0100	\$ 1,581.77
14711934	SOUTHWEST SCHOOL & OFFICE	9/24/2020	BESAFE MESSAGING "WALK THIS WA	0100	\$ 1,581.78
14711934	SOUTHWEST SCHOOL & OFFICE	9/24/2020	BESAFE MESSAGING "WASH HANDS F	0100	\$ 442.38
14711934	SOUTHWEST SCHOOL & OFFICE	9/24/2020	BESAFE MESSAGING "WASH YOUR HA	0100	\$ 221.18
14711934	SOUTHWEST SCHOOL & OFFICE	9/24/2020	BESAFE MESSAGING "WEAR A MASK	0100	\$ 442.38
14711934	SOUTHWEST SCHOOL & OFFICE	9/24/2020	BESAFE MESSAGING "WEAR A MASK"	0100	\$ 221.18
14711934	SOUTHWEST SCHOOL & OFFICE	9/24/2020	BESAFE MESSAGING "WEAR A MASK,	0100	\$ 110.59
14711934	SOUTHWEST SCHOOL & OFFICE	9/24/2020	BESAFE MESSAGING HOW TO WEAR A	0100	\$ 110.59
14711934	SOUTHWEST SCHOOL & OFFICE	9/24/2020	SSS15501ADBX-12 PACK CHISEL TI	0100	\$ 857.89
14711934	SOUTHWEST SCHOOL & OFFICE	9/24/2020	SSS20PML0912-9X12" DRY ERASE B	0100	\$ 3,872.94
14711935	TOSHIBA BUSINESS SOLUTIONS	9/24/2020	MOVE COPIERS FROM GRANZER BACK	0100	\$ 225.00

Warrant ID	Vendor Name	Payment Date	Invoice Item Description	Fund	Amount
14711935	TOSHIBA BUSINESS SOLUTIONS	9/24/2020	MOVE COPIERS FROM TWR TO GRANZ	0100	\$ 259.88
14712950	SUPERINTENDENT OF SCHOOLS SDCOE	9/28/2020	BUSINESS CARDS	0100	\$ 36.64
14712951	CALIFORNIA TREE SERVICE INC	9/28/2020	TREE TRIMMING	0100	\$ 700.00
14712952	24 HOUR ELEVATOR INC	9/28/2020	MAINTENACE AGREEMENT FOR ELEVA	0100	\$ 1,572.32
14712953	OFFICE SOLUTIONS	9/28/2020	OPEN PO FOR ADMIN ON LINE ORDE	0100	\$ 14.83
14712953	OFFICE SOLUTIONS	9/28/2020	OPEN PO FOR ECDC PURCHASES DUR	1200	\$ 58.71
14712954	MAINTEX INC	9/28/2020	JANITORIAL SUPPLIES	0100	\$ 1,154.18
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	BIC BRITE LINER HIGHLIGHTER, C	0100	\$ 101.77
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	BIC ECOLUTIONS ROUND STIC BALL	0100	\$ 9.37
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	BIC ROUND STIC XTRA LIFE BALLP	0100	\$ 73.83
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	CRAYOLA BULK COLORED PENCILS,	0100	\$ 394.96
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	CRAYOLA CLASSIC FINE LINE MARK	0100	\$ 366.42
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	CRAYOLA CRAYONS, SCHOOL & ART	0100	\$ 342.47
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	DIXON FLUORESCENT COLORS POCKE	0100	\$ 6.80
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	ELMER'S DISAPPEARING PURPLE SC	0100	\$ 122.75
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	EXPO 1871774 LOW-ODOR DRY ERAS	0100	\$ 4.86
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	EXPO 1884309 LOW-ODOR DRY ERAS	0100	\$ 7.62
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	EXPO 8473KF PRECISION POINT WH	0100	\$ 6.98
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	EXPO DRY ERASE MARKER (2013071	0100	\$ 5.87
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	EXPO DRY ERASE MARKERS WITH IN	0100	\$ 29.15
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	EXPO LOW ODOR DRY ERASE MARKER	0100	\$ 27.99
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	EXPO PRECISION POINT WHITEBOAR	0100	\$ 9.72
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	EXPO WHITEBOARD / DRY ERASE BO	0100	\$ 8.77
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	MEAD COMPOSITION BOOK, WIDE RU	0100	\$ 19.97
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	MINTRA OFFICE COMPOSITION NOTE	0100	\$ 71.78
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	OPEN PURCHASE ORDER FOR CHS FR	0100	\$ 53.16
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	OXFORD TWIN-POCKET FOLDERS, TE	0100	\$ 223.43
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	PAPER MATE ARROWHEAD PINK PEAR	0100	\$ 18.22
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	PENTEL HI-POLYMER BLOCK ERASER	0100	\$ 24.64
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	SHARPIE PERMANENT MARKERS, FIN	0100	\$ 89.50
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	SHARPIE PERMANENT MARKERS, ULT	0100	\$ 86.33
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	SY 20/21 OPEN PURCHASE ORDER A	0100	\$ 114.75
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	TICONDEROGA PENCILS, WOOD-CASE	0100	\$ 120.74

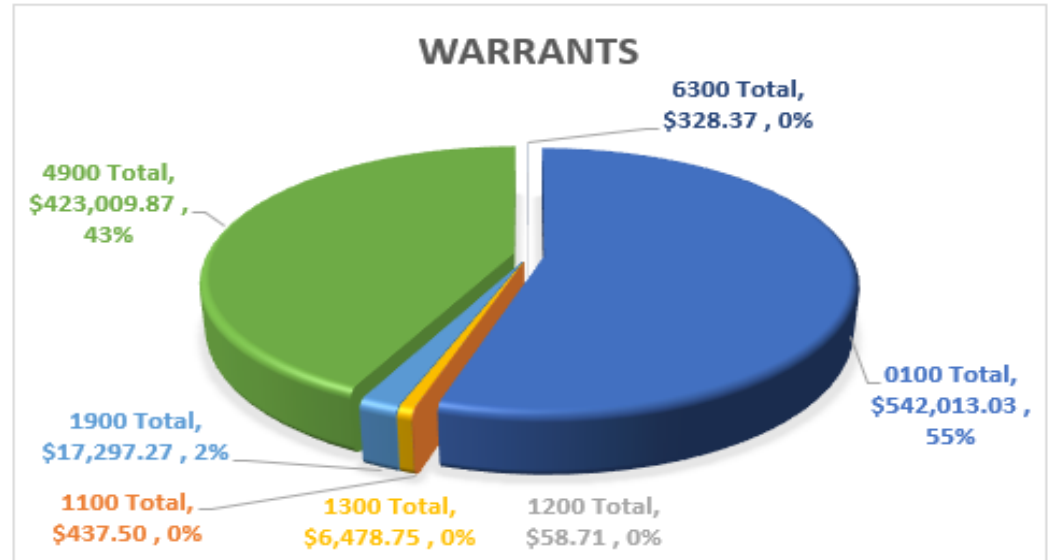
Warrant ID	Vendor Name	Payment Date	Invoice Item Description	Fund	Amount
14712955	AMAZON CAPITAL SERVICES, INC.	9/28/2020	[3 PACK] DRY ERASE ERASERS, BR	0100	\$ 8.21
14712956	MARIBEL KASTLUNGER	9/28/2020	REIMBURSEMENT DUE FOR MATERIAL	0100	\$ 130.78
14712957	CATALINA PRODUCTS INTERNATIONAL	9/28/2020	PO 11916	4900	\$ 40,682.86
14712958	PODS ENTERPRISES, LLC	9/28/2020	CONTAINERS DELIVERED TO ECDC F	4900	\$ 168.63
14712958	PODS ENTERPRISES, LLC	9/28/2020	PODS PO FOR DELIVERY TO ECDC A	4900	\$ 312.55
14712959	ANNE MCCOY	9/28/2020	REFUND ADULT ED CLASS-SPRING 2	1100	\$ 190.00
14712960	KATHLEEN WHELAN	9/28/2020	REFUND FOR ADULTED CLASS CANCE	1100	\$ 247.50
14712961	READYREFRESH BY NESTLE	9/28/2020	READYFRESH WATER CONTRACT FOR 700 POD HW COIL REPLACEMENTS	0100	\$ 63.62
14712962	COUNTYWIDE MECHANICAL	9/28/2020	W	4900	\$ 28,749.00
14712962	COUNTYWIDE MECHANICAL	9/28/2020	GENERAL MAINTENANCE AND REPAIR	0100	\$ -
14712962	COUNTYWIDE MECHANICAL	9/28/2020	GENERAL MAINTENANCE AND REPAIR	4900	\$ 7,002.69
14712963	DELL MARKETING L P	9/28/2020	DELL MONITOR 22" QUOTE#3000068	0100	\$ 333.55
14712964	OFFICE DEPOT	9/28/2020	OPEN PO FOR OFFICE SUPPLIES FO	1300	\$ 138.28
14712964	OFFICE DEPOT	9/28/2020	ORIGINAL PO #12300 WAS CLOSED	0100	\$ 174.24
14712965	HEINEMANN	9/28/2020	9780325021096 120 TITLES, ONE	0100	\$ 1,264.36
14712965	HEINEMANN	9/28/2020	9780325031313 THE LITTLE RED H	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031521 THE TIDE POOL	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031538 GOING TO SCHOOL	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031545 THINGS THAT FLY	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031576 DOWN THE PATH	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031583 POLICE CAR	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031620 BIG LIZARD, LITT	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031637 DOWN THE RIVER	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031644 THE SEA	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031668 ALL ABOUT PENGUI	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031699 THE BIRTHDAY SON	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031736 BILLY'S PEN	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031743 THE RED PAJAMAS	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031767 THE COLD	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031774 TAILS	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031798 PIG'S NEW HOUSE	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031811 THE HUG	0100	\$ 5.85

Warrant ID	Vendor Name	Payment Date	Invoice Item Description	Fund	Amount
14712965	HEINEMANN	9/28/2020	9780325031842 ANDY FOX AT SCHO	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031859 THE BROKEN CLOCK	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031873 ANTS ON A LOG	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031897 ALL ABOUT SHARKS	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031903 TAKING CARE OF M	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031910 A FAST FOX	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031927 THE MUDDY MESS	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031941 MOTHER SEA TURTL	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031989 MELI AT SCHOOL	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325031996 AT THE BEACH	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325032009 MOOSLING THE BAB	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325032016 SUPER FOX	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325032023 FIGHTING FIRES	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033020 A DAY AT THE PAR	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033037 JUMP	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033044 LOOKING FOR TACO	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033051 SWIM!	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033068 MELI ON THE STAI	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033075 THE SKY	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033082 HOMES	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033099 THE PICNIC	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033105 CLOUDS	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033112 LOOK	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033129 THE THREE PIGS	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033136 SNAP	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033143 UP IN A TREE	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033150 APPLE PIE	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033167 TIME FOR LUNCH	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033174 A RAINY DAY	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033181 THE GOOD DOG	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033198 MY FRIEND	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033204 WHAT AM I?	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033211 TRUCKS	0100	\$ 5.85

Warrant ID	Vendor Name	Payment Date	Invoice Item Description	Fund	Amount
14712965	HEINEMANN	9/28/2020	9780325033228 THE THREE BEARS	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033235 THE PUPPETS	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033242 THE SURPRISE	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033259 PLAY BALL	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033266 TALENT SHOW	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033273 KATE'S TRUCK	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033280 BABY PICTURES	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033297 A VISIT TO THE C	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033303 A WALK WITH MELI	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325033310 PETS	0100	\$ 5.85
14712965	HEINEMANN	9/28/2020	9780325088488 - 130 TITLES, ON	0100	\$ 1,370.11
14712965	HEINEMANN	9/28/2020	9780325093260 - 110 TITLES, O	0100	\$ 579.50
14712966	JUNIOR LIBRARY GUILD	9/28/2020	CMS 3 YEAR SUBSCRIPTION TO JR.	0100	\$ 1,077.66
14712966	JUNIOR LIBRARY GUILD	9/28/2020	CMS JR. LIBRARY GUILD 3 YEAR S	0100	\$ 1,000.00
14712967	KNORR SYSTEMS INC	9/28/2020	SWIMMING POOL HEATING SYSTEM -	4900	\$ 99,539.28
14712968	NCS PEARSON INC	9/28/2020	ACA CLASSROOM LICENSE BUNDLE-G	0100	\$ 3,640.00
14712968	NCS PEARSON INC	9/28/2020	ADOBE CERTIFICATION, SOFTWARE	0100	\$ 1,995.00
14712969	SAN DIEGO GAS & ELECTRIC	9/28/2020	OPEN PO FOR 2020/21 SCHOOL YEA	0100	\$ 20.00
14712970	SCHOLASTIC INC	9/28/2020	LET'S FIND OUT - FULL YEAR SUB	0100	\$ 491.71
14712971	SCHOLASTIC INC	9/28/2020	CMS SCHOLASTIC ORDER 2021 (REV ITEM # SO1KN95	0100	\$ 3,355.00
14712972	SOUTHWEST SCHOOL & OFFICE	9/28/2020	300 PKS OF KN95 ITEM # SSS9SSC222319	0100	\$ 2,327.40
14712972	SOUTHWEST SCHOOL & OFFICE	9/28/2020	1,00 DESK	0100	\$ 23,597.25
14712973	TOSHIBA BUSINESS SOLUTIONS	9/28/2020	CMS TOSHIBA SERVICES CONTRACT	0100	\$ 27.50
14712974	WAXIE	9/28/2020	CUSTODIAL SUPPLIES	0100	\$ 13.06
				Total	\$ 989,623.50

Warrant ID	Vendor Name	Payment Date	Invoice Item Description	Fund	Amount
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- 0100 General Fund
- 1100 Adult Education Fund
- 1200 Child Development Fund
- 1300 Cafeteria Fund
- 1400 Deferred Maintenance Fund
- 1700 Special Reserve Other than Cap Outlay
- 1900 BBMAC
- 2518 Capital Facilities - Developer Fees
- 4000 Special Reserve - Capital Projects
- 5700 Foundation Permanent Fund
- 6200 Charter School Enterprise Fund
- 6300 Other Enterprise Fund (Crown Preschool)



AGENDA - October 15, 2020

CONSOLIDATED MOTION FOR CONSENT CALENDAR (5 min.)

4.5 Authorize Disposal of Surplus Property & Equipment

Department/Category: BUSINESS & FISCAL MANAGEMENT

Background Information:

According to Board Policy 3270, the Board must take action to declare materials and equipment obsolete so that the District may dispose of those materials. The District has identified the attached items that have reached the end of their useful life for the District and need to be disposed of.

Reports:

A list of surplus items is attached.

Financial Impact:

Any funds recovered from disposal of these items will be returned to the General Fund.

Superintendent's Recommendation:

Staff recommend that the Board declare the attached listed materials as obsolete and that the District be authorized to dispose of them in accordance with District policies and Education Code requirements.

LCAP Goals:

COMMUNICATION: Communicate openly, freely and accurately to engage and involve all shareholders

Informative Communication to the CUSD Community

SUPPORT: Maintain safe and supportive schools where students and staff thrive

Safe and Clean Facilities

Moved _____ . Seconded _____

Ayes _____ Noes _____ Absent _____ Abstain _____ Student _____

[Surplus October 2020.pdf](#)

CHS Library Books to Be Considered for Discard, October 2020

ISBN/LCCN	Call #	Title	Author	Publication Year	Discard Reason
LCCN: 93-84367	R 640 Con	10,000+ practical hints & tips	by the editors of Consumer guide ;	1993	Mold/Foxing Damage
LCCN: 90-33247	R 071 Cra	American datelines	Cray, Ed.	1990	Mold/Foxing Damage
LCCN: 82-81466	R 591 Aud	The Audubon Society encyclopedia of animal life	edited by John Farrand.	1982	Outdated Content/Lack of
LCCN: 81-3313	R 550 Cam	The Cambridge encyclopedia of earth sciences	editor in chief, David G. Smith.	1981	Mold/Foxing Damage
LCCN: 80-14251	R 530.8 Dia	Comparisons of distance, size, area, volume, mass, weight, d	Diagram Group.	1980	Mold/Foxing Damage
LCCN: 63-9398	R 503 Com	Compton's illustrated science dictionary.	Editor in chief: Charles A. Ford.	1963	Outdated Content/Lack of
LCCN: 80-5130	R 550 Red	Corridors of time : 1,700,000,000 years of Earth at Grand Ca	Redfern, Ron.	1980	Mold/Foxing Damage
LCCN: gs 06-397	R 557.3 Gan	A dictionary of altitudes in the United States.	Gannett, Henry, 1846-1914.	1906	Outdated Content/Lack of
LCCN: 70-156104	R 574 Ste	Dictionary of biology	Steen, Edwin Benzel, 1901-	1971	Outdated Content/Lack of
LCCN: 76-111390	R 291.03 Bra	A Dictionary of comparative religion.	General editor: S. G. F. Brandon.	1970	Mold/Foxing Damage
LCCN: 90-42305	R 016.909 Koh	Dictionary of historic documents	Kohn, George C.	1991	Mold/Foxing Damage
LCCN: 77-7068	R 529 San	Durations : the encyclopedia of how long things take	Sadow, Stuart A.	1977	Mold/Foxing Damage
LCCN: 78-21503	R 659.1 Atw	Edsels, Luckies & Frigidaires : advertising the American way	Atwan, Robert.	1979	Outdated Content/Lack of
LCCN: 89-1210	R 098 Gre	The encyclopedia of censorship	Green, Jonathon.	1990	Mold/Foxing Damage
LCCN: 86-23617	R 574 Evo	The Evolution of life	edited by Linda Gamlin and Gail Vi	1987	Outdated Content/Lack of
LCCN: 80-26857	R 540 Dai	The Facts on File dictionary of chemistry	edited by John Daintith.	1981	Outdated Content/Lack of
LCCN: 75-22364	R 549 Pou	A field guide to rocks and minerals	Pough, Frederick H.	1976	Mold/Foxing Damage
LCCN: 00-11678	R 683.8 Web	Gadgets and necessities : an encyclopedia of household innc	Webb, Pauline, 1955-	2000	Mold/Foxing Damage
LCCN: 75-4306	R 639 Pay	Guide to aquarium fishes	Paysan, Klaus.	1975	Mold/Foxing Damage
LCCN: 93-220319	R 629.4 Ill	The Illustrated encyclopedia of space technology : a compre	consultant and principal author, Ke	1981	Outdated Content/Lack of
LCCN: 83-10730	R 523 Lew	The illustrated encyclopedia of the universe : exploring and	Lewis, Richard S., 1916-	1983	Mold/Foxing Damage
LCCN: 78-3841	R 582 Ed1	The illustrated encyclopedia of trees : timbers and forests of	Edlin, Herbert L. (Herbert Leeson),	1978	Outdated Content/Lack of
LCCN: 77-14464	R 629.1 Int	The International encyclopedia of aviation	general editor, David Mondey ; ass	1977	Outdated Content/Lack of
LCCN: 61-16272	R 623.08 Ker	International maritime dictionary; an encyclopedic dictionar	Kerchove, René de, baron, 1883-	1961	Mold/Foxing Damage
LCCN: 64-9134	R 520 La	Larousse encyclopedia of astronomy,	Rudaux, Lucien, 1874-1947.	1962	Outdated Content/Lack of
LCCN: 77-71167	R 552 Ham	The Larousse guide to minerals, rocks, and fossils	Hamilton, William Roger.	1978	Mold/Foxing Damage
LCCN: 96-11302	R 550.3 Das	Macmillan encyclopedia of earth sciences	E. Julius Dasch, editor in chief.	1996	Outdated Content/Lack of
LCCN: 96-11302	R 550.3 Das	Macmillan encyclopedia of earth sciences	E. Julius Dasch, editor in chief.	1996	Outdated Content/Lack of
LCCN: 75-7485	R 594 Rad	Murex shells of the world : an illustrated guide to the Murici	Radwin, George E.	1976	Outdated Content/Lack of
LCCN: 79-1432	R 629.1 Bry	The National Air and Space Museum	Bryan, C. D. B. (Courtlandt Dixon B)	1979	Outdated Content/Lack of
LCCN: 80-19137	R 523 Gal	National Geographic picture atlas of our universe	Gallant, Roy A.	1980	Outdated Content/Lack of

LCCN: 52-5263	R 582 P32	A natural history of western trees;	Peattie, Donald Culross, 1898-1964	1953	Outdated Content/Lack of
LCCN: 2001-40210	R 500 New	The new book of popular science, 1-6		2002	Outdated Content/Lack of
LCCN: 75-8306	R 651.7 Jor	The New York times manual of style and usage : a desk book	Jordan, Lewis.	1976	Mold/Foxing Damage
LCCN: 2004-26950	R 503 Swe	Science in the contemporary world : an encyclopedia	Swedin, Eric Gottfrid.	2005	Outdated Content/Lack of
LCCN: 2004-26328	R 509 Ham	Science in the early twentieth century : an encyclopedia	Hamblin, Jacob Darwin.	2005	Outdated Content/Lack of
LCCN: 72-89175	R 296.4 Don	To be a Jew; a guide to Jewish observance in contemporary	Donin, Hayim.	1972	Mold/Foxing Damage
LCCN: 86-26988	R 629.45	Who's who in space : the first 25 years	Cassutt, Michael.	1987	Mold/Foxing Damage
LCCN: 98-50677	R 303.49 Twe	The 21st century	edited by George Thomas Kurian, C	1999	Outdated Content/Lack of
LCCN: 86-988	R 615 Cox	The addictive personality	Cox, W. Miles.	1986	Outdated Content/Lack of
LCCN: 85-17466	R 615 Bab	Alcohol, customs and rituals	Babor, Thomas.	1986	Outdated Content/Lack of
LCCN: 85-7826	R 615 Lan	Alcohol, teenage drinking	Lang, Alan R.	1985	Outdated Content/Lack of
LCCN: 85-476	R 615 Luk	Amphetamines : danger in the fast lane	Lukas, Scott E.	1985	Outdated Content/Lack of
LCCN: 85-17432	R 615 Hen	Barbiturates : sleeping potion or intoxicant?	Henningfield, Jack E.	1986	Outdated Content/Lack of
LCCN: 78-58662	R 629.28 Bas	Basic car care illustrated.		1978	Outdated Content/Lack of
LCCN: 85-25970	R 615 Gil	Caffeine, the most popular stimulant	Gilbert, Richard J.	1986	Outdated Content/Lack of
LCCN: 65-18841	R 621.30 Dic	Dictionary of electrical abbreviations, signs, and symbols.	Editor: David D. Polon; managing e	1965	Outdated Content/Lack of
LCCN: 95-2321	R 362.2 Jaf	Encyclopedia of drugs and alcohol, Volumes 1-4	Jerome H. Jaffe, editor in chief.	1995	Outdated Content/Lack of
LCCN: 00-46376	R 306.094 Sch	Encyclopedia of European social history from 1350 to 2000,	Peter N. Stearns, editor-in-chief.	2001	Lack of Use - Similar Reso
LCCN: 76-383128	R 597 Bur	Encyclopedia of fish	Burton, Maurice, 1898-	1975	Outdated Content/Lack of
LCCN: 99-38048	R 363.45 Che	Encyclopedia of money	Allen, Larry.	1999	Outdated Content/Lack of
LCCN: 86-5432	R 291.03 Eli	The Encyclopedia of religion, Volumes 1-2 and 9-16	[editor in chief, Mircea Eliade ; edit	1995	Outdated Content/Lack of
LCCN: 68-21620	R 610.2 Str	Familiar medical quotations,	Strauss, Maurice B. (Maurice Benja	1968	Outdated Content/Lack of
LCCN: 73-80712	R 683.4 Non	Firearms encyclopedia,	Nonte, George C.	1973	Outdated Content/Lack of
LCCN: 86-1284	R 615 Sch	Getting help : treatments for drug abuse	Schnoll, Sidney H.	1986	Outdated Content/Lack of
LCCN: 61-17339	R 653 Gre	Gregg shorthand dictionary, diamond jubilee series	Gregg, John Robert, 1867-1948.	1963	Outdated Content/Lack of
LCCN: 61-2426	R 598.2	Handbook of California birds,	Brown, Vinson, 1912-	1961	Outdated Content/Lack of
LCCN: 85-31440	R 615 Zac	Heroin : the street narcotic	Zackon, Fred.	1986	Outdated Content/Lack of
LCCN: 44-2591	R 598.2 H29	The illustrated encyclopedia of American birds,	Hausman, Leon Augustus, 1888-	1944	Outdated Content/Lack of
LCCN: 85-32569	R 615 Glo	Inhalants : the toxic fumes	Glowa, John R.	1986	Outdated Content/Lack of
LCCN: 73-124400	R 616 Bol	Instant spelling medical dictionary.	Bolander, Donald O.	1970	Outdated Content/Lack of
LCCN: 67-16267	R 591 Lar	The Larousse encyclopedia of animal life	Foreword by Robert Cushman Mur	1967	Outdated Content/Lack of
LCCN: 54-7383	R 582.13 J64	The Macmillan wild flower book.	Hylander, Clarence J. (Clarence Joh	1954	Outdated Content/Lack of
LCCN: 94-10784	R 133.03 Mc	Man, myth & magic, volumes 1-20	editor-in-chief, Richard Cavendish	1997	Outdated Content/Lack of
LCCN: 90-6065	R 613 May	Mayo Clinic family health book	David E. Larson, editor-in-chief.	1990	Outdated Content/Lack of

LCCN: 98-33640	616.86 Hol	The mental effects of heroin	Holmes, Ann.	1998	Outdated Content/Lack of
LCCN: 86-2078	R 629.4 Ass0	Moments in space	the Associated Press.	1986	Outdated Content/Lack of
LCCN: 84-14956	R 615 Hen	Nicotine : an old fashioned addiction	Henningfield, Jack E.	1985	Outdated Content/Lack of
LCCN: 85-17438	R 615 San	Over-the-counter drugs : harmless or hazardous?	Sanberg, Paul R.	1986	Outdated Content/Lack of
LCCN: 85-3730	R 615 Car	PCP, the dangerous angel	Carroll, Marilyn.	1985	Outdated Content/Lack of
LCCN: 86-1283	R 615 San	Prescription narcotics : the addictive painkillers	Sanberg, Paul R.	1986	Outdated Content/Lack of
LCCN: 85-11043	R 615 Car	Quaaludes : the quest for oblivion	Carroll, Marilyn.	1985	Outdated Content/Lack of
LCCN: 00-39317	R 362.4 Fer	Resources for people with disabilities : a national directory	[editor Shawn Woodyard].	2001	Outdated Content/Lack of
LCCN: 00-39317	R 362.4 Fer	Resources for people with disabilities : a national directory	[editor Shawn Woodyard].	2001	Outdated Content/Lack of
LCCN: 99-13338	616.86 Par	Smoke screen : psychological disorders related to nicotine u	Partner, Daniel.	2000	Outdated Content/Lack of
LCCN: 98-46461	R 301.03 Soc	Social issues	Robert D. Benford, editor-in-chief.	1998	Outdated Content/Lack of
LCCN: 86-976	R 615 Chi	Teenage depression and suicide	Chiles, John.	1986	Outdated Content/Lack of
LCCN: 58-13854	R 621.75 Ame	Tool engineers handbook: a reference book on all phases of	American Society of Tool and Mani	1959	Outdated Content/Lack of
LCCN: 85-32564	R 615 Byc	Treating mental illness	Byck, Robert.	1986	Outdated Content/Lack of
ISBN: 0-87754-759-9	R 615 Win	Valium and other tranquilizers	Winger, Gail.	1992	Outdated Content/Lack of
ISBN: 0-911461-12-4	R 591 Wad	Wild in the City, The Best of Zoonooz	Robert Wade, Editor	1985	Outdated Content/Lack of
LCCN: 98-28986	R 320.4 Moo	Encyclopedia of American government, 1-4	consulting editor Joseph M. Besset	1998	Outdated Content/Lack of
LCCN: 2005-270058	R 338.5 Der	The value of a dollar : prices and incomes in the United State	by Scott Derks.	2004	Outdated Content/Lack of
LCCN: 2001-30188	R 306.03 Emb	Countries and their cultures	Melvin Ember and Carol R. Ember,	2001	Outdated Content/Lack of
LCCN: 2001-30188	R 306.03 Emb	Countries and their cultures	Melvin Ember and Carol R. Ember,	2001	Outdated Content/Lack of
LCCN: 85-8066	236 Ben	Death & dying : opposing viewpoints	[edited by] David L. Bender, Richar	1985	Outdated Content/Lack of
ISBN: 0-8094-6505-1	291 Time	Eastern mysteries	the editors of Time- Life Books.	1991	Outdated Content/Lack of
LCCN: a 60-5303	245 P76	English hymns.	Pollard, Arthur.	1960	Outdated Content/Lack of
LCCN: 89-25765	179 Dud	Genetic engineering : opposing viewpoints	William Dudley, book editor.	1990	Outdated Content/Lack of
LCCN: 88-22903	R 306 Car	The Illustrated encyclopedia of mankind, 1-20	editor-in-chief, Richard Carlisle ; fo	1989	Outdated Content/Lack of
LCCN: 80-80569	292 Ros	Mythology and you : classical mythology and its relevance to	Rosenberg, Donna.	1981	Outdated Content/Lack of
LCCN: 36-9769	242.1 Ima	Of the imitation of Christ; in four books,	by Thomas à Kempis; with 8 illustra	1935	Outdated Content/Lack of
LCCN: 98-44328	R 333.95 Atl	The atlas of endangered species	editor, John A. Burton ; pictures su	1999	Outdated Content/Lack of
LCCN: 90-26501	R 330.9 Fre	Atlas of the world economy	Freeman, Michael J., 1950-	1991	Outdated Content/Lack of
	R 353.9794 Ca	California Blue Book 1850-3000 Sesquicentennial Edition : A	Hummelt, Stephen; Editor.	2000	Outdated Content/Lack of
LCCN: 69-17755	R 291 Bon	A dictionary of superstitions and mythology.	Bonnerjea, Biren.	1969	Outdated Content/Lack of
LCCN: 88-11173	R 362.2 Eva	The encyclopedia of suicide	Evans, Glen.	1988	Outdated Content/Lack of
LCCN: 95-42003	R 303.4 Kur	Encyclopedia of the future	edited by George Thomas Kurian, C	1996	Outdated Content/Lack of
LCCN: 95-42003	R 303.4 Kur	Encyclopedia of the future	edited by George Thomas Kurian, C	1996	Outdated Content/Lack of

LCCN: 85-72120	R 320 Enc	The Encyclopedic dictionary of American government	[editorial advisors and contributor: 1986	Outdated Content/Lack of
LCCN: 90-81961	R 320 Enc	The encyclopedic dictionary of American history	John Mack Faragher, editorial advisor: 1986	Outdated Content/Lack of
LCCN: 90-81960	R 320 Enc	The encyclopedic dictionary of economics	Don Cole, editorial adviser. 1986	Outdated Content/Lack of
LCCN: 90-81963	R 320 Enc	The encyclopedic dictionary of psychology	editorial adviser, Terry F. Pettijohn 1986	Outdated Content/Lack of
LCCN: 85-72122	R 320 Enc	The Encyclopedic Dictionary of Sociology/ c[editorial advisor	1986	Outdated Content/Lack of
LCCN: 81-3395	R 031 Kan	Famous first facts : a record of first happenings, discoveries,	Kane, Joseph Nathan, 1899- 1981	Outdated Content/Lack of
LCCN: 85-17459	R 011.73 Bow	Good reading : a guide for serious readers	Arthur Waldhorn, Olga S. Weber, A 1985	Outdated Content/Lack of
LCCN: 80-15485	R 155.9 Sim	The Mysteries of life and death : an illustrated investigation	consultant, Keith Simpson ; [editor 1980	Outdated Content/Lack of
LCCN: 82-14263	R 082 Oxf	The Oxford book of aphorisms	chosen by John Gross. 1983	Outdated Content/Lack of
LCCN: 65-5009	R 235.2 Att	The Penguin dictionary of saints.	Attwater, Donald, 1892-1977. 1965	Outdated Content/Lack of
LCCN: 79-92978	R 324.2736 Fra	Pictorial history of the Democratic Party	Frank, Beryl, 1927- 1980	Outdated Content/Lack of
LCCN: 79-92977	R 324.2734	Pictorial history of the Republican Party	Frank, Beryl, 1927- 1980	Outdated Content/Lack of
LCCN: 86-29744	R 031 Rea	Reader's Digest book of facts	editor, Edmund H. Harvey, Jr. 1987	Outdated Content/Lack of
ISBN: 0-8103-1051-1	R 016.823 Reg	Science fiction and fantasy literature : volume 1 : author index	Reginald, R. 1979	Outdated Content/Lack of
LCCN: 88-15087	R 082 Bru	Webster's new world dictionary of quotable definitions	edited by Eugene E. Brussell. 1988	Outdated Content/Lack of
LCCN: 99-17256	R 324.2 Wor	World encyclopedia of political systems and parties, 1-3	edited by George E. Delury. 1999	Outdated Content/Lack of
ISBN: 0-88687-872-1 (p	R 031.02 Wor	The world almanac and book of facts, 2002	[editorial director, William A. McGraw 2002	Outdated Content/Lack of
ISBN: 0-88687-872-1 (p	R 031.02 Wor	The world almanac and book of facts, 2002	[editorial director, William A. McGraw 2002	Outdated Content/Lack of
ISBN: 0-88687-945-0	R 031.02 Wor	The world almanac and book of facts, 2005 : Special Library I	[editorial director, William A. McGraw 2005	Outdated Content/Lack of
ISBN: 0-88687-945-0	R 031.02 Wor	The world almanac and book of facts, 2005 : Special Library I	[editorial director, William A. McGraw 2005	Outdated Content/Lack of
ISBN: 0-88687-964-7	R 031.02 Wor	The world almanac and book of facts, 2006	[editorial director, William A. McGraw 2006	Outdated Content/Lack of
LCCN: 60-5845	940.5423 Cri	Brazen chariots; an account of tank warfare in the Western I	Crisp, Robert. 1960	Outdated Content/Lack of
LCCN: 41-22155	811 B64	Golden slippers, an anthology of Negro poetry for young rea	Bontemps, Arna Wendell, 1902- 1941	Outdated Content/Lack of
LCCN: 57-13140	921 Cro	The greatness of Oliver Cromwell.	Ashley, Maurice, 1907- 1958	Outdated Content/Lack of
LCCN: 86-2842	R 779 Kun	Life 50, 1936-1986 : the first fifty years.	1986	Outdated Content/Lack of
LCCN: 60-10517	917.9 G92	Puerto Rico: island of promise.	Gruber, Ruth, 1911- 1960	Outdated Content/Lack of
ISBN: 0-8103-4407-6	R 809.04 Con	Contemporary literary criticism. Volumes 1-66	Daniel G. Marowski, Jean C. Stine, 1985	Outdated Content/Lack of
LCCN: 84-4010	R 822.3 Sha	Shakespearean criticism : excerpts from the criticism of Willi	Laurie Lanzen Harris, editor, Mark W. 1984	Outdated Content/Lack of
ISBN: 0-8103-6126-4	R 822.3 Sha	Shakespearean criticism. Volume 2-7	Laurie Lanzen Harris, Mark W. Scot 1985	Outdated Content/Lack of
ISBN: 0-8103-5819-0	R 809.04 Nin	Nineteenth-century literary criticism, 1-3	Janet Mullane, Robert Thomas Wil 1989	Outdated Content/Lack of
ISBN: 0-8103-2401-6	R 809.04 Twe	Twentieth-century literary criticism. Volume 19-33	Dennis Poupard, editor ; Marie Laz 1986	Outdated Content/Lack of
LCCN: 67-11229	921 Bie	Ambrose Bierce; a biography.	O'Connor, Richard, 1915-1975. 1967	Outdated Content/Lack of
ISBN: 1-56294-828-8	921 Cos	Bill Cosby : the changing Black image	Rosenberg, Robert. 1991	Outdated Content/Lack of
LCCN: 52-1784	921 Bol	Bolivar and the independence of Spanish America.	Trend, J. B. (John Brande), 1887-19 1951	Outdated Content/Lack of

LCCN: 60-51331	921 Bur	The case of Aaron Burr,	Reed, V. B.,	1960	Outdated Content/Lack of
LCCN: 61-5366	921 Ada	Charles Francis Adams, 1807-1886.	Duberman, Martin B.	1961	Outdated Content/Lack of
LCCN: 57-4864	921 Cha	Charles V, father of Europe.	Schwarzenfeld, Gertrude von.	1957	Outdated Content/Lack of
LCCN: 67-13501	921 Chr	Christophe, King of Haiti.	Cole, Hubert.	1967	Outdated Content/Lack of
LCCN: 55-8096	921 Col	Christopher Columbus, mariner.	Morison, Samuel Eliot, 1887-1976.	1955	Outdated Content/Lack of
LCCN: 39-27985	921 Col	Columbus sails;	Hodges, C. Walter (Cyril Walter), 1911-1939	1939	Outdated Content/Lack of
LCCN: 57-6897	921 Cop	Copernicus, the founder of modern astronomy.	Armitage, A. (Angus), 1902-	1957	Outdated Content/Lack of
LCCN: 42-50340	921 Cra	Crazy Horse, the strange man of the Oglalas;	Sandoz, Mari, 1896-1966.	1942	Outdated Content/Lack of
ISBN: 0-440-01657-6	921 Bro	Dark quartet : the story of the Brontes	Banks, Lynne Reid, 1929-	1976	Outdated Content/Lack of
LCCN: 77-25272	921 Car	Dasher : the roots and the rising of Jimmy Carter	Wooten, James T.	1978	Outdated Content/Lack of
LCCN: 64-21653	921 Cho	Day's at the morn.	Chotzinoff, Samuel, 1889-1964.	1964	Outdated Content/Lack of
LCCN: 59-11239	921 Bar	The fabulous showman; the life and times of P. T. Barnum.	Wallace, Irving, 1916-	1959	Outdated Content/Lack of
LCCN: 65-22542	921 Bro	Forever in joy : the life of Robert Browning.	Sprague, Rosemary, 1922-	1965	Outdated Content/Lack of
ISBN: 0-87443-173-5	921 Bus	George W. Bush, Governor of Texas	Wade, Mary Dodson.	1999	Outdated Content/Lack of
LCCN: 42-50534	921 Cur	Glenn Curtiss, pioneer of naval aviation.	Hatch, Alden, 1898-	1942	Outdated Content/Lack of
LCCN: 62-7506	921 Cle	Grover Cleveland.	Hoyt, Edwin Palmer.	1962	Outdated Content/Lack of
LCCN: 50-3130	921 Cus	Harvey Cushing; surgeon, author, artist.	Thomson, Elizabeth Harriet, 1907-	1950	Outdated Content/Lack of
LCCN: 57-5825	921 Cla	Henry Clay and the art of American politics.	Eaton, Clement, 1898-	1957	Outdated Content/Lack of
LCCN: 06-305	921 Cor	History of Hernando Cortez	Abbott, John S. C. (John Stevens Cabot)	1855	Outdated Content/Lack of
LCCN: 31-28244	921 Bor	A history of the Borgias,	Rolfe, Frederick, 1860-1913.	1931	Outdated Content/Lack of
LCCN: 63-19646	921 Chu	Jennie, the young Lady Churchill	Curtis, Rosemary A.	1963	Outdated Content/Lack of
LCCN: 50-5234	921 Cal	John C. Calhoun, American portrait.	Coit, Margaret L.	1950	Outdated Content/Lack of
LCCN: 06-28002	921 Cae	Julius Cæsar	Abbott, Jacob, 1803-1879.	1906	Outdated Content/Lack of
LCCN: 60-5569	921 Cae	Julius Caesar in Shakespeare, Shaw, and the ancients.	Harrison, G. B. (George Bagshawe),	1960	Outdated Content/Lack of
LCCN: 88-18913	921 Car	Kitty, an autobiography	Carlisle, Kitty, 1915-	1988	Outdated Content/Lack of
LCCN: 42-24582	920 F87	Lee's lieutenants, a study in command,	Freeman, Douglas Southall, 1886-1942	1942	Outdated Content/Lack of
LCCN: 42-24582	920 F87	Lee's lieutenants, a study in command,	Freeman, Douglas Southall, 1886-1942	1942	Outdated Content/Lack of
LCCN: 42-24582	920 F87	Lee's lieutenants, a study in command,	Freeman, Douglas Southall, 1886-1942	1942	Outdated Content/Lack of
LCCN: 88-36655	921 Ber	Loyalties : a son's memoir	Bernstein, Carl, 1944-	1989	Outdated Content/Lack of
LCCN: 43-5672	921 Dam	Man of Molokai; the life of Father Damien,	Roos, Ann.	1943	Outdated Content/Lack of
LCCN: 61-6370	921 Cla	The man who wouldn't give up: Henry Clay.	Wilkie, Katharine Elliott, 1904-	1961	Outdated Content/Lack of
ISBN: 0-451-16827-5	921 Bro	Manchild in the promised land	Brown, Claude, 1937-	1965	Outdated Content/Lack of
LCCN: 60-7535	921 Cha	Merry monarch; the life and likeness of Charles II.	Pearson, Hesketh, 1887-1964	1960	Outdated Content/Lack of
LCCN: 71-168287	920.5 Co	The muckrakers: crusading journalists who changed America	Cook, Fred J.	1972	Outdated Content/Lack of

LCCN: 56-10402	921 And	My Lord, what a morning; an autobiography.	Anderson, Marian, 1897-1993.	1956	Outdated Content/Lack of
LCCN: 61-11317	921 Car	A racing car driver's world.	Caracciola, Rudolf, 1901-1959.	1961	Outdated Content/Lack of
LCCN: 75-187141	921 Chi	The romantic challenge	Chichester, Francis Charles, Sir, 1901-1972	1972	Outdated Content/Lack of
LCCN: 55-43457	921 Cra	Said and done; the autobiography of an archaeologist.	Crawford, Osbert Guy Stanhope, 1871-1955	1955	Outdated Content/Lack of
LCCN: a 52-8469	Fic Bol	Simón Bolívar (the Liberator) patriot, warrior, statesman, father	Sherwell, Guillermo A. (Guillermo A.) 1951	1951	Outdated Content/Lack of
LCCN: a 52-7757	921 Dra	Sir Francis Drake.	Williamson, James Alexander, 1886-1951	1951	Outdated Content/Lack of
LCCN: 54-6033	921 Arn	Traitorous hero; the life and fortunes of Benedict Arnold.	Wallace, Willard Mosher, 1911-1954	1954	Outdated Content/Lack of
LCCN: 75-16338	921 Agn	We always wore sailor suits	Agnelli, Susanna, 1922-1975	1975	Outdated Content/Lack of
LCCN: 52-5423	921 Bre	Wide neighborhoods; a story of the Frontier Nursing Service	Breckinridge, Mary, 1881-1965.	1952	Outdated Content/Lack of
ISBN: 0-671-47320-4	921 Bel	Wired : the short life and fast times of John Belushi.	Woodward, Bob.	1984	Outdated Content/Lack of
LCCN: 66-21740	891.85 Wel	Adam Mickiewicz,	Welsh, David J.	1966	Outdated Content/Lack of
LCCN: 63-8849	813.5 Wit	The adolescent in the American novel, 1920-1960.	Witham, W. Tasker.	1964	Outdated Content/Lack of
LCCN: 57-8181	817 Thu	Alarms and diversions.	Thurber, James, 1894-1961.	1957	Outdated Content/Lack of
LCCN: 60-8197	813.09 B35	American fiction, 1920-1940: John Dos Passos, Ernest Hemingway	Beach, Joseph Warren, 1880-1957.	1960	Outdated Content/Lack of
LCCN: 77-22745	817.08 F18	American literature in parody : a collection of parody, satire	Falk, Robert P., 1914-1977	1977	Outdated Content/Lack of
LCCN: 40-4354	813 V28	The American novel, 1789-1939,	Van Doren, Carl, 1885-1950.	1940	Outdated Content/Lack of
LCCN: 54-7243	814 M61	American thought: Civil War to World War I.	Miller, Perry, 1905-1963,	1954	Outdated Content/Lack of
LCCN: 82-45183	814 Roo	And more by Andy Rooney	Rooney, Andrew A.	1982	Outdated Content/Lack of
LCCN: 57-9282	814 Fad	Any number can play.	Fadiman, Clifton, 1904-1999.	1957	Outdated Content/Lack of
LCCN: 66-24147	813.54 Ric	Bernard Malamud.	Richman, Sidney.	1967	Outdated Content/Lack of
LCCN: 75-2789	813 Coa	Carson McCullers	Cook, Richard M.	1975	Outdated Content/Lack of
LCCN: 90-6419	818.5407 Amo	The cat and the curmudgeon	Amory, Cleveland.	1990	Outdated Content/Lack of
LCCN: 52-7022	813.09 W12	Cavalcade of the American novel, from the birth of the Nation	Wagenknecht, Edward, 1900-1952	1952	Outdated Content/Lack of
LCCN: 64-13286	821.1 Cor	Chaucer, poet of mirth and morality.	Corsa, Helen Storm, 1915-1964	1964	Outdated Content/Lack of
LCCN: 27-23718	821.09 M96	The classical tradition in poetry.	Murray, Gilbert, 1866-1957.	1927	Outdated Content/Lack of
LCCN: 36-28592	817 P33	Collected poems: Not so deep as a well;	Parker, Dorothy, 1893-1967.	1936	Outdated Content/Lack of
LCCN: 45-35009	817 P22	The collected poetry of Dorothy Parker.	Parker, Dorothy, 1893-1967.	1944	Outdated Content/Lack of
LCCN: 67-1208	820.9 Rob	Critical essays	Robson, W. W. (William Wallace), [compiled by] William Bedford Clark 1967	1967	Outdated Content/Lack of
LCCN: 80-28716	813 Cri	Critical essays on Robert Penn Warren	[compiled by] William Bedford Clark 1981	1981	Outdated Content/Lack of
LCCN: 78-159297	813 Rou	Critics on Hawthorne.	Rountree, Thomas J.	1972	Outdated Content/Lack of
LCCN: 73-21561	813.5 Hoo	Dos Passos: a collection of critical essays.	Hook, Andrew.	1974	Outdated Content/Lack of
LCCN: 55-7459	813.5 Lyn	The dream of success; a study of the modern American imagination	Lynn, Kenneth Schuyler.	1955	Outdated Content/Lack of
LCCN: 66-10608	818 Whi	An E.B. White reader,	White, E. B. (Elwyn Brooks), 1899-1966	1966	Outdated Content/Lack of
LCCN: 64-10292	862.08 St2	Eight Spanish plays of the golden age.	Starkie, Walter, 1894-1964	1964	Outdated Content/Lack of

LCCN: 62-9053	814.08 F12	Enter, conversing.	Fadiman, Clifton, 1904-1999.	1962	Outdated Content/Lack of
LCCN: 77-429	813 Ebl	F. Scott Fitzgerald	Eble, Kenneth Eugene.	1977	Outdated Content/Lack of
LCCN: 67-19350	868 Cob	Federico García Lorca,	Cobb, Carl W.	1967	Outdated Content/Lack of
LCCN: 51-14154	813.09 G17	Fifty years of the American novel; a Christian appraisal.	Gardiner, Harold Charles, 1904-	1951	Outdated Content/Lack of
LCCN: 67-21797	891.2 See	The five sons of King Pandu; the story of the Mahabharata.	Seeger, Elizabeth, 1889-	1967	Outdated Content/Lack of
LCCN: 64-19026	821 How	Geoffrey Chaucer,	Howard, Edwin Johnston, 1901-	1964	Outdated Content/Lack of
LCCN: 58-6503	820.4 K39	Gnomon; essays on contemporary literature.	Kenner, Hugh.	1958	Outdated Content/Lack of
LCCN: 52-11908	891.7 Sp3	The golden age of Russian literature.	Spector, Ivar, 1898-	1952	Outdated Content/Lack of
LCCN: 48-2608	815 P12	Great Americans speak; short speeches that have shaped our	Packard, Frederick Clifton, 1899- [f	1948	Outdated Content/Lack of
LCCN: 68-24311	891.85 Gie	Henryk Sienkiewicz.	Giergielewicz, Mieczysław.	1968	Outdated Content/Lack of
LCCN: 58-9803	850.4 Vit	High points in the history of Italian literature.	Vittorini, Domenico.	1958	Outdated Content/Lack of
LCCN: 58-3556	891.709 Mir	A history of Russian literature : from its beginnings to 1900	Mirsky, D. S., Prince, 1890-1939.	1958	Outdated Content/Lack of
LCCN: 61-10206	817.08 B23	Humor from Harper's	edited by John Fischer and Lucy Dc	1961	Outdated Content/Lack of
LCCN: 49-11831	814 Mor	The ironing board.	Morley, Christopher, 1890-1957.	1949	Outdated Content/Lack of
LCCN: 63-1613	892.7 Naj	Islamic literature; an introductory history with selections.	Ullah Najib.	1963	Outdated Content/Lack of
LCCN: 64-13956	813.54 Day	James A. Michener,	Day, A. Grove (Arthur Grove), 1904	1964	Outdated Content/Lack of
LCCN: 61-18068	813.2 Rin	James Fenimore Cooper.	Ringe, Donald A.	1962	Outdated Content/Lack of
LCCN: 61-15669	813.52 Wre	John Dos Passos.	Wrenn, John H. (John Haughton), 1	1962	Outdated Content/Lack of
LCCN: 67-13177	813.5 San	John Hersey.	Sanders, David, 1926-	1967	Outdated Content/Lack of
LCCN: w 10-209	891.709 B23	Landmarks in Russian literature,	Baring, Maurice, 1874-1945.	1910	Outdated Content/Lack of
LCCN: 58-8375	814.4 J24	Literary reviews and essays on American, English, and French	James, Henry, 1843-1916.	1958	Outdated Content/Lack of
LCCN: 43-15482	814 Woo	Long, long ago.	Woollcott, Alexander, 1887-1943.	1943	Outdated Content/Lack of
LCCN: 63-20614	813.52 And	Louis Bromfield,	Anderson, David D.	1964	Outdated Content/Lack of
LCCN: 66-14948	813.09 Fie	Love and death in the American novel	Fiedler, Leslie A.	1966	Outdated Content/Lack of
LCCN: 58-5911	888 X2	The march up country.	Xenophon.	1958	Outdated Content/Lack of
LCCN: 77-92479	890.3 Tho	Masters of mystery : a study of the detective story	Thomson, Henry Douglas.	1978	Outdated Content/Lack of
LCCN: 85-1252	813.0876 Wil	Medea, Harlan's world	by Jack Williamson ... [et al.] ; illust	1985	Outdated Content/Lack of
LCCN: 19-19956	814 M82	Mince pie; adventures on the sunny side of Grub street,	Morley, Christopher, 1890-1957.	1919	Outdated Content/Lack of
LCCN: 47-30137	Fic Fre	Mrs. Mike, the story of Katherine Mary Flannigan,	Freedman, Benedict.	1947	Outdated Content/Lack of
LCCN: 64-20725	813.3 Mar	Nathaniel Hawthorne.	Martin, Terence.	1965	Outdated Content/Lack of
LCCN: 72-2673	813 Bra	Norman Mailer, a collection of critical essays,	Braudy, Leo.	1972	Outdated Content/Lack of
LCCN: 48-5399	883 B46	On the Iliad.	Bespaloff, Rachel.	1948	Outdated Content/Lack of
LCCN: 55-10760	818 W49	The open heart.	Weeks, Edward, 1898-1989.	1955	Outdated Content/Lack of
LCCN: 64-23888	860.9 In8	An outline history of Spanish American literature.	International Institute of Ibero-Am	1965	Outdated Content/Lack of

LCCN: 77-21223	891.7 Erl	Pasternak : a collection of critical essays	edited by Victor Erlich.	1978	Outdated Content/Lack of
LCCN: 84-45038	814 Roo	Pieces of my mind	Rooney, Andrew A.	1984	Outdated Content/Lack of
LCCN: 66-28441	818 Sat	Post true stories of courage and survival.	Selected by the editors of the Satu	1966	Outdated Content/Lack of
LCCN: 77-12699	813 Men	Pynchon : a collection of critical essays	edited by Edward Mendelson.	1978	Outdated Content/Lack of
LCCN: 64-54782	820.9 Aik	A reviewer's ABC : collected criticism of Conrad Aiken from 1	Aiken, Conrad, 1889-1973.	1961	Outdated Content/Lack of
LCCN: 65-24895	891.73 Ree	The Russian novel	Reeve, F. D. (Franklin D.), 1928-	1966	Outdated Content/Lack of
LCCN: 64-1173	813.5 Si5	Salinger's "Catcher in the rye": clamor vs. criticism.	Simonson, Harold Peter, 1926-	1963	Outdated Content/Lack of
LCCN: 62-17794	848.9 Ker	Sartre, a collection of critical essays.	Kern, Edith, 1912-	1962	Outdated Content/Lack of
LCCN: 66-26155	818 Sat	The Saturday review sampler of wit and wisdom; in six enter	Edited by Martin Levin.	1966	Outdated Content/Lack of
LCCN: 70-178167	813 Sch	Saul Bellow.	Scheer, Brigitte.	1972	Outdated Content/Lack of
LCCN: 57-10319	814.5 Cha	Selected writings,	Chapman, John Jay, 1862-1933.	1957	Outdated Content/Lack of
LCCN: 57-14108	814 Eme	Selections from Ralph Waldo Emerson.	Emerson, Ralph Waldo, 1803-1882	1957	Outdated Content/Lack of
LCCN: 55-9704	822.3 Bra	Shakespearean tragedy: Hamlet, Othello, King Lear, Macbet	Bradley, A. C. (Andrew Cecil), 1851	1955	Outdated Content/Lack of
LCCN: 64-20715	818.52 Bur	Sherwood Anderson.	Burbank, Rex J.	1964	Outdated Content/Lack of
LCCN: 74-3397	813.5 Rid	Sherwood Anderson; a collection of critical essays,	Rideout, Walter Bates.	1974	Outdated Content/Lack of
LCCN: 74-24713	813 Soc	Social problems through science fiction	edited by Martin Harry Greenberg	1975	Outdated Content/Lack of
LCCN: 73-92059	813 Soc	Sociology through science fiction	edited by John W. Milstead ... [et a	1974	Outdated Content/Lack of
LCCN: 75-34416	891.7 Sol	Solzhenitsyn : a collection of critical essays	edited by Kathryn Feuer.	1976	Outdated Content/Lack of
LCCN: 64-24866	891.709 Slo	Soviet Russian literature; writers and problems.	Slonim, Marc, 1894-	1964	Outdated Content/Lack of
LCCN: 62-16818	813.4 Cad	Stephen Crane.	Cady, Edwin Harrison.	1962	Outdated Content/Lack of
LCCN: 52-6416	813.4 C85	Stephen Crane: an omnibus;	Crane, Stephen, 1871-1900.	1952	Outdated Content/Lack of
LCCN: 74-148708	891.7 Sol	Stories and prose poems	Solzhenitsyn, Aleksandr Isaevich, 1	1971	Outdated Content/Lack of
LCCN: 41-52004	817 W58	A subtreasury of American humor:	White, E. B. (Elwyn Brooks), 1899-1	1941	Outdated Content/Lack of
LCCN: 63-20609	813.52 M15	Thomas Wolfe	McElderry, Bruce Robert, 1900-	1964	Outdated Content/Lack of
LCCN: 73-7522	813.5 Rub	Thomas Wolfe; a collection of critical essays,	Rubin, Louis Decimus, 1923-	1973	Outdated Content/Lack of
LCCN: 77-26237	813.52 Bur	Thornton Wilder	Burbank, Rex J.	1978	Outdated Content/Lack of
LCCN: 68-54235	820.9 Us3	Three great Irishmen: Shaw, Yeats, Joyce.	Ussher, Arland.	1968	Outdated Content/Lack of
LCCN: 57-13316	813.04 Sh2	Twelve original essays on great American novels	Shapiro, Charles,	1958	Outdated Content/Lack of
LCCN: 68-17827	813 Sim	Twentieth century interpretations of Adventures of Huckleb	Simpson, Claude Mitchell, 1910-	1968	Outdated Content/Lack of
LCCN: 73-15716	891.7 Jac	Twentieth century interpretations of Crime and punishment	Jackson, Robert Louis.	1973	Outdated Content/Lack of
LCCN: 69-15337	813 How	Twentieth century interpretations of Poe's tales; a collector	Howarth, William L., 1940-	1971	Outdated Content/Lack of
LCCN: 76-104860	813 Gel	Twentieth century interpretations of Sons and lovers; a colle	Farr, Judith.	1970	Outdated Content/Lack of
LCCN: 68-15490	813 Loc	Twentieth century interpretations of The great Gatsby; a col	Lockridge, Ernest, 1938-	1968	Outdated Content/Lack of
LCCN: 23-7487	822.8 Ste	Types of English drama, 1660-1780,	Stevens, David Harrison, 1884-	1923	Outdated Content/Lack of

LCCN: 74-78450	813.5 Yod	Upton Sinclair	Yoder, Jon A., 1943-	1975	Outdated Content/Lack of
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LCCN: 52-5779	820.9 Osg	The voice of England; a history of English literature.	Osgood, Charles Grosvenor, 1871-	1952	Outdated Content/Lack of
LCCN: 76-10939	813 Cla	Voices for the future : essays on major science fiction writer.	Thomas D. Clareson, editor.	1976	Outdated Content/Lack of
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LCCN: 56-13729	821 B79	The well wrought urn; studies in the structure of poetry.	Brooks, Cleanth, 1906-	1956	Outdated Content/Lack of
LCCN: 64-25306	818 Var	A Welsh story.	Varney, Joyce.	1965	Outdated Content/Lack of
LCCN: 67-19351	821 Dic	William Golding,	Dick, Bernard F.	1967	Outdated Content/Lack of
LCCN: 66-12051	818.52 Flo	William Saroyan,	Floan, Howard Russell, 1918-	1966	Outdated Content/Lack of
LCCN: 60-13983	817.1 H72	The wit and humor of colonial days.	Holliday, Carl, 1879-1936.	1960	Outdated Content/Lack of
LCCN: 77-154630	364.1 Kni	3 assassinations: the deaths of John & Robert Kennedy and I	Knight, Janet M.	1971	Outdated Content/Lack of
LCCN: 77-154630	364.1 Kni	3 assassinations: the deaths of John & Robert Kennedy and I	Knight, Janet M.	1971	Outdated Content/Lack of
LCCN: 50-9484	Fic Gal	The abandoned.	Gallico, Paul, 1897-1976.	1950	Outdated Content/Lack of
LCCN: 90-42867	363.4 Fla	Abortion	Flanders, Carl N.	1991	Outdated Content/Lack of
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LCCN: 25-11374	938 Mil	The book of the ancient Greeks; an introduction to the history of	Mills, Dorothy. 1925	Outdated Content/Lack of
LCCN: 84-3740	Fic Cro	Born of the sun	Cross, Gillian. 1984	Outdated Content/Lack of
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LCCN: 62-19474	818.54 Shu	Clifford Odets.	Shuman, R. Baird (Robert Baird), 1915- 1962	Outdated Content/Lack of
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LCCN: 69-12925	915.4 Wei	The Ganges; sacred river of India.	Weingarten, Violet.	1969	Outdated Content/Lack of
ISBN: 0-9621972-2-X	332.02 Sta	Generation Y's elevator to financial success	Stanley, Anna.	2007	Outdated Content/Lack of
LCCN: 72-76882	914.3 Seg	Germany	Seger, Gerhart Heinrich, 1896-	1972	Outdated Content/Lack of
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LCCN: 53-10640	Fic Cor	Girl of Urbino.	Corbett, Mary K.	1953	Outdated Content/Lack of
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LCCN: 65-23410	R 979.498 Pou	Gold in the sun,	Pourade, Richard F.	1965	Outdated Content/Lack of
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LCCN: 52-7042	Fic Bor	He sailed with Captain Cook;	Borden, Charles A.	1952	Outdated Content/Lack of
LCCN: 65-12999	818.4 Mce	Henry James,	McElderry, Bruce Robert, 1900-	1965	Outdated Content/Lack of
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LCCN: 56-6292	820.9 M28	Joyce, the man, the work, the reputation	Magalaner, Marvin, 1920-	1956	Outdated Content/Lack of
LCCN: 81-2926	347.73 Dur	Justice William O. Douglas	Duram, James C., 1939-	1981	Outdated Content/Lack of
LCCN: 80-7936	364.1 Lat	Kennedy and Lincoln : medical and ballistic comparisons of t	Lattimer, John K. (John Kingsley), 1	1980	Outdated Content/Lack of
LCCN: 90-34603	364.1 Ewi	Kids who kill	Ewing, Charles Patrick, 1949-	1990	Outdated Content/Lack of
LCCN: 86-1256	R 973.3 Tim	The killing ground : Wilderness to Cold Harbor	Jaynes, Gregory.	1986	Outdated Content/Lack of
LCCN: 63-8644	386 R47	The land divided, the world united.	Rink, Paul, 1912-	1963	Outdated Content/Lack of
LCCN: 72-179949	385 Ber	The last spike; the great railway 1881-1885.	Berton, Pierre, 1920-	1971	Outdated Content/Lack of
LCCN: 73-90809	915.692 Mir	Lebanon in pictures.	Mirepoix, Camille.	1969	Outdated Content/Lack of
LCCN: 83-24382	R 973.3 Tim	Lee takes command : from Seven Days to Second Bull Run	by the editors of Time-Life Books.	1984	Outdated Content/Lack of
LCCN: 06-14478	821.09 J63	Lives of the English poets,	Johnson, Samuel, 1709-1784.	1905	Outdated Content/Lack of
LCCN: 06-14478	821.09 J63	Lives of the English poets,	Johnson, Samuel, 1709-1784.	1905	Outdated Content/Lack of
LCCN: 56-6980	Fic Gar	Main-travelled roads,	Garland, Hamlin, 1860-1940.	1956	Outdated Content/Lack of
LCCN: 82-22232	Fic Dun	The maze stone	Dunlop, Eileen.	1983	Outdated Content/Lack of

LCCN: 56-7717	818.5 M52	Minority report: H.L. Mencken's notebooks.	Mencken, H. L. (Henry Louis), 1880-1956	1956	Outdated Content/Lack of
LCCN: 30-25186	820.8 P61	Modern writers at work,	Piercy, Josephine Ketcham,	1930	Outdated Content/Lack of
LCCN: 47-4818	Fic Cos	The moneyman.	Costain, Thomas Bertram, 1885-	1947	Outdated Content/Lack of
LCCN: 67-19203	915.17 Mic	Mongolia: in search of Marco Polo, and other adventures.	Micheli, Silvio.	1967	Outdated Content/Lack of
LCCN: 72-8853	327.73 Vau	The Monroe Doctrine, 1823; a landmark in American foreign	Vaughan, Harold Cecil.	1973	Outdated Content/Lack of
LCCN: 68-31761	915.692 Syk	The mountain Arabs; a window on the Middle East.	Sykes, John.	1968	Outdated Content/Lack of
LCCN: 84-72040	R 973.9 Dou	A nation divided	Dougan, Clark.	1984	Outdated Content/Lack of
LCCN: 87-9917	R 973.3 Tim	The Nation reunited : war's aftermath	Murphy, Richard W.	1987	Outdated Content/Lack of
LCCN: 74-27066	385 Ber	The national dream: the great railway, 1871-1881.	Berton, Pierre, 1920-	1970	Outdated Content/Lack of
LCCN: 86-70769	R 959.704 Doy	The North	Doyle, Edward, 1949-	1986	Outdated Content/Lack of
LCCN: 65-12610	311 Alt	Numbers at work; the story and science of statistics.	Alterman, Hyman.	1966	Outdated Content/Lack of
LCCN: 96-23763	Fic Deu	Painting the black	Deuker, Carl.	1997	Outdated Content/Lack of
LCCN: 87-72417	R 959.704 Isa	Pawns of war : Cambodia and Laos	by Arnold R. Isaacs ... [et al.] and th	1987	Outdated Content/Lack of
LCCN: 53-8308	387 Dur	Pictorial history of American ships on the high seas and in lar	Durant, John, 1902-	1953	Outdated Content/Lack of
LCCN: 64-25810	821.09 Gri	Poets in their pride.	Grigson, Geoffrey, 1905-	1964	Outdated Content/Lack of
LCCN: 84-3844	Fic Bon	Premonitions	Bonham, Frank.	1984	Outdated Content/Lack of
LCCN: 86-23159	R 973.3 Tim	Pursuit to Appomattox : the last Battles	Korn, Jerry.	1987	Outdated Content/Lack of
LCCN: 82-71280	R 959.704 Mai	Raising the stakes	Maitland, Terrence.	1982	Outdated Content/Lack of
LCCN: 73-16224	818.5 Her	Ralph Ellison; a collection of critical essays,	Hersey, John, 1914-	1974	Outdated Content/Lack of
LCCN: 60-10007	820.9 K14	A reader's guide to Joseph Conrad.	Karl, Frederick Robert, 1927-	1960	Outdated Content/Lack of
LCCN: 84-23984	R 973.3 Tim	Rebels resurgent : Fredericksburg to Chancellorsville	Goolrick, William K.	1985	Outdated Content/Lack of
LCCN: 2006-9532	R 303.63 DeF	Revolutionary movements in world history : from 1750 to pr	James V. DeFronzo, editor.	2006	Outdated Content/Lack of
ISBN: 0-446-67745-0	332.02 Kiy	Rich dad, poor dad : what the rich teach their kids about mo	Kiyosaki, Robert T., 1947-	2000	Outdated Content/Lack of
ISBN: 0-446-67745-0	332.02 Kiy	Rich dad, poor dad : what the rich teach their kids about mo	Kiyosaki, Robert T., 1947-	2000	Outdated Content/Lack of
LCCN: 67-11865	R 979.498 Pou	The rising tide,	Pourade, Richard F.	1967	Outdated Content/Lack of
LCCN: 67-11865	R 979.498 Pou	The rising tide,	Pourade, Richard F.	1967	Outdated Content/Lack of
LCCN: 83-4692	R 973.3 Tim	The road to Shiloh : early battles in the West	Nevin, David, 1927-	1983	Outdated Content/Lack of
LCCN: 84-47524	Fic Bur	Sea change	Burchard, Peter.	1984	Outdated Content/Lack of
LCCN: 53-9457	939 Cer	The secret of the Hittites; the discovery of an ancient empire	Ceram, C. W., 1915-1972.	1956	Outdated Content/Lack of
LCCN: 80-53848	914.4 Hil	The Seine	Hills, C. A. R.	1981	Outdated Content/Lack of
	Fic Dau	Selected Stories of Alphonse Daudet	Daudet, Alphonse, 1840-1897.	1951	Outdated Content/Lack of
LCCN: 85-7516	973 Ame	A Sense of history : the best writing from the pages of Ameri	introductory note by Byron Dobell.	1985	Outdated Content/Lack of
LCCN: 81-65796	R 959.704 Doy	Setting the stage	Doyle, Edward, 1949-	1981	Outdated Content/Lack of
LCCN: 86-14584	R 973.3 Tim	The Shenandoah in flames : the valley campaign of 1864	Lewis, Thomas A., 1942-	1987	Outdated Content/Lack of

LCCN: 86-5764	R 973.3 Tim	Sherman's march : Atlanta to the sea	Nevin, David, 1927-	1986	Outdated Content/Lack of
LCCN: 73-14873	915.7 Len	Siberia.	Lengyel, Emil, 1895-	1974	Outdated Content/Lack of
LCCN: 52-8754	Fic Cos	The silver chalice : a novel	Costain, Thomas Bertram, 1885-	1952	Outdated Content/Lack of
LCCN: 84-71522	R 959.704 Ful	South Vietnam on trial, mid-1970 to 1972	Fulghum, David.	1984	Outdated Content/Lack of
LCCN: 68-10719	915.9 Poo	Southeast Asia.	Poole, Frederick King.	1968	Outdated Content/Lack of
LCCN: 85-21014	R 973.3 Tim	Spies, scouts, and raiders : irregular operations	by the editors of Time-Life Books.	1985	Outdated Content/Lack of
LCCN: 60-10415	938 Pay	The splendor of Greece.	Payne, Robert, 1911-1983.	1960	Outdated Content/Lack of
LCCN: 52-13840	Fic Bra	The starmen.	Brackett, Leigh.	1952	Outdated Content/Lack of
LCCN: 62-16822	818.5 St5	Stephen Vincent Benét.	Stroud, Parry Edmund, 1917-	1963	Outdated Content/Lack of
LCCN: 85-8408	R 973.3 Tim	The struggle for Tennessee : Tupelo to Stones River	Street, James, 1924-	1985	Outdated Content/Lack of
LCCN: 75-143187	821 Sey	T. S. Eliot	Seyppel, Joachim Hans, 1919-	1972	Outdated Content/Lack of
LCCN: 96-36157	306.874 Har	Teen mothers and the revolving welfare door	Harris, Kathleen Mullan, 1950-	1997	Outdated Content/Lack of
LCCN: 84-8465	R 973.3 Tim	Tenting tonight : the soldier's life	Robertson, James I.	1984	Outdated Content/Lack of
LCCN: 54-9502	Fic Co	The Leatherstocking Saga being those parts of The Deerslayer	Cooper, James Fenimore 1789-185	1967	Outdated Content/Lack of
LCCN: 68-4611	339.4 Veb	The theory of the leisure class.	Veblen, Thorstein, 1857-1929.	1967	Outdated Content/Lack of
LCCN: 84-70448	R 959.704 Mor	Thunder from above : air war, 1941-1968	Morrocco, John.	1984	Outdated Content/Lack of
LCCN: 74-9563	818.5 Hol	Thurber: a collection of critical essays,	Holmes, Charles Shiveley.	1974	Outdated Content/Lack of
LCCN: 61-14059	R 979.498 Pou	Time of the bells.	Pourade, Richard F.	1961	Outdated Content/Lack of
LCCN: 61-14059	R 979.498 Pou	Time of the bells.	Pourade, Richard F.	1961	Outdated Content/Lack of
LCCN: 81-18206	R 970 Urd	The timetables of American history	Urdang, Laurence.	1981	Outdated Content/Lack of
LCCN: 52-5666	Fic Gal	Trial by terror.	Gallico, Paul, 1897-1976.	1952	Outdated Content/Lack of
LCCN: 68-27495	821 Sti	Twentieth century interpretations of Keats's Odes; a collection	Stillinger, Jack.	1968	Outdated Content/Lack of
LCCN: 84-28030	R 973.3 Tim	Twenty million Yankees : the northern home front	Jackson, Donald Dale, 1935-	1985	Outdated Content/Lack of
LCCN: 82-50362	Fic Lug	The un-dudding of Roger Judd	Luger, Harriett Mandelay.	1983	Outdated Content/Lack of
LCCN: 74-1563	910.4 Nat	Undersea treasures	prepared by the Special Publication	1974	Outdated Content/Lack of
LCCN: 86-14413	R 973.3 Tim	War on the frontier : the trans-Mississippi West	Josephy, Alvin M., 1915-	1986	Outdated Content/Lack of
LCCN: 84-16206	R 973.3 Tim	War on the Mississippi : Grant's Vicksburg campaign	Korn, Jerry.	1985	Outdated Content/Lack of
ISBN: 0-19-271496-1	Fic And	The war orphan	Anderson, Rachel.	1986	Outdated Content/Lack of
LCCN: 86-70135	R 959.704 Wei	A War remembered	by Stephen Weiss ... [et al.] and the	1986	Outdated Content/Lack of
ISBN: 0-312-08257-6	364.15 Pre	The Warren Commission report : Report of the President's Commission	United States. Warren Commission	2003	Outdated Content/Lack of
LCCN: 47-5530	Fic Edm	The wedding journey;	Edmonds, Walter Dumaux, 1903-19	1947	Outdated Content/Lack of
LCCN: 47-5530	Fic Edm	The wedding journey;	Edmonds, Walter Dumaux, 1903-19	1947	Outdated Content/Lack of
LCCN: 34-4961	818.5 Woo	While Rome burns.	Woollcott, Alexander, 1887-1943.	1934	Outdated Content/Lack of
LCCN: 89-46024	Fic Bue	The wizard's tide :	Buechner, Frederick, 1926-	1990	Outdated Content/Lack of

LCCN: 61-2813	311 Joh	The world of statistics	Johnson, Donovan A.	1961	Outdated Content/Lack of
LCCN: 67-5164	821.08 Mar	A young American's treasury of English poetry from the early	Marshall, Shirley E.,	1967	Outdated Content/Lack of
ISBN: 0-19-508830-1	(see R 305.4 Sal	Young Oxford history of women in the United States, volume		1995	Outdated Content/Lack of
LCCN: 90-52957	Fic Mar	The general in his labyrinth	García Márquez, Gabriel, 1928-	1990	Mold/Foxing Damage
LCCN: 80-16809	Fic Gol	Rites of passage	Golding, William, 1911-1993.	1980	Mold/Foxing Damage
LCCN: 85-5687	Fic Gar	The eternal spring of Mr. Ito	Garrigue, Sheila.	1985	Mold/Foxing Damage
	972.91 Wyd	Bay of Pigs.			Mold/Foxing Damage
LCCN: 91-578	232.9 Ray	La historia de Navidad : según los Evangelios de Mateo y Luc	Ray, Jane.	1991	Mold/Foxing Damage
LCCN: 90-50362	Fic Gai	Good omens : the nice and accurate prophecies of Agnes N	Gaiman, Neil.	1990	Mold/Foxing Damage
LCCN: 84-91724	Fic Lam	Jubal Sackett	L'Amour, Louis, 1908-1988.	1985	Mold/Foxing Damage
LCCN: 86-3622	Fic Lam	Last of the breed	L'Amour, Louis, 1908-	1986	Mold/Foxing Damage
LCCN: 84-3896	299 Cas	The fire from within	Castaneda, Carlos, 1931-	1984	Mold/Foxing Damage
LCCN: 83-8960	Fic Asi	The robots of dawn	Asimov, Isaac, 1920-	1983	Mold/Foxing Damage
ISBN: 0-471-53214-2	R 503 Bre	Dictionary of Scientific Literacy	Brennan, Richard P.	1992	Mold/Foxing Damage

Submitted for Approval:

9/30/2020

CHS Textbooks to Be Considered for Discard, October 2020

ISBN/LCCN	Title	Number of Copies	Discard Reason
0-314-20146-7	Geography: People and Places in a Changing World	15	No Longer In Use - Replaced With New Curriculum
0-13-365946-1	Algebra 1	15	No Longer In Use - Replaced With New Curriculum
0-13-062568-x	Algebra 2	14	No Longer In Use - Replaced With New Curriculum
0-02-652920-3	World Geography	1	No Longer In Use - Replaced With New Curriculum
0-7854-1451-7	Pre-Algebra	2	No Longer In Use - Replaced With New Curriculum
0-538-62952-5	Century 21 Accounting: First-Year Course	1	No Longer In Use - Replaced With New Curriculum
0-395-67051-9	History of the World: The Modern Era	1	No Longer In Use - Replaced With New Curriculum
0-13-053624-5	A History of the United States	1	No Longer In Use - Replaced With New Curriculum
0-02-652984-x	American Odyssey: The United States in the Twentieth Century	1	No Longer In Use - Replaced With New Curriculum
0-7362-3453-5	Edge: Reading, Writing, and Language	6	No Longer In Use - Replaced With New Curriculum
0-13-236721-1	Ap Test Prep Series: AP Chemistry	15	No Longer In Use - Replaced With New Curriculum
0-03-075324-4	Health	2	No Longer In Use - Replaced With New Curriculum
0-8403-9667-8	Personal Fitness: Looking Good, Feeling Good	1	No Longer In Use - Replaced With New Curriculum
0-314-14090-5	Psychology and You	2	No Longer In Use - Replaced With New Curriculum
978-0-07-879148-2	Bon Voyage! 3	2	No Longer In Use - Replaced With New Curriculum
0-8219-2839-2	Navegando 2	1	No Longer In Use - Replaced With New Curriculum
0-7167-8595-1	Psychology: 7th Edition in Modules	1	No Longer In Use - Replaced With New Curriculum
0-7167-4772-3	Statistics Through Application	1	No Longer In Use - Replaced With New Curriculum
0-321-91041-9	Chemistry: The Central Science	1	No Longer In Use - Replaced With New Curriculum
0-13-05802-2	Literature: Timeless Voices, Timeless Themes Copper Level	1	No Longer In Use - Replaced With New Curriculum
0-13-054789-1	Literature: Timeless Voices, Timeless Themes Gold Level	1	No Longer In Use - Replaced With New Curriculum
1-4292-3326-5	Thinking About Psychology: The Science of Mind and Behavior	1	No Longer In Use - Replaced With New Curriculum
0-673-12327-8	Advanced Dictionary	1	No Longer In Use - Replaced With New Curriculum
0-7872-4610-7	Global Science: Energy, Resources, Environment	2	No Longer In Use - Replaced With New Curriculum
0-673-29435-8	An Introduction to the Humanities: Literature, Historical Documents, and Fine Art	1	No Longer In Use - Replaced With New Curriculum
0-618-98830-0	Literature	1	No Longer In Use - Replaced With New Curriculum
0-130-23638-1	Algebra 1	2	No Longer In Use - Replaced With New Curriculum
0-7854-1451-7	Pre-Algebra	1	No Longer In Use - Replaced With New Curriculum
0-7854-0916-5-H	Basic Math Skills	2	No Longer In Use - Replaced With New Curriculum
0-314-02772-6	Psychology and You	1	No Longer In Use - Replaced With New Curriculum
0-7167-4773-1	The Practice of Statistics	1	No Longer In Use - Replaced With New Curriculum
0-87720-862-x	Government for Everybody	2	No Longer In Use - Replaced With New Curriculum

978-0-07-352373-6	Principles of Athletic Training	1	No Longer In Use - Replaced With New Curriculum
1-46410850-1	Psychology in Modules	78	No Longer In Use - Replaced With New Curriculum
1-46416476-2	Psychology in Modules, Udated	43	No Longer In Use - Replaced With New Curriculum
763842842	Biotechnology Science for the New Millennium	24	No Longer In Use - Replaced With New Curriculum
0-669-25598-x	World History: Perspectives on the Past	10	Damaged
0-669-23996-8	Dime! Dos	2	Damaged
0-07-242435-4	Traditions and Encounters	3	Damaged
0-13-053628-8	America: Pathways to the Present	3	Damaged
0-618-18488-0	Modern World History	1	Damaged
0-13-134762-4	American Government: Continuity and Change	2	Damaged
978-60328-323-6	Core Connections: Integrated I	1	Damaged
0-88343-268-4	Literature: 3rd Course	14	Damaged

Submitted for Approval:

9/30/2020

AGENDA - October 15, 2020

CONSOLIDATED MOTION FOR CONSENT CALENDAR (5 min.)

4.6 Accept Uniform Complaint Quarterly Report

Department/Category: DISTRICT ORGANIZATION AND BOARD OPERATION

Background Information:

In May 2000 the ACLU and other public interest law firms and organizations filed a lawsuit alleging that the state of California lacked equal access to instructional materials and basic resources; provided inadequate instruction; and had massive overcrowding and inadequate, unsafe and unhealthy facilities. A settlement was reached in August 2004 resulting in several pieces of legislation requiring immediate implementation. Many of the new requirements apply to low performing schools, and some apply to all school districts and schools.

The Williams Settlement requires school districts to submit quarterly reports to the San Diego County Office of Education (SDCOE) on complaints each district has received related to instructional materials, emergency facilities issues, and teacher vacancies and misassignments.

Reports:

This is the first quarter of the 2020-2021 school year reporting period. The District has received no complaints.

Financial Impact:

None

Superintendent's Recommendation:

That the Board accept the Uniform Complaint Quarterly Report for the first quarter of the 2020-2021 school year.

LCAP Goals:

Moved _____ . Seconded _____

Ayes _____ Noes _____ Absent _____ Abstain _____ Student _____

AGENDA - October 15, 2020

CONSOLIDATED MOTION FOR CONSENT CALENDAR (5 min.)

4.7 Approve Equity Board Policy 0415

Department/Category:

Background Information:

Superintendent's Recommendation:

LCAP Goals:

Moved _____ . Seconded _____

Ayes _____ Noes _____ Absent _____ Abstain _____ Student _____

[BP0415_\(1\) \(2\).pdf](#)

CSBA Sample

Board Policy

Equity

BP 0415

Philosophy, Goals, Objectives and Comprehensive Plans

Pursuant to Education Code 201, California schools have an affirmative obligation to combat racism, sexism, abilities, and other forms of bias, and have a responsibility to provide equal educational opportunity to all students. Education Code 220 prohibits discrimination on the basis of disability, gender, gender identity, gender expression, nationality, immigration status, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code in any program or activity conducted by the district.

The Governing Board believes that the diversity that exists among the district's community of students, staff, parents/guardians, and community members is integral to the district's vision, mission, and goals. Addressing the needs of every child, every day requires recognition of the inherent value of diversity and acknowledgement that educational excellence requires a commitment to equity in the opportunities provided to students and the resulting outcomes.

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

The Board shall make deliberate decisions to foster learning environments in which every child, every day feels safe, valued, and respected. Board decisions shall not rely on biased or stereotypical assumptions about any particular group of students.

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Learners)

(cf. 6175 - Migrant Education Program)

(cf. 9000 - Role of the Board)

(cf. 9310 - Board Policies)

The Board and the Superintendent or designee shall develop and implement policies and strategies to promote equity in district programs and activities, through measures such as the following:

1. Routinely assessing student needs based on disaggregated data.

(cf. 0400 - Comprehensive Plans)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 6162.5 - Student Assessment)

2. Analyzing expenditures and allocating financial and human resources in a manner that provides all students with equitable access to district programs, support services, and opportunities for success and promotes equity and inclusion in the district. Such resources include access to high-quality administrators, teachers, and other school personnel; funding; technology, equipment, textbooks, and other instructional materials; facilities; and community resources or partnerships.

(cf. 0440 - District Technology Plan)
(cf. 3100 - Budget)
(cf. 4113 - Assignment)
(cf. 7110 - Facilities Master Plan)

3. Enabling and encouraging students to enroll in, participate in, and complete curricular and extracurricular courses, advanced college preparation programs, and other student activities.

(cf. 6141.5 - Advanced Placement)
(cf. 6143 - Courses of Study)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6152.1 - Placement in Mathematics Courses)

4. Building a positive school climate that promotes student engagement, safety, and academic and other supports for students.

(cf. 5137 - Positive School Climate)

5. Augment instruction with resources that expand understanding of, and exposure, to diverse perspectives which support and enhance student achievement.

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

6. Providing and/or collaborating with local agencies to access support services for students in need.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)
(cf. 6179 - Supplemental Instruction)

7. Promoting the employment and retention of a diverse staff.
8. Providing district staff with ongoing, researched-based, professional learning and professional development on diversity and educational equity among all students.

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

9. Review current program evaluations focusing on educational equity and address the academic outcomes and performance of all students on all indicators.

(cf. 0500 - Accountability)

The Board shall regularly monitor the impact of the implementation of this board policy on student achievement.

Legal Reference:

EDUCATION CODE

-262.4 Educational equity

Local control and accountability plan

Selection of instructional materials

GOVERNMENT CODE

Definitions

Nondiscrimination in programs or activities funded by state

PENAL CODE

Definition of hate crime

Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

-1482 Individuals with Disabilities in Education Act

-1688 Discrimination based on sex or blindness, Title IX

-2414 Strengthening Career and Technical Education for the 21st Century Act

State plans

Local education agency plans

UNITED STATES CODE, TITLE 29

Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

h-2000h-6 Title IX

-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

-35.190 Americans with Disabilities Act

Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

-100.13 Nondiscrimination in federal programs, effectuating Title VI

-104.39 Section 504 of the Rehabilitation Act of 1973

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

Management Resources:

CSBA PUBLICATIONS

Meeting California's Challenge: Access, Opportunity, and Achievement: Key Ingredients for Student Success, 2017

The School Board Role in Creating the Conditions for Student Achievement, 2017

African-American Students in Focus: Closing Opportunity and Achievement Gaps for African-American Students, 2016

African-American Students in Focus: Demographics and Achievement of California's African-American Students, 2016

Latino Students in California's K-12 Public Schools, 2016

Research-Supported Strategies to Improve the Accuracy and Fairness of Grades, 2016

Climate for Achievement Governance Brief Series, 2015

Math Misplacement, 2015

CENTER FOR URBAN EDUCATION PUBLICATIONS

Protocol for Assessing Equity-Mindedness in State Policy, 2017

WEB SITES

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

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

Center for Urban Education: <http://cue.usc.edu>

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

AGENDA - October 15, 2020

REPORTS (30 min.)

7.3 Learning and Instruction Updates (5 min. + Board Discussion)

Department/Category: INSTRUCTIONAL PROGRAMS & STUDENT ACTIVITIES

Background Information:

Reports:

Since our last regularly scheduled Board meeting on September 10th, CUSD transitioned into Phase 2 of our reopening plan. The week of October 5th, we were thrilled to welcome back all TK-5 grade cohorts at Silver Strand and Village Elementary Schools, who are attending in person according to an AM/PM cohort schedule. Additionally, we welcomed back small cohorts of students at both CMS and CHS. Prior to Phase 2 of reopening, CUSD provided all staff with a comprehensive health and safety training on August 25th (a calendared professional learning day). As stated in previous meetings and in Superintendent Mueller's newsletters, CUSD is reopening schools in phases, inviting small cohorts of students back according to specific timeframes, in order to monitor the safety, health and stability of each cohort before bringing additional cohorts on campus. This is critical in order to quickly address instances of COVID-19 situations that develop. The chart attached displays what steps will be taken when there is a positive case or presumed positive case of COVID-19 on campus.

For example, Teacher A from Village Elementary School has been identified as presumed positive or has had a positive test. As a result, students who were identified by County Health as a close contact in both the AM and PM cohorts that Teacher A instructs will potentially be sent home and quarantined for 14 days. The following are the state guidelines for closing classroom cohorts, school cohorts and closing the district. Please note that guidelines are frequently changing and we will be consulting with County Health on all cases and following their recommendations.

- **Classroom cohort closes** if 5% of students and teachers in a classroom test positive for the virus, followed by 14 days of quarantine
- **School closes** if students and teachers experience a 5% positive testing rate followed by 14 days of quarantine
- **District closes** if 25% of schools in the district are closed (for CUSD, that is one school)

Below is a summary of current and future phases of reopening.

Phased return to campus / rolling opening and orientation

Week of September 14 th	<u>Orientation and start dates for:</u> TK - 12 students with moderate-severe disabilities
Weeks of September 21 st and 28 th	Parent commitment survey Principal development of AM/PM cohorts Health and safety training for staff Preparation of facilities
Week of October 5 th	<u>Orientation and start dates for:</u> Preschool Grades TK-5 Grades 6-12 students with disabilities in support class CMS KCMS Cohort CMS Yearbook Cohort
Week of October 19 th	<u>Orientation and start dates for:</u> CMS ASB Cohort

<p>Week of October 26th</p>	<p><u>Orientation and start dates for:</u></p> <p>CMS ELD Cohort</p> <p>CMS Literacy Lab Cohort</p> <p>CMS English 8 Foundations Cohort</p> <p>CMS Advanced Art Cohort</p> <p>CMS Advanced Performing Arts Cohort</p> <p>CMS 6th Grade Elective Wheel Cohorts</p> <p>CMS In-Person Assessment Opportunities</p> <p>CHS Academic Support Cohorts</p> <p>CHS In-Person Assessment Opportunities</p> <p>CHS In-Person BRIDGE Learning Space</p> <p>CHS ASB Cohort</p> <p>CHS NJROTC Cohort Opportunities</p> <p>CHS Special Extensions of Electives</p>
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In addition to continuous and focused planning for our phased reopening, CUSD is pursuing creative ways to provide live instruction using livestreaming technologies for students in the BRIDGE program. On August 31, 2020, education finance budget trailer bill SB 820 was passed by the California Legislature. One notable new provision of the law relates to video and recordings – live distance learning. The bill clarifies Education Code section 51512 requirements for recording synchronous (live) instruction during distance learning. CUSD has notified the Association of Coronado Teachers of its intent to livestream in-person classroom instruction for students engaged in distance learning as authorized by Education Code section 51512. On October 1, 2020, CUSD and ACT entered a Side Letter Agreement regarding livestreaming instruction for distance learning programs.

Superintendent's Recommendation:

LCAP Goals:

LEARNING: Integrate personalized learning with assessment methods that will prepare all students for academic and vocational success.

Standards Aligned Core Curriculum, Assessment and Instruction

COMMUNICATION: Communicate openly, freely and accurately to engage and involve all shareholders

Informative Communication to the CUSD Community

SUPPORT: Maintain safe and supportive schools where students and staff thrive

Safe and Clean Facilities

Intervention Services

Moved _____ . Seconded _____

Ayes _____ Noes _____ Absent _____ Abstain _____ Student _____

[COVID-19 Steps.jpg](#)

At school, if a student or staff member develops any one of the following symptoms (symptom is new and not directly related to a chronic, pre-existing condition that causes the symptom, of which school personnel is already aware), then the student/staff is to stay home until...

- fever greater than 100.0 degrees
- chills
- cough
- shortness of breath
- difficulty breathing
- fatigue
- headache
- muscle or body aches
- new loss of taste or smell
- sore throat
- congestion or runny nose
- nausea or vomiting
- diarrhea
- close contact with someone testing positive for COVID-19

Student/staff receives viral test

NEGATIVE

- Proof of negative test required
- May return 3 days after symptoms have resolved

POSITIVE

- May return to school when:
- 24 hours without a fever (no medication)
 - COVID-19 symptoms are improving
 - at least 10 days have passed since symptoms first appeared or test date

Student/staff do not receive test

Doctor note - presumed positive

- May not return to school until: 3 days without a fever, COVID-19 symptoms are improving and at least 10 days have passed since symptoms first appeared

Note from doctor re: chronic illness

Contact the school health office for guidance

AGENDA - October 15, 2020

REPORTS (30 min.)

7.4 Student Services: Equity Action Plan Update (5 min. + Board Discussion)

Department/Category: INSTRUCTIONAL PROGRAMS & STUDENT ACTIVITIES

Background Information:

Reports:

Presentation Attached

Superintendent's Recommendation:

LCAP Goals:

Moved _____ . Seconded _____

Ayes _____ Noes _____ Absent _____ Abstain _____ Student _____

[Equity Action Plan.pdf](#)

Equity Action Plan

October 15, 2020

What this work IS:

- The development of a committee of stakeholders: CUSD students, staff, and parents
- A two year process to examine existing practices in CUSD and apply an equity and access lens to decision making
- A comprehensive review of CUSD data in order to make informed and data-driven decisions
- A forum to listen, explore, and dialogue about diversity, equity and inclusion issues within CUSD

What this work is NOT:

- A complete overhaul of CUSD policies and/or practices
- A shift from our core values
- An abandonment of the Common Core State Standards
- An adoption new standards / curriculum
- Interfering with a safe return to school due to COVID-19
- A 'quick fix', 'one off', or a 'checking of the box'

CUSD Long Range Plan: Guiding Principles

Spring 2018

- *We will believe in the potential and promise of each child*
- *We will base decisions on what is best for students, always*
- *We will not compromise our commitment to academic excellence and rigor*
- *We will prioritize the physical and emotional safety of our staff and students*

Guiding Principles of this work

- Every Child, Every Day is entitled to feel safe, valued, and respected while in our care
- Equity, Access, and Inclusion promote academic, behavioral, and social emotional well-being
- Teaching students to think critically and to be active and informed citizens is key to democracy
- Training and supporting teachers on how to address equity and access is critical

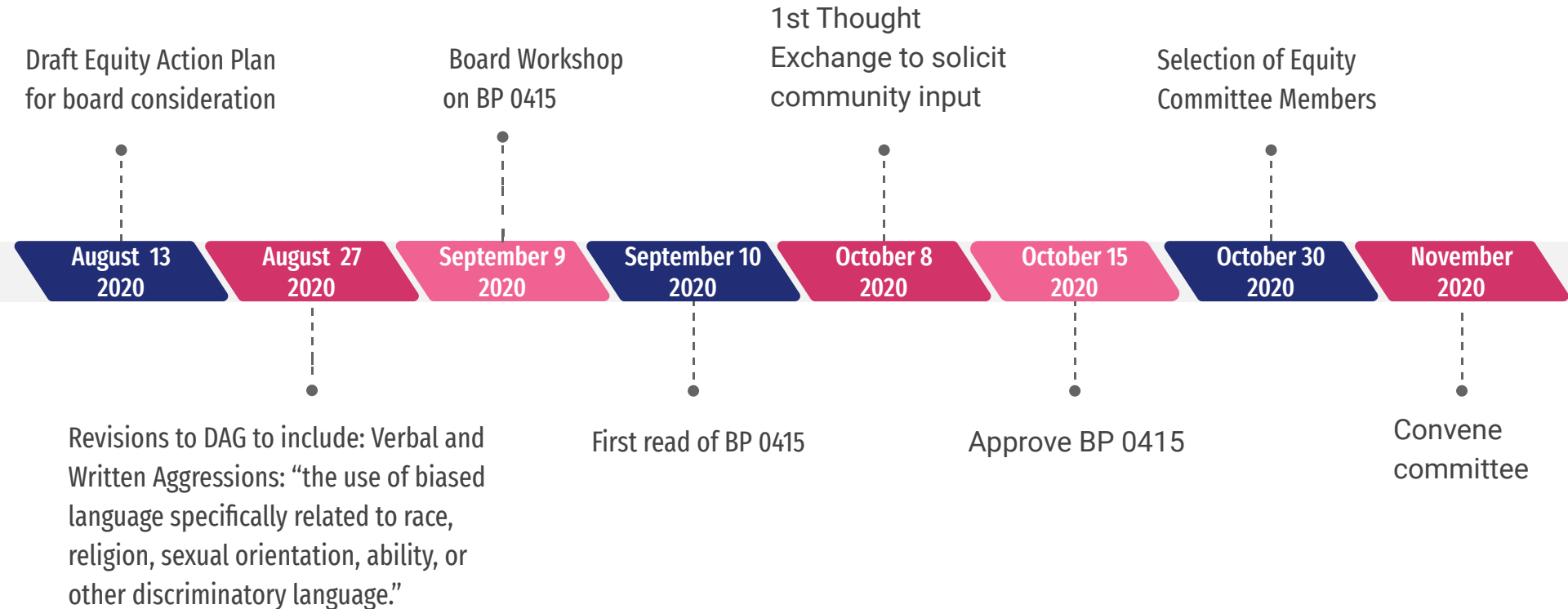
Existing Foundation for Equity

- MTSS
 - Positive Behavior Interventions and Supports (PBIS)
 - Restorative Practices
 - Progressive discipline matrix in DAG
- Team Triton Time- 8 Key of Excellence
- Sanford Harmony
 - Celebrating differences and diversity
- Co-teaching and Inclusion
- Committed and Amazing CUSD Staff

Existing Foundation for Equity

- MTSS
 - Positive Behavior Interventions and Supports (PBIS)
 - Restorative Practices
 - Progressive discipline matrix in DAG
- Team Triton Time- 8 Key of Excellence
- Sanford Harmony
 - Celebrating differences and diversity
- Co-teaching and Inclusion
- Committed and Amazing CUSD Staff

Timeline



Board Workshop: September 9, 2020

- Purpose: To tailor the CSBA Sample BP 0415 to CUSD
- Aligns our Equity work with Long Range Plan

CSBA Sample

Board Policy

Equity

BP 0415

Philosophy, Goals, Objectives and Comprehensive Plans

Pursuant to Education Code 201, California schools have an affirmative obligation to combat racism, sexism, abilities, and other forms of bias, and have a responsibility to provide equal educational opportunity to all students. Education Code 220 prohibits discrimination on the basis of disability, gender, gender identity, gender expression, nationality, immigration status, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code in any program or activity conducted by the district.

The Governing Board believes that the diversity that exists among the district's community of students, staff, parents/guardians, and community members is integral to the district's vision, mission, and goals. Addressing the needs of every child, every day requires recognition of the inherent value of diversity and acknowledgement that educational excellence requires a commitment to equity in the opportunities provided to students and the resulting outcomes.

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

The Board shall make deliberate decisions to foster learning environments in which every child, every day feels safe, valued, and respected. Board decisions shall not rely on biased or stereotypical assumptions about any particular group of students.

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Learners)

(cf. 9875 - Migrant Education Program)

(cf. 9000 - Role of the Board)

(cf. 9310 - Board Policies)

The Board and the Superintendent or designee shall develop and implement policies and strategies to promote equity in district programs and activities, through measures such as the following:

Mission Statement

The Governing Board believes that the diversity that exists among the district's community of students, staff, parents/guardians, and community members is **integral** to the district's vision, mission, and goals. Addressing the needs of every child, every day requires recognition of the inherent value of diversity, equity and inclusion and acknowledgement that educational excellence requires a commitment to equity in the opportunities provided to students and the resulting outcomes. The Governing Board also believes that, in order for every child, every day to be successful, CUSD must create conditions where all members of our school community **feel safe, valued, and respected** while in our care.

Equity Committee: Next Steps on the Horizon

- Selection of committee members
 - Who?: Parents, staff and students
 - What?: Communicate purpose and commitment to larger community
 - How?: Analyze data, participate in professional learning, and make recommendations for implementation and change
- Convene committee
 - Develop tiger teams:
 - Positive School Climate
 - Supplemental Instructional Materials
 - Professional Development
 - Human Resources/ Budgetary allocations

Questions?

Thank you!

AGENDA - October 15, 2020

REPORTS (30 min.)

7.5 Superintendent's Report: Long Range Plan Update (5 min. + Board Discussion)

Department/Category: DISTRICT ORGANIZATION AND BOARD OPERATION

Background Information:

In Spring 2018, the CUSD Governing Board directed staff to create a strategic plan to determine local priorities, beyond the scope of the LCAP, to purposefully guide the trajectory of the district for the next five years. Initiatives of focus for this study included academic achievement, resource allocation/budget, support, and communication. Through this process, the Board defined guiding principles, goals, and strategies to guide CUSD efforts.

The Superintendent will provide ongoing updates and progress to the Governing Board regarding objectives identified in the Long Range Plan.

Reports:

Attached

Financial Impact:

None for this report

Superintendent's Recommendation:

LCAP Goals:

COMMUNICATION: Communicate openly, freely and accurately to engage and involve all shareholders

Informative Communication to the CUSD Community

Moved _____ . Seconded _____

Ayes _____ Noes _____ Absent _____ Abstain _____ Student _____

[7.5 - Long Range Plan Update.pdf](#)

7.0 Reports

7.5 Superintendent's Report: Long Range Plan Update

Background:

In Spring 2018, the CUSD Governing Board directed staff to create a strategic plan to determine local priorities, beyond the scope of the LCAP, to purposefully guide the trajectory of the district for the next five years. Initiatives of focus for this study included academic achievement, resource allocation/budget, support, and communication. Through this process, the Board defined guiding principles, goals, and strategies to guide CUSD efforts.

The Superintendent will provide ongoing updates and progress to the Governing Board regarding objectives identified in the Long Range Plan.

2.0 Budget

- 2.4 *Strengthen systems and processes to ensure the strategic recruitment and placement of interdistrict transfer students in order to stabilize enrollment and sustain programs offered across CUSD.*

Similar to trends across public schools in California, CUSD has experienced declining enrollment this school year as families struggle to navigate the challenges of Governor Newsom's July 17 mandate that schools open and operate in a remote learning environment. Our current enrollment reflects a 14% decrease from school year 2019-20; our elementary schools have been significantly impacted. This trend aligns with most districts as self-direction and engagement are, developmentally, skills that evolve as children become more mature and independent. During the first six weeks of fall this trend has continued. To be specific, 97 students have disenrolled between August 27 to October 8 to enroll in private, charter, or homeschooling programs and some have moved out of San Diego County and/or California. Of these 97, 80% are elementary and 20% are secondary students.

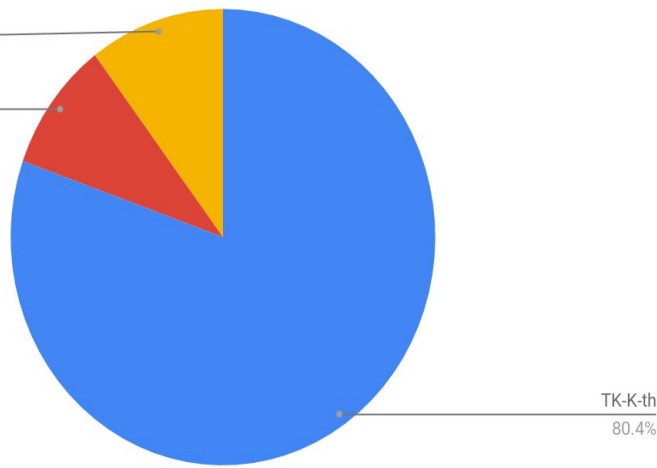
	2018-19 School Year October 6, 2018	2019-20 School Year October 6, 2019	2020-21 School Year October 6, 2020	Change 2020/21 vs. 2019/20
STRAND	315	358	285	-20%
VILLAGE	834	792	610	-23%
CMS	729	763	635	-17%
CHS	1,155	1,126	1,069	-5%
Totals	3,033	3,039	2,599	-14%

Disenrolled

8/27/20 - 10/8/20

9th-12th
10.3%

6th-8th
9.3%

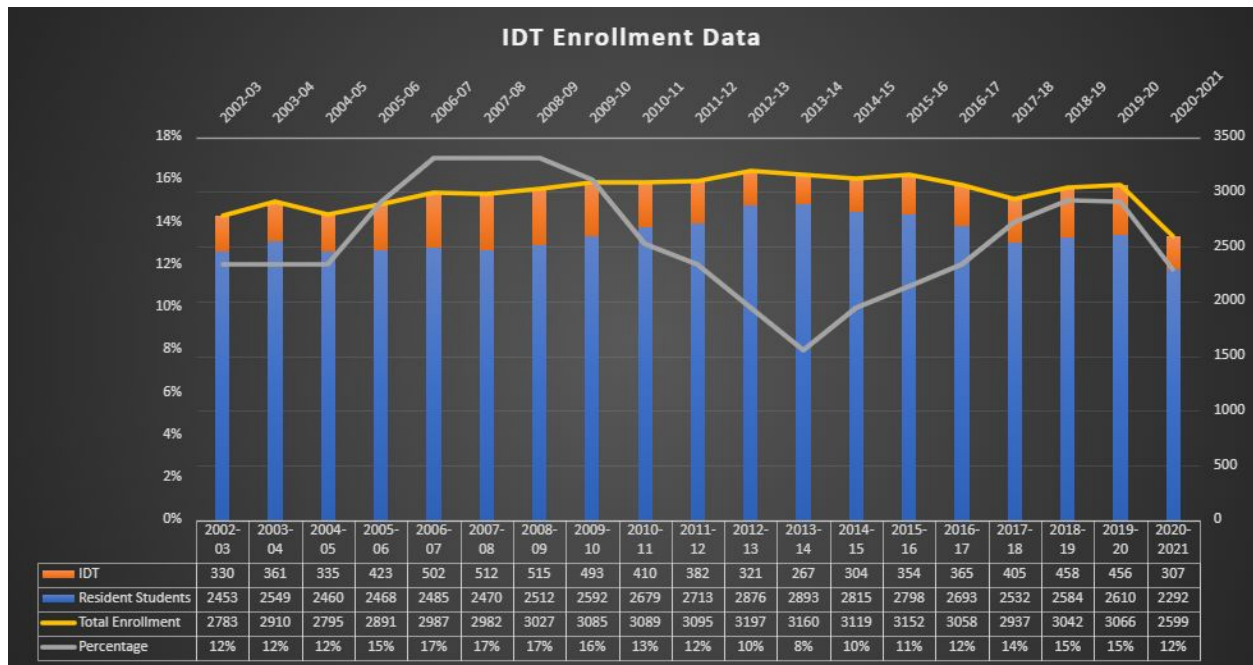


Disenrolled by Grade 8/27 - 10/8

TK-K	20
1st	13
2nd	10
3rd	12
4th	15
5th	8
6th	4
7th	3
8th	2
9th	1
10th	5
11th	2
12th	2

As stated in previous LRP updates, CUSD employed a conservative approach to IDT acceptance for current 2020-21 school year placement. After school closures in March, all guidance and directives indicated social distancing was going to be a critical factor in any reopening scenario. Historically, CUSD has accepted IDT students in order to have stability in staffing and programs offered. We maximize teacher to student ratios (by grade level) to ensure that we have continuity in enrollment. This predictability is essential for budgeting, planning, and supports needed to sustain resources and programs for all learners. CUSD has earned a strong reputation of academic excellence in San Diego County and, as such, we have been able to attract large numbers of students to our schools. In fact, over the past three years, we have only been able to place 38% of our Interdistrict Transfer application requests. In doing so, we have had to deny over 140 applicants per year. Placement determinations are driven by Board Policy, contract agreements between CUSD and neighboring districts, and on space availability by grade, program, and school. Over the past 19 years, the percentage of IDT students we have accepted has ranged between a low of 8% to a high of 17% of our total enrollment (chart below). In addition to the role of IDT students to sustain programs, course of study, and budget predictability, IDT students enhance our district and are integral to our school communities.

This summer, we committed to keeping our staff to student ratios below targeted class size averages. This determination best positioned our district to adhere to current COVID related social distancing guidelines. Enrolling all IDT applicants would have mitigated our declining enrollment, but was not aligned with our commitment to returning our students as quickly and as safely as possible. Supporting this approach was a declaration from Sacramento that, in order to best mitigate funding related to COVID-19, public school funding would be based off of enrollment data from the school year 2019-20.



CUSD, like all public schools funded through Average Daily Attendance (ADA), received notification of a temporary shift in funding model. The State’s funding model protects Districts against significant year-over-year dips in enrollment by allowing them to be funded based on the **greater of** current or prior year’s attendance. As stated above and as a result of the COVID19 pandemic, CUSD experienced a 14% decrease in enrollment. This is significant. Historically, CUSD has been able to stabilize enrollment by accepting more inter-district transfers. Recent legislation, and the introduction of remote instruction as a response to the ongoing pandemic, resulted in a one-year moratorium on attendance accounting and Districts are “held harmless” by allowing them to utilize attendance data from 2019-20 as the basis for funding. This safe harbor provision in LCFF funding allows CUSD to receive a minimum level of funding based on 2019-20 levels through 2021-2022.

	School Year			
	2019/2020	2020-2021	2021-2022	2022-2023
	CY	←	Greater of Current or Prior Year	Greater of Current or Prior Year
Anticipated Funding:	\$ 26,754,758	→		TBD

We want those who left CUSD for alternative placements to return when it is best for their family. The additional time provided by Sacramento will allow CUSD to adjust staffing levels or respond to enrollment changes in order to mitigate the impacts on programs and services for CUSD students and families. As guided by the LRP, the *strategic recruitment and placement of interdistrict transfer students in order to stabilize enrollment and sustain programs offered across CUSD* will support this endeavor.

3.0 Support

3.2 Strengthen programs and expand resources which support the physical and emotional health of CUSD staff and students.

Listening and awareness are the lowest-tier intervention. What we observe and hear in our hallways, lunchrooms, and classrooms provide critical data on the health and safety of our school communities. As such, Mental Health Awareness is critical to who and how we serve our colleagues, students, and selves.

In recognition of Mental Illness Awareness Week, CUSD took advantage of an amazing opportunity to partner with Mental Health America of San Diego County on a professional development opportunity in Mental Health First Aid (MHFA). MHFA is a course that teaches you to identify, understand and respond to signs of mental illnesses and substance use disorders. The training gives individuals the skills needed to reach out and provide initial help and support to someone who may be developing a mental health or substance use problem or who may be experiencing a crisis. Participants who complete the two week/8 hour course received Mental Health First Aid Certification.

Over 50 CUSD Staff members, both certificated and classified colleagues, completed the course and earned their certification. Having this team of certified MHFA staff will strengthen our collective response and support to those we serve with and for.

	OPTION 1: 100% Online (BRIDGE Program)	OPTION 2: Partial On- Campus Experiences		% Remaining in BRIDGE		
TK	7	25	32	22%		
K	18	91	109	17%		
1st	25	112	137	18%		
2nd	20	135	155	13%		
3rd	24	104	128	19%		
4th	24	128	152	16%		
5th	13	153	166	8%	15%	Grades TK-5
6th	28	142	170	16%		
7th	48	165	213	23%		
8th	48	161	209	23%	21%	Grades 6-8
9th	52	219	271	19%		
10th	65	165	230	28%		
11th	77	155	232	33%		
12th	57	181	238	24%	26%	Grades 9-12

AGENDA - October 15, 2020

FIRST READING

8.1 Revisions to Board Policies, Board Bylaws, Administrative Regulations, and/or Exhibits

Department/Category: DISTRICT ORGANIZATION AND BOARD OPERATION

Background Information:

Periodically the Board is presented with recommended revisions to Board Policies (BP), Board Bylaws (BB), Administrative Regulations (AR), and/or Exhibits (E). The recommendations are based on changes in law, the Education Code, Government Code, and/or rewording for better understanding.

Reports:

Recent changes in the law require adoptions, and revisions of policies and regulations.

Copies of the policies have been available for the public for viewing at the District Office.

Financial Impact:

None

Superintendent's Recommendation:

LCAP Goals:

LEARNING: Integrate personalized learning with assessment methods that will prepare all students for academic and vocational success.

Standards Aligned Core Curriculum, Assessment and Instruction

Moved _____ . Seconded _____

Ayes _____ Noes _____ Absent _____ Abstain _____ Student _____

[BP-AR Updates - FIRST READ.pdf](#)

CSBA POLICY GUIDE SHEET July 2020

Note: Descriptions below identify revisions made to CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes have also been made. Districts and county offices of education should review the sample materials and modify their own policies accordingly.

Board Policy 3555 - Nutrition Program Compliance

Policy updated to reflect **NEW STATE REGULATIONS** (Register 2020, No. 21) which provide that complaints regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses should be submitted directly to the California Department of Education (CDE), and complaints alleging discrimination on the basis of race, color, national origin, sex, age, or disability should be submitted to the U.S. Department of Agriculture (USDA). Complaints regarding other program requirements or other bases for discrimination are to be investigated and resolved at the district level. Policy also deletes the USDA nondiscrimination statement that must be included on all forms of communication regarding program availability, which is now presented in the accompanying exhibit.

NEW - Exhibit 3555 - Nutrition Program Compliance

New exhibit presents the USDA statement, formerly in BP 3555, which must be included on all forms of communication available to the public regarding the availability of child nutrition programs in order to advise the public of the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints against the district.

Administrative Regulation 4030 - Nondiscrimination in Employment

Regulation updated to reflect **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which require that allegations of sexual harassment that meet the federal definition be investigated through Title IX complaint procedures, as described in AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, rather than the complaint procedures detailed in this regulation.

Board Policy 4119.11/4219.11/4319.11 - Sexual Harassment

Policy updated to reflect **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which require that complaints of behavior that meets the federal definition of sexual harassment be addressed through new Title IX complaint procedures. Title of compliance officer changed to Title IX Coordinator pursuant to federal regulations, and responsibility assigned to Title IX Coordinator to receive complaints and determine the appropriate complaint procedure to use.

Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment

Regulation updated to reflect **NEW LAW (SB 778, 2019)** which (1) requires a district with five or more employees to provide two hours of sexual harassment training to supervisory employees and one hour of sexual harassment training to nonsupervisory employees by January 1, 2021 and every two years thereafter, and (2) requires new nonsupervisory employees and employees promoted to supervisory positions to receive the training within six months of hire or promotion. Regulation also reflects **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which require the district to designate a Title IX Coordinator and disseminate the Coordinator's contact information.

NEW - Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures

New regulation reflects **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which establish a Title IX complaint procedure for addressing complaints of behavior that meets the federal definition of sexual harassment. Regulation describes the types of behavior subject to these complaint procedures, the process for filing a complaint with the Title IX Coordinator, the requirement to offer supportive measures to the complainant, the option for the parties to participate in an informal resolution process, required notifications, the investigation process, issuance of a written decision, the right to appeal the decision, and the requirement to maintain records of sexual harassment complaints and training materials for seven years.

Board Policy 5141.22 - Infectious Diseases

Policy reflects **NEW LAW (AB 262, 2019)** which requires local health officers to notify and update districts of an outbreak, or imminent outbreak, of a communicable disease and requires districts to comply with any orders issued by the health officers and all applicable privacy laws. Policy also clarifies that any allowable exclusions apply only to on-campus instruction and provides that the superintendent or designee will, when necessary, inform the local health official of any potential outbreak.

Administrative Regulation 5141.22 - Infectious Diseases

Regulation updated to add section on "Prevention and Mitigation Plan" reflecting general best practices based on COVID-19 guidance. Regulation also adds recommendations from CDE's Science Safety Handbook pertaining to experiments involving human blood sampling.

Administrative Regulation 5145.3 - Nondiscrimination/Harassment

Regulation updated to reflect **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which require that allegations of sexual harassment that meet the federal definition be investigated through Title IX complaint procedures, as described in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures, rather than the district's uniform complaint procedures.

Board Policy 5145.6 - Parental Notifications

Policy updated for gender neutrality and to update legal references based on new laws reflected in the accompanying exhibit.

Exhibit 5145.6 - Parental Notifications

Exhibit updated to reflect **NEW LAW (SB 74, 2020)** which extends the suspension of certain mandated activities through the 2020-21 school year; reflect **NEW FEDERAL REGULATION (85 Fed. Reg. 30026)** which requires notice of the contact information of the district's Title IX Coordinator; delete legal cites for the Open Enrollment Act, which is no longer operational; delete reference to BP 5141.33 which is no longer applicable to exclusions from school; reflect **NEW LAW (SB 1109, 2018)** which requires dissemination of an opioid fact sheet to parents/guardians of student athletes; reflect **NEW LAW (AB 2370, 2018)** which requires child care centers with buildings constructed before 2010 to test drinking water for lead and notify parents/guardians of the results of that test; add notice requirements for districts receiving Impact Aid for children residing on Indian lands; reflect **NEW FEDERAL REGULATION (85 Fed. Reg. 30026)** which requires notifications to the parents/guardians of a student who complains of sexual harassment regarding rights, the complaint process, and the availability of supportive measures; and move the classroom notice requirement pertaining to complaints about health and safety in California State Preschool Programs to AR/E 1312.3 - Uniform Complaint Procedures consistent with CDE's Federal Program Monitoring instrument.

Board Policy 5145.7 - Sexual Harassment

Policy updated to include examples of actions to reinforce the district's sexual harassment policy, consistent with **NEW LAW (AB 34, 2019)** which requires posting the sexual harassment policy on the district's web site and **NEW LAW (AB 543, 2019)** which requires displaying a poster and providing the sexual harassment policy in student orientations. Policy also reflects **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which require that complaints of behavior that meets the federal definition of sexual harassment be addressed through new Title IX complaint procedures. Title of compliance officer changed to Title IX Coordinator throughout policy pursuant to federal regulations.

Administrative Regulation 5145.7 - Sexual Harassment

Regulation updated to reflect **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which amend the process for resolving complaints of sexual harassment, including, but not limited to, requirements to designate a Title IX Coordinator and disseminate the Coordinator's contact information. Regulation also reflects **NEW LAW (AB 543, 2019)** which requires the district to create a poster notifying students of the district's sexual harassment policy and to display the poster in specified locations, and requires the district to provide a copy of the policy to students as part of any orientation program for new and continuing students. Regulation reflects **NEW LAW (AB 34, 2019)** which requires the district to post the district's sexual harassment policy and the definition of sexual harassment in a prominent location on the district's web site.

NEW - Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures

New regulation reflects **NEW FEDERAL REGULATIONS (85 Fed. Reg. 30026)** which establish a Title IX complaint procedure for addressing complaints of behavior that meets the federal definition of sexual harassment. Regulation describes the types of behavior subject to these complaint procedures, the process for filing a complaint with the Title IX Coordinator, the offer of supportive measures to the complainant, the option for the parties to participate in an informal resolution process, required notifications, the investigation process, issuance of a written decision, the right to appeal the decision, and the requirement to maintain records of sexual harassment complaints and training materials for seven years.

Board Policy 6142.7 - Physical Education and Activity

Policy updated to add statement on equal access and equal opportunities for participation in physical education regardless of gender, gender expression, sexual orientation, and mental or physical disability, as included in CDE's Federal Program Monitoring instrument. Policy also reflects U.S. Department of Health and Human Services recommendations for moderate to vigorous physical activity in children, clarifies credential requirements for teachers of physical education, and reflects the requirement that students who have been granted a permanent exemption from physical education must still be offered physical education courses of at least 400 minutes each 10 school days.

Administrative Regulation 6142.7 - Physical Education and Activity

Regulation updated to reflect **NEW LAW (SB 75, 2019)** which extends the use of uniform complaint procedures (UCP) to include complaints alleging noncompliance with physical education instructional minutes in grades 7-12. Regulation also reflects U.S. Department of Health and Human Services recommendations for moderate to vigorous physical activity in children and expands the list of duties of the physical fitness test coordinator as described in state regulations.

Board Policy 6159 - Individualized Education Program

Policy updated to include the requirement, formerly in BP/AR 0430 - Comprehensive Local Plan for Special Education, to provide a free appropriate public education (FAPE) to students who have been suspended or expelled from school or who are placed by the district in a nonpublic, nonsectarian school. Policy adds the requirement to provide FAPE to individuals age 18-21 who are incarcerated in an adult correctional facility if they had been identified as students with disabilities or had an individualized education program (IEP) in their prior educational placement. Paragraph on the rights of foster parents moved to AR.

Administrative Regulation 6159 - Individualized Education Program

Regulation updates the section on "Contents of the IEP" to consolidate lists of IEP requirements for clarity. Regulation reflects **NEW LAW (SB 98, 2020)** which requires the IEP to describe the means by which the IEP will be provided under emergency conditions in which instruction and/or services cannot be provided to the student at school or in person for more than 10 school days. Regulation also reflects **NEW LAW (AB 947, 2019)** which (1) authorizes districts to consider elements of the "expanded core curriculum," as defined, when developing an IEP for a student who is blind, has low vision, or is visually impaired, and (2) establishes requirements for orientation and mobility evaluations conducted for such students. Regulation also reflects **NEW LAW (AB 605, 2019)** which requires districts to provide assistive technology devices for use in a student's home or other setting when required by the student's IEP, and requires that such students be given continued access to assistive technology devices for up to two months after transferring out of the district. Section on "Parent/Guardian Consent for Provision of Special Education and Services" revised to more directly reflect law.

Board Policy 6159.1 - Procedural Safeguards for Special Education

Policy updated to encourage early, informal resolution of any dispute regarding special education services. Policy also reflects **NEW STATE REGULATIONS (Register 2020, No. 21)** which establish a complaint process, separate from UCP, for complaints alleging noncompliance with federal or state laws related to the provision of FAPE to students with disabilities, such as the district's violation of the federal Individuals with Disabilities in Education Act or state law on special education, violation of a settlement agreement, failure to implement a due process hearing order, or physical safety concerns that interfere with the provision of FAPE.

Administrative Regulation 6159.1 - Procedural Safeguards for Special Education

Regulation updated to clarify that due process complaints should be filed with the state Office of Administrative Hearings and that such complaints must generally be filed within two years of the date the parent/guardian or district knew or should have known about the alleged violation. Regulation also adds new section on "State Compliance Complaints" reflecting **NEW STATE REGULATIONS (Register 2020, No. 21)** which establish a complaint process, separate from UCP, for complaints alleging noncompliance with federal or state laws related to the provision of FAPE to students with disabilities, such as the district's violation of the federal Individuals with Disabilities Education Act or state law on special education, violation of a settlement agreement, failure to implement a due process hearing order, or physical safety concerns that interfere with the provision of FAPE.

Board Policy 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education

Policy updated to include the provision of nonpublic, nonsectarian school and agency (NPS/A) services in the comprehensive local plan of the Special Education Local Plan Area. Policy reflects **NEW LAW (AB 1172, 2019)** which requires districts to verify that the NPS/A provides staff training in the use of practices and interventions specific to the unique behavioral needs of the student population at the NPS/A. Policy also reflects the requirement for the district to pay the full amount of the school's tuition or, as amended by AB 1172, the fees for the agency. Legal cite for Education Code 56366.3 deleted as it has been repealed.

Administrative Regulation 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education

Regulation updated to include the maximum term of the master contract between the district and NPS/A, expand the components of the contract in accordance with state law and regulations, and include the ability to terminate the contract for cause with 20 days' notice. Regulation also provides more detail regarding the annual IEP review focused on NPS/A students. New section on "On-Site Visits" reflects **NEW LAW (AB 1172, 2019)** which (1) requires the district to conduct an on-site visit of an NPS/A the first time the district places a student at that NPS/A, and (2) requires the district to annually conduct an on-site monitoring visit to review the services provided to the student, the facilities, and the student's progress.

CSBA Sample Board Policy

Business and Noninstructional Operations

BP 3555(a)

NUTRITION PROGRAM COMPLIANCE

Note: The following policy is **mandated required** for any district whose child nutrition programs (i.e., National School Lunch Program, School Breakfast Program, Special Milk Program, and/or other child nutrition program) receive state or federal funding. **During the California Department of Education's (CDE) Administrative Review of the district's child nutrition programs, CDE will review whether the district has a written procedure that complies with requirements pertaining to civil rights and nondiscrimination.** 5 CCR 4621 **mandates** that districts adopt uniform complaint procedures for the investigation and resolution of specified types of complaints, and 5 CCR 4610 makes those procedures applicable to allegations of unlawful discrimination, harassment, intimidation, bullying, or violation of state or federal laws governing educational programs, including child nutrition programs. See BP/AR 1312.3 **Uniform Complaint Procedures.**

Various state and federal laws prohibit discrimination in district programs and activities on the basis of actual or perceived race, color, ancestry, **nationality**, national origin, **immigration status**, ethnic group **identification, ethnicity**, age, religion, marital **or parental** status, **pregnancy, parental status, physical or mental** disability, **medical condition**, sex, sexual orientation, gender, gender identity, **or gender** expression, or genetic information; **a 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. See BP 0410 - Nondiscrimination in District Programs and Activities. 7 CFR 210.23, 215.7, and 220.7 specify that children must not be denied benefits or discriminated against in child nutrition programs on the basis of race, color, national origin, sex, age, or disability, and complaints alleging discrimination on any of these bases may be investigated by the California Department of Education (CDE) or U.S. Department of Agriculture, Food and Nutrition Service.

The CDE's Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs and the U.S. Department of Agriculture's (USDA) FNS Instruction 113-1, Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, provide guidance to districts on how best to comply with federal law.

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate **against him/her** on any basis prohibited by law.

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

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5030 - Student Wellness)

Compliance Coordinator

Note: According to **the** CDE's Civil Rights and Complaint Procedures for the Child Nutrition Programs, districts are required to appoint a **civil rights** coordinator to be responsible for ensuring district compliance with law governing child nutrition programs. The following paragraph may be revised to reflect district practice.

NUTRITION PROGRAM COMPLIANCE (continued)

The Board shall designate a compliance coordinator for nutrition programs, who may also be the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures, as the district's civil rights coordinator to ensure compliance with the laws governing its-the district's nutrition programs, and to investigate any related complaints.

Note: Items #1-10 below reflect the duties of the coordinator as provided in CDE's Civil Rights and Complaint Procedures for the Child Nutrition Programs.

The responsibilities of the compliance officer/coordinator include, but are not limited to:

1. Providing the name of the civil rights compliance coordinator, and the Section 504 coordinator and Title IX coordinator if different from the civil rights compliance coordinator, to the California Department of Education (CDE) and other interested parties

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

2. Annually providing mandatory civil rights training to all frontline staff who interact with program applicants or participants and to those who supervise frontline staff

Note: FNS Instruction 113-1 lists required components of training that must be provided to nutrition program staff, as provided below.

The subject matter of such training shall include, but not be limited to, collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

3. Establishing admission and enrollment procedures that do not restrict enrollment of students on the basis of race, ethnicity, national origin, or disability, including preventing staff from incorrectly denying applications and ensuring that such persons have equal access to all programs

(cf. 6159 - Individualized Education Program)

4. Sending a public release announcing the availability of the child nutrition programs and/or changes in the programs to public media and to community and grassroots organizations that interact directly with eligible or potentially eligible participants
5. Communicating the program's nondiscrimination policy and applicable complaint procedures, as provided in the section "Notifications" below

NUTRITION PROGRAM COMPLIANCE (continued)

6. Providing appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency
7. Ensuring that every part of a facility is accessible to and usable by persons with disabilities and that participants with disabilities are not excluded from the benefits or services due to inaccessibility of facilities
8. Ensuring that special meals are made available to participants with disabilities who have a medical statement on file documenting that their disability restricts their diet

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

9. Implementing procedures to process and resolve civil rights (discrimination) complaints and program-related complaints, including maintaining a complaint log, **and working with the appropriate person to resolve any complaint, and referring the complainant to the appropriate state or federal agency when necessary**

Note: Districts receiving federal financial assistance are required to request racial/ethnic data of all program applicants and participants for purposes of determining whether the program reaches potential eligible persons, identifying areas where additional outreach is needed, selecting locations for compliance reviews, and completing required reports. According to FNS Instruction 113-1, using the applicant's self-identification or self-reporting is the preferred method of obtaining racial and ethnic data.

When requesting such information, districts should be careful to not request any information in regard to the immigration status of students or their family members and, if such information is inadvertently received, to not disclose it to immigration enforcement authorities without parental consent, a court order, or judicial subpoena. See AR 5145.13 - Response to Immigration Enforcement.

10. Developing a method, which preferably uses self-identification or self-reporting, to collect racial and ethnic data for potentially eligible populations, applicants, and participants

(cf. 5022 - Students and Family Privacy Rights)

(cf. 5125 - Student Records)

(cf. 5145.13 - Response to Immigration Enforcement)

Notifications

The compliance coordinator shall ensure that the U.S. Department of Agriculture's (USDA) "And Justice for All" civil rights poster or a substitute poster approved by the USDA's Food and Nutrition Service **shall be is** displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

NUTRITION PROGRAM COMPLIANCE (continued)

Note: FNS Instruction 113-1 requires districts to notify nutrition program applicants, participants, and potentially eligible persons of program availability, rights, and responsibilities and to advise them at each service delivery site (e.g., the school) regarding the procedure for filing a complaint. Such notice may be distributed through student and parent/guardian handbooks or other method of parental notifications.

The **compliance** coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their **program** rights and responsibilities and steps necessary **for participation to participate in the nutrition programs**. Applicants, participants, and the public also shall be advised of their right to file a complaint, how to file a complaint, the complaint procedures, and that a complaint may be file anonymously or by a third party.

(cf. 5145.6 - Parental Notifications)

Note: As part of its instructions to all recipients of federal funds, **FNS USDA** requires that all forms of communication available to the public regarding program availability also contain information about that recipient's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the recipient. **FNS USDA** provides specific language for the notification and prohibits its modification in any way. **The required language is available on USDA's web site and in the accompanying exhibit.** ~~The FNS requires that all documents, pamphlets, brochures, and other materials be updated to include the 2015 statement when supplies are exhausted, but no later than September 30, 2016.~~

In addition, **the compliance coordinator shall ensure that** all forms of communication available to the public regarding program availability shall contain, in a prominent location, **the following statement: a statement provided by USDA about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the district.**

~~"In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.~~

~~Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.~~

~~To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a~~

NUTRITION PROGRAM COMPLIANCE (continued)

letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) — mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) — fax: (202) 690-7442; or

(3) — email: program.intake@usda.gov

This institution is an equal opportunity provider."

Forms of communication requiring this nondiscrimination statement include, but are not limited to, web sites, public information releases, publications, and posters, but exclude **menus items such as cups, buttons, magnets, and pens that identify the program when the size or configuration makes it impractical.** The nondiscrimination statement need not be included on every page of program information on the district's or school's web site, but the statement or a link to the statement shall be included on the home page of the program information.

A short version of the nondiscrimination statement, **stating "This institution is an equal opportunity provider," as provided by USDA,** may be used on pamphlets, brochures, and flyers in the same print size as the rest of the text.

Complaints of Discrimination

Note: 5 CCR 4610, as amended by Register 2020, No. 21, reduces the applicability of the district's uniform complaint procedures (UCP) for complaints regarding child nutrition programs. 5 CCR 15582, as added by Register 2020, No. 21, requires allegations of discrimination based on race, color, national origin, sex, age, or disability to be referred to USDA. Complaints of discrimination on any other basis are addressed through the district's UCP; see BP/AR 1312.3 - Uniform Complaint Procedures.

For information about compliance complaints, see the section below on "Complaints Regarding Noncompliance with Program Requirements."

When a complaint alleging discrimination on the basis of race, color, national origin, sex, age, or disability is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following

NUTRITION PROGRAM COMPLIANCE (continued)

agencies:—A complaint alleging discrimination in the district's nutrition program(s) on the basis of race, color, national origin, sex, age, or disability shall, within 180 days of the alleged discriminatory act, be filed or referred to USDA at: (5 CCR 15582)

1. ~~Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room 4503, Sacramento, CA 95814-2342 or call (916) 323-8531 or (800) 952-5609~~
2. ~~U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, (866) 632-9992, (800) 877-8339 (Federal Relay Service - English, **deaf, hard of hearing, or speech disabilities**), (800) 845-6136 (Federal Relay Service - Spanish), fax (202) 690-7442, or email program.intake.usda.gov.~~

Any eComplaints concerning the district's nutrition programs of discrimination on any other basis shall be investigated by the district using the process identified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

~~When a complaint alleging discrimination on the basis of race, color, national origin, sex, age, or disability is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following agencies:~~

1. ~~Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room 4503, Sacramento, CA 95814-2342 or call (916) 323-8531 or (800) 952-5609~~
2. ~~U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, (866) 632-9992, (800) 877-8339 (Federal Relay Service - English), (800) 845-6136 (Federal Relay Service - Spanish), fax (202) 690-7442, or email program.intake.usda.gov.~~

Complaints Regarding Noncompliance with Program Requirements

Note: 5 CCR 15580-15584, as added by Register 2020, No. 21, require complaints regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses to be referred to CDE. During the investigation, the complainant will have the opportunity to present information or evidence to support the allegations, and the district will have the opportunity to respond to the complaint. The district may also be subject to an on-site investigation, which may be unannounced. CDE's written decision will be issued within 90 days of receipt of the complaint.

Complaints regarding noncompliance with other nutrition program requirements are addressed locally as described below.

NUTRITION PROGRAM COMPLIANCE (continued)

Any complaint alleging that the district has not complied with program requirements pertaining to meal counting and claiming, reimbursable meals, eligibility of a child or adult, use of cafeteria funds and allowable expenses shall be filed with or referred to CDE. (Education Code 49556; 5 CCR 15584)

Complaints of noncompliance with any other nutrition program requirements shall be submitted to and investigated by the district using the following procedures.

Complaints may be filed by a student or the student's parent/guardian by phone, email, or letter. The complaint shall be submitted within one year from the date of the alleged violation and shall include the following: (5 CCR 15581)

- 1. A statement that the district has violated a law or regulation relating to its child nutrition program**
- 2. The facts on which the statement is based**
- 3. The name of the district or the school against which the allegations are made**
- 4. The complainant's contact information**
- 5. The name of the student if alleging violations regarding a specific student**

Note: Pursuant to 5 CCR 15583, as added by Register 2020, No. 21, districts are required to investigate and issue a written report within the 60-day timeline provided within 5 CCR 4631, and the complainant may appeal the district's report to CDE within the 30-day timeframe provided within 5 CCR 4632.

The district shall investigate and prepare a written report pursuant to 5 CCR 4631. (5 CCR 15583)

Unless extended by written agreement with the complainant, the district's compliance coordinator shall investigate the complaint and prepare a written report to be sent to the complainant within 60 days of the district's receipt of the complaint. (5 CCR 15583; 5 CCR 4631)

Legal Reference: (see next page)

NUTRITION PROGRAM COMPLIANCE (continued)*Legal Reference:*EDUCATION CODE

200-262.4 Prohibition of discrimination

42238.01 Definitions for purposes of funding

48985 Notices to parents in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

15580-15584 Child nutrition programs complaint proceduresUNITED STATES CODE, TITLE 201400-1482 Individuals with Disabilities ~~in~~ Education Act

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

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

~~2000h-2000h-6 Title IX~~

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 7**210.19 National School Lunch Program, additional responsibilities**

210.23 National School Lunch Program, district responsibilities

215.7 Special Milk Program, requirements for participation

215.14 Special Milk Program, nondiscrimination

220.7 School Breakfast Program, requirements for participation

220.13 School Breakfast Program, special responsibilities of state agencies

225.3 Summer Food Service Program, administration

225.7 Summer Food Service Program, program monitoring **and assistance****225.11 Summer Food Service Program, corrective action procedures****226.6 Child and Adult Care Food Program, state agency administrative responsibilities****250.15 Out-of-condition donated foods, food recalls, and complaints**CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 **Nondiscrimination on the basis of disability, public accommodations, ~~Aa~~ auxiliary aids and services**CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

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

106.9 Dissemination of policy

Management Resources: (see next page)

NUTRITION PROGRAM COMPLIANCE (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs, June 2018~~rev. November 2015~~

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

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

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

Notice of Non-Discrimination, August 2010

WEB SITES

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

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

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

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

(7/10 7/16) 7/20

CSBA Sample Exhibit

Business and Noninstructional Operations

E 3555(a)

NUTRITION PROGRAM COMPLIANCE

NONDISCRIMINATION STATEMENT FOR NUTRITION PROGRAMS

Note: As part of its instructions to all recipients of federal funds for child nutrition programs, FNS the U.S. Department of Agriculture (USDA) requires that all forms of communication available to the public regarding program availability also contain information about that recipient's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the recipient. FNS The following exhibit presents provides specific language provided by USDA for the notification, which must not be modified in any way. and prohibits its modification in any way. The FNS requires that all documents, pamphlets, brochures, and other materials be updated to include the 2015 statement when supplies are exhausted, but no later than September 30, 2016.

The following statement shall be included, in a prominent location, on all forms available to the public regarding the availability of the district's child nutrition programs:

"In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: <https://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer> http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

NUTRITION PROGRAM COMPLIANCE (continued)

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov

"This institution is an equal opportunity provider."

On pamphlets, brochures, and flyers, in the same print size as the rest of the text, the district may print a short version of the nondiscrimination statement, as follows:

"This institution is an equal opportunity provider."

CSBA Sample Administrative Regulation

All Personnel

AR 4030(a)

NONDISCRIMINATION IN EMPLOYMENT

Cautionary Notice: The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, portions of the following administrative regulation will not take effect.

Note: Pursuant to Government Code 11138 and 2 CCR 11023, districts are **mandated** to adopt rules and regulations to ensure that district programs and activities are free from unlawful discriminatory practices. Pursuant to Government Code 12940, protections against discrimination apply to employees, job applicants, persons who serve in unpaid internship or other limited-duration programs to gain unpaid work experience, volunteers, and independent contractors.

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or other person contracted to provide services to the district shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

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

(cf. 1240 - Volunteer Assistance)

(cf. 3312 - Contracts)

(cf. 3600 - Consultants)

(cf. 4032 - Reasonable Accommodation)

Note: Many nondiscrimination laws and regulations require identification of an employee who is responsible for compliance with the nondiscrimination laws. For example, pursuant to 34 CFR 104.7, 106.8, and 110.25, the district is required to designate the person(s) responsible for the overall implementation of the requirements of federal laws which prohibit discrimination on the basis of disability, sex, and age, i.e., Section 504 of the Rehabilitation Act of 1973 (29 USC 794), Title IX of the Education Amendments of 1972 (20 USC 1681-1688), and the Age Discrimination in Employment Act (29 USC 621-634). The district should fill in the blanks below to designate the responsible employee and contact information.

34 CFR 106.8, as amended by 85 Fed. Reg. 30026, requires the district to designate at least one employee to coordinate its responsibilities under Title IX, who must be referred to as the Title IX Coordinator. The Title IX Coordinator may be the same person designated below, or the district may designate different employees to serve these functions. See AR 4119.11/4219.11/4319.11 - Sexual Harassment. The Title IX Coordinator is responsible for receiving complaints of sexual harassment and determining whether they should be handled in accordance with the procedures specified in this administrative regulation or in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures; see section on "Complaint Procedure" below.

NONDISCRIMINATION IN EMPLOYMENT (continued)

The district designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to organize and manage the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

 Director of Human Resources
 (position title)
 201 Sixth Street, Coronado, CA 92118 _____
 (address)
 (619) 522-8900 x-1021 _____
 (telephone number)
armando.farias@coronadousd.net _____
 (email)

Measures to Prevent Discrimination

Note: Pursuant to Government Code 12940 and 2 CCR 11023, the district is required to take all reasonable steps to prevent unlawful discrimination and harassment. 2 CCR 11023 specifies certain requirements to be included in the district's policy. The following section reflects the requirements of 2 CCR 11023 and other applicable laws or regulations, as indicated.

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

Note: Pursuant to Government Code 12950, districts are required to post the California Department of Fair Employment and Housing's (DFEH) posters entitled California Law Prohibits Workplace Discrimination and Harassment and Transgender Rights in the Workplace, as provided in item #1. DFEH rules require that these materials be posted electronically and in every location where the district has employees (e.g., district office, hiring office, each school site). These posters and the rules for posting are available on the DFEH web site.

In addition, 2 CCR 11049 requires posting a notice of the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth. Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

1. Display in a prominent and accessible location at every work site where the district has employees, and post electronically in a conspicuous location on computers for employee use, up-to-date California Department of Fair Employment and Housing (DFEH) posters on the prohibition of workplace discrimination and harassment, the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth (Government Code 12950; 2 CCR 11013, 11023, 11049)

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

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

NONDISCRIMINATION IN EMPLOYMENT (continued)

2. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.9)
 - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
 - b. Posting them in all district schools and offices, including staff lounges and other prominent locations
 - c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 4111/4211/4311 - Recruitment and Selection)

3. Disseminate the district's nondiscrimination policy and administrative regulation to all employees by one or more of the following methods: (2 CCR 11023)
 - a. Printing and providing a copy to all employees, with an acknowledgment form for each employee to sign and return
 - b. Sending a copy via email with an acknowledgment return form
 - c. Posting a copy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
 - d. Discussing the policy and regulation with employees upon hire and/or during a new hire orientation session
 - e. Any other way that ensures employees receive and understand the policy

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

4. Provide to employees a handbook which contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior

<p>Note: Optional item #5 below provides for training regarding the district's discrimination policy and reporting procedures. For requirements specifically pertaining to sexual harassment training, see AR 4119.11/4219.11/4319.11 - Sexual Harassment. Pursuant to Government Code 12950.1, as amended by SB</p>

NONDISCRIMINATION IN EMPLOYMENT (continued)

778 (Ch. 215, Statutes of 2019), any district that has five or more employees must provide at least two hours of sexual harassment training to supervisory employees and at least one hour of sexual harassment training to all nonsupervisory employees by January 1, 2021 and once every two years thereafter.

5. Provide training regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

The district may also provide bystander intervention training to employees which includes information and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

6. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law
7. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce (2 CCR 11023)

Complaint Procedure

Note: 2 CCR 11023 **mandates** that a district's policy include a complaint process with specified requirements. Some of the requirements of 2 CCR 11023 are similar to those required under existing case law.

Courts have held that liability may be mitigated for hostile environment employment discrimination when (1) the employer took reasonable care to prevent and promptly correct the discriminatory or harassing conduct (i.e., provided a complaint procedure) and (2) the aggrieved employee unreasonably failed to take advantage of corrective opportunities offered by the employer (i.e., failure to file a complaint). In its June 1999 Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, the Equal Employment Opportunity Commission (EEOC) outlines the elements of an effective complaint procedure to include (1) a clear explanation of the process; (2) protection against retaliation; (3) designation of multiple individuals authorized to receive complaints; (4) a mechanism for prompt, thorough, and impartial investigation; (5) assurance of immediate and appropriate corrective action; and (6) information about time frames for filing charges with EEOC or DFEH.

NONDISCRIMINATION IN EMPLOYMENT (continued)

While EEOC's guidance recommends a "prompt" investigation, neither the law nor EEOC delineates a specific time frame for resolution. EEOC's guidance acknowledges that whether an investigation is considered "prompt" may vary depending on the seriousness and complexity of the circumstances and that intermediate measures may be necessary to prevent further harassment during the investigation. The following section, including the listed timelines, is consistent with EEOC's guidance and should be modified to reflect district practice.

In lieu of using the procedures described below, complaints of sexual harassment must be addressed through the federal Title IX complaint procedures established pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, if the alleged conduct meets the federal definition of sexual harassment. Pursuant to 34 CFR 106.30, Title IX sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. See BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Complaints of sexual harassment shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures if the alleged conduct meets the definition of sexual harassment pursuant to 34 CFR 106.30.

Any **other** complaint alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. **Notice and Receipt of Complaint:** A complainant may inform a direct supervisor, another supervisor, the coordinator, the Superintendent or, if available, a complaint hotline or an ombudsman. The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.

The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a written complaint.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, any available evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

NONDISCRIMINATION IN EMPLOYMENT (continued)

2. **Investigation Process:** The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The coordinator shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be disclosed as necessary to conduct an effective investigation.

(cf. 3580 - District Records)

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

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

If the coordinator determines that a detailed fact-finding investigation is necessary, the investigation shall begin immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out the investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The coordinator shall also determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed in order to prevent further incidents. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. **Written Report on Findings and Remedial/Corrective Action:** No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of the findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the parties and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made

NONDISCRIMINATION IN EMPLOYMENT (continued)

that discrimination or harassment occurred, the report shall also include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. The report shall be presented to the Superintendent or designee.

A summary of the findings shall be presented to the complainant and the person accused.

4. **Appeal to the Governing Board:** The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 9321 - Closed Session)

Other Remedies

Note: Items #1-3 below state the time limits within which complaints must be filed.

EEOC's guidance states that it is important for employers' nondiscrimination policies to contain information about timeframes for filing charges of unlawful discrimination or harassment with EEOC or DFEH. Employees should be informed that the deadline for filing charges starts to run from the last date of the unlawful act, not from the conclusion of the district's complaint investigation. Pursuant to DFEH procedures, DFEH will automatically forward any complaint it has accepted for investigation to EEOC when the matter falls within EEOC's jurisdiction.

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either DFEH or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

Note: As amended by AB 9 (Ch. 709, Statutes of 2019), Government Code 12960 extends the period of time in which a complaint alleging employment discrimination pursuant to Government Code 12940-12952 may be filed with DFEH, from one year to three years following the alleged discriminatory act(s). That period may be extended under certain circumstances. Districts should consult legal counsel if any questions arise.

1. For filing a complaint with DFEH alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)

NONDISCRIMINATION IN EMPLOYMENT (continued)

Note: 42 USC 2000e-5 specifies that a person must file a discrimination complaint with EEOC within 180 days of the alleged discriminatory act. Pursuant to 42 USC 2000e-5, the 180-day timeline for compensation discrimination starts when the discriminatory paycheck is received and that each discriminatory paycheck restarts the timeline for the filing of a complaint.

2. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. For filing a complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

(3/19 12/19) 7/20

CSBA Sample Board Policy

All Personnel

BP 4119.11(a)

4219.11

SEXUAL HARASSMENT

4319.11

Cautionary Notice: The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, portions of the following administrative regulation will not take effect.

Note: Education Code 231.5, **2 CCR 11023, and 34 CFR 106.8** mandates the district to have a written policy on sexual harassment. As part of this mandate, the district also should adopt a sexual harassment policy related to students; see BP/AR 5145.7 - Sexual Harassment.

Generally, courts recognize two types of conduct as constituting sexual harassment. "Quid Pro Quo" ("this for that") sexual harassment is considered to have occurred when a person in a position of authority makes another individual's educational or employment benefits conditional upon that other person's willingness to engage in unwanted sexual behavior (e.g., promising a promotion for sex). "Hostile environment" sexual harassment, on the other hand, is conduct by the perpetrator that is so severe, persistent, or pervasive that it creates a hostile, intimidating, or abusive educational or professional environment for another. Sexual harassment also covers retaliatory behavior against a complainant, witness, or other participant in the complaint process. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.

Sexual harassment is prohibited pursuant to Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17) and/or Title IX of the Education Amendments of 1972 (20 USC 1681-1688; **34 CFR 106.1-106.82**), as well as the California Fair Employment and Housing Act (Government Code 12900-12996). **Whether a complaint of sexual harassment is addressed through federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, or procedures adopted pursuant to 2 CCR 11023 is dependent on whether the alleged conduct meets the more stringent federal definition of sexual harassment or the state definition. See the accompanying administrative regulation, AR 4030 - Nondiscrimination in Employment, and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.**

Pursuant to 2 CCR 11034, the district may be liable for sexual harassment committed by a supervisor, coworker, or a third party. Pursuant to Government Code 12940, employers may **also** be held liable for sexual harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment.

This The following policy shall apply to all district employees, and to other persons on district property or with some employment relationship with the district, such as interns, volunteers, contractors, and job applicants, and other persons with an employment relationship with the district.

SEXUAL HARASSMENT (continued)

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)

Note: Government Code 12940 clarifies that sexual harassment includes harassment based on sex, gender, pregnancy, childbirth, or related medical conditions.

Sexual harassment includes, but is not limited to, harassment that is based on the **sex**, gender, gender identity, gender expression, or sexual orientation of the victim **and harassment based on pregnancy, childbirth, or related medical conditions.**

~~This policy shall apply to all district employees and to other persons on district property or with some employment relationship with the district, such as interns, volunteers, contractors, and job applicants.~~

~~Note: In addition to district discipline imposed on employees who engage in sexual harassment, Government Code 12940 provides that such employees may be held personally liable in a court of law for any damage to the victim(s).~~

~~Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy is subject to disciplinary action, up to and including dismissal.~~

~~*(cf. 4117.7/4317.7 - Employment Status Reports)*
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)~~

Note: Federal and state courts have provided guidance that may help employers avoid liability or mitigate damages in sexual harassment cases. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court outlined measures that may constitute mitigating factors in the assessment of damages, including establishing anti-harassment policies, communicating those policies to employees, consistently enforcing the policies, preserving the confidentiality of employees who report harassment, and preventing retaliation against reporting employees. The U.S. Supreme Court in Burlington Industries v. Ellerth held that, for certain claims under federal law, an employer may defend against sexual harassment claims by proving that (1) reasonable care was exercised to prevent and promptly correct any sexually harassing behavior, and (2) the employee (victim) failed to take advantage of the preventive and corrective opportunities provided by the employer.

SEXUAL HARASSMENT (continued)

Pursuant to Government Code 12950.1, **as amended by SB 778 (Ch. 215, Statutes of 2019)**, employers with **50 five** or more employees are required to provide ~~two hours of~~ sexual harassment training to supervisory **and nonsupervisory** employees. See the accompanying administrative regulation for timelines and training requirements.

Items #1-4 below reflect the courts' guidance and Government Code 12950.1, and should be modified to reflect district practice.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply

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

3. Ensuring prompt, thorough, **and fair, and equitable** investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

Note: The following **optional** paragraph reflects a recommendation of the U.S. Equal Employment Opportunity Commission's informal guidance Promising Practices for Preventing Harassment and may be revised to reflect district practice.

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

Note: **Pursuant to 2 CCR 11034, the district may be liable for sexual harassment committed by a supervisor, coworker, or a third party. In addition, as part of its affirmative duty to prevent sexual harassment, the district is required pursuant to 2 CCR 11023 to instruct supervisors to report complaints. 34 CFR 106.8, as amended by 85 Fed. Reg. 30026, requires the district to designate at least one employee to coordinate**

SEXUAL HARASSMENT (continued)

its responsibilities under Title IX, who must be referred to as the Title IX Coordinator. See the accompanying administrative regulation.

34 CFR 106.44, as added by 85 Fed. Reg. 30026, requires the district, when there is actual knowledge of sexual harassment, to respond promptly in a manner that is not unreasonable in light of the known circumstances and in compliance with Title IX regulations. 34 CFR 106.30, as added, defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school. For this reason, the district should train all employees regarding the reporting process.

In Faragher v. City of Boca Raton, one of the factors relied on by the U.S. Supreme Court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.

Any district employees who feels that he/she has been sexually harassed in the performance of his/her district responsibilities or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to his/her direct supervisor, another supervisor, a district administrator, or the district's Title IX Coordinator for nondiscrimination, the Superintendent, or, if available, a complaint hotline or an ombudsman. An employee may bypass his/her supervisor in filing a complaint where if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

Note: In Faragher v. City of Boca Raton, one of the factors relied on by the U.S. Supreme Court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.

Complaints of sexual harassment shall be filed and investigated in accordance with the complaint procedure specified in AR 4030 - Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

Once notified, the Title IX Coordinator shall ensure the complaint is addressed through either AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures for complaints meeting the Title IX definition of sexual harassment or AR 4030 - Nondiscrimination in Employment for complaints meeting the state definition, as applicable, and shall offer supportive measures to the complainant.

(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaints)

SEXUAL HARASSMENT (continued)

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023)

Note: In addition to district discipline imposed on employees who engage in sexual harassment, Government Code 12940 provides that such employees may be held personally liable in a court of law for any damage to the victim(s).

Upon investigation of a sexual harassment complaint, any district employee who is found to have engaged or participated in sexual harassment or who aids, abets, incites, compels, or coerces to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy is shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Reports)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950 Sexual harassment; distribution of information

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

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

Legal Reference continued: (see next page)

SEXUAL HARASSMENT (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 20

1681-1688 Title IX ~~prohibition against discrimination~~ **of the Education Amendments of 1972**

UNITED STATES CODE, TITLE 42

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.9 Nondiscrimination on the basis of sex in education programs or activities

106.51-~~106.64~~ **106.82** Nondiscrimination on the basis of sex in employment in education programs or activities

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Promising Practices for Preventing Harassment, November 2017

WEB SITES

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

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

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

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

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

All Personnel AR 4119.11(a)
4219.11
SEXUAL HARASSMENT 4319.11

Cautionary Notice: The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. However, in June 2020, two motions for a preliminary injunction were filed seeking to postpone the effective date of the regulations and prohibit their enforcement. If the court issues an injunction, portions of this administrative regulation reflecting the Title IX regulations will not be in effect. CSBA will notify districts when the court issues its decision.

Districts are also cautioned that the federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions arise.

Note: The following administrative regulation is **mandated** pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sexual harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.

For information related to sexual harassment involving students, see BP/AR 5145.7 - Sexual Harassment.

This **The following** administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

Title IX Coordinator

Note: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee to ensure district compliance with Title IX of the Education Amendments of 1972 and its implementing regulations. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the coordinator for nondiscrimination in employment pursuant to AR 4030 - Nondiscrimination in Employment. Districts may modify this policy to designate separate district employees to serve these functions.

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as well as to investigate and resolve sexual harassment complaints under AR 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

Director of Human Resources

(title or position)

201 Sixth Street, Coronado, CA 92118

(address)

SEXUAL HARASSMENT (continued)

(619) 522-8900 x-1021

(telephone number)

Armando.farias@coronadousd.net

(email)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

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

Definitions- Prohibited Conduct

Note: **Alleged conduct that meets the federal definition of sexual harassment in 34 CFR 106.30, as added by 85 Fed. Reg. 30026, requires investigation and resolution through Title IX regulations; see AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Pursuant to 34 CFR 106.30, sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291)**

Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. Conduct that does not meet the definition of sexual harassment in 34 CFR 106.30 shall be investigated and resolved in accordance with AR 4030 - Nondiscrimination in Employment.

In Oncale v. Sundowner Offshore Services, Inc., the U.S. Supreme Court held that same-sex sexual harassment could be actionable under Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17).

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature, regardless of whether or not the conduct is motivated by sexual desire. **Conduct is considered to be sexual harassment when** made against another person of the same or opposite sex in the work or educational setting **when under any of the following conditions:** (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.

SEXUAL HARASSMENT (continued)

2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.

3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment.

~~3.4.~~ Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.

~~Note: Pursuant to Government Code 12940, conduct may meet the definition of sexual harassment regardless of whether or not the alleged harasser is motivated by sexual desire for the victim.~~

~~*Prohibited sexual harassment* also includes conduct which, regardless of whether or not it is motivated by sexual desire, is so severe or pervasive as to unreasonably interfere with the victim's work performance or create an intimidating, hostile, or offensive work environment.~~

Note: Pursuant to Government Code 12940, the district may be held liable for sexual harassment committed against employees by clients, customers, or other third parties if the district knew, or should have known, of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. The following paragraph clarifies that sexual harassment may include acts by supervisors, co-workers, or other parties and should be modified to reflect district practice.

Examples of actions that might constitute sexual harassment in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

SEXUAL HARASSMENT (continued)

Training

Note: The following paragraph is consistent with a district's affirmative duty to protect its employees from sex discrimination, including sexual harassment, pursuant to 2 CCR 11023. In its informal guidance, Promising Practices for Preventing Harassment, the U.S. Equal Employment Opportunity Commission recommends that employers provide sexual harassment training to all employees, not just supervisors and managers. In addition, since BP/AR 5145.7—Sexual Harassment requires employees to report sexual harassment against students, training employees to recognize and address sexual harassment incidents furthers the district's interest in protecting both employees and students against prohibited conduct. Thus, it is strongly recommended that districts periodically provide sexual harassment training or information to all their employees, especially those who work at school sites.

Provision of periodic training to all district employees could also help foster a positive work environment and mitigate damages against a district in the event of sexual harassment litigation. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court held that employers that have taken reasonable steps to prevent and correct workplace sexual harassment may be able to reduce damages in the event of a lawsuit. Such steps may include establishing anti harassment policies and communicating those policies to employees.

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. The training shall include how to recognize prohibited or harassing conduct, the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee. The training shall also include information about processes for employees to informally share or obtain information about harassment without filing a complaint.

(cf. 1312.3—Uniform Complaint Procedures)
(cf. 4030—Nondiscrimination in Employment)
(cf. 5145.7—Sexual Harassment)

Note: Government Code 12950.1, as amended by SB 778 (Ch. 215, Statutes of 2019), requires districts with 50 five or more employees to provide two hours of sexual harassment training and education to supervisory and nonsupervisory employees by January 1, 2021 (or two years after a training provided in 2019) and once every two years thereafter. to every supervisory employee, defined as any employee with the authority to take employment action, including hiring, transferring, suspending, and disciplining other employees, or recommend such action if the exercise of that authority is not merely routine or clerical in nature. As amended, Government Code 12950.1 requires that new nonsupervisory employees be provided the training within six months of hire, consistent with the requirement for all All newly hired supervisors or employees promoted to a supervisory position must receive the training within six months of their hire or assumption of the supervisory position. Compliance with this law does not insulate the district from any liability for harassment.

SEXUAL HARASSMENT (continued)

Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sexual harassment training. Districts should consult with legal counsel to ensure that the appropriate individuals receive training.

~~Although the law does not require districts with fewer than 50 employees to provide sexual harassment training to supervisors, court decisions have held that providing training may help mitigate damages in sexual harassment lawsuits. The provision of supervisor training may also be a factor in determining whether a district has taken reasonable steps to prevent discrimination and harassment pursuant to Government Code 12940. Therefore, it is recommended that all districts, regardless of the number of employees, provide sexual harassment training. Districts with fewer than 50 employees that do not provide sexual harassment training may revise the remainder of this section to reflect district practice.~~

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, **and nonsupervisory employees receive at least one hour**, of classroom or other effective interactive training and education regarding sexual harassment. All ~~such~~ newly hired **employees and** ~~or promoted~~ employees **promoted to a supervisory position** shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

(cf. 4300 - Administrative and Supervisory Personnel)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)

~~Note: Government Code 12950.1 and 2 CCR 11024 require that the training for supervisory employees contain specified components and be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.~~

The district's sexual harassment training and education program **for supervisory employees shall be aimed at assisting them in preventing and effectively responding to incidents of**

SEXUAL HARASSMENT (continued)

sexual harassment, as well as implementing mechanisms to promptly address and correct wrongful behavior. The training shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws ~~on~~ **concerning** the prohibition, prevention, and correction of sexual harassment; ~~the remedies available to sexual harassment victims in civil actions, and potential district and/or individual exposure or liability~~
2. The types of conduct that constitute sexual harassment ~~and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources~~
3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
4. **Strategies to prevent harassment in the workplace**
- 3.5. ~~A supervisor's~~ **Supervisors'** obligation to report sexual harassment, discrimination, and retaliation of which he/she ~~they~~ becomes aware ~~and what to do if the supervisor himself/herself is personally accused of harassment~~
4. ~~Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint~~
6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
7. The limited confidentiality of the complaint process
8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment
9. **Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint**

SEXUAL HARASSMENT (continued)

10. What to do if the supervisor is personally accused of harassment

5-11. The essential elements of the district's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed

Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.

~~6. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received~~

~~7. The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance~~

Note: Item #8 below is required pursuant to Government Code 12950.1, as amended by SB 396 (Ch. 858, Statutes of 2017).

8-12. Information, including practical examples, of harassment based on gender identity, gender expression, and sexual orientation

13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and other in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11024)

Notifications

Note: Education Code 231.5 requires that the district provide copies of its policy on sexual harassment to staff, as specified below. In addition, 2 CCR 11024 requires that supervisory employees undergoing mandatory training receive a copy of the district's policy and acknowledge receipt of the policy; see item #6 in the section "Training" above.

SEXUAL HARASSMENT (continued)

The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired

~~(cf. 4112.9/4212.9/4312.9 – Employee Notifications)~~

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

Note: Government Code 12950 requires the Department of Fair Employment and Housing (DFEH) to develop an information sheet on employment discrimination and the illegality of sexual harassment **and a poster regarding the rights of transgender employees.** ~~This document is~~ **These documents are** available on DFEH's web site.

All employees shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing (DFEH) or the district that contains, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC

AR 4119.11(i)
4219.11
4319.11

SEXUAL HARASSMENT (continued)

7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

~~Note: Government Code 12950, as amended by SB 396 (Ch. 858, Statutes of 2017), requires districts to post, in a prominent and accessible location, a poster developed by DFEH regarding transgender rights. This poster is available on DFEH's web site.~~

In addition, the district shall post, in a prominent and accessible location, the DFEH poster on discrimination in employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. (Government Code 12950)

(3/16 3/18) 7/20

CSBA Sample Administrative Regulation

All Personnel

AR 4119.12(a)

4219.12

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

4319.12

Cautionary Notice: The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, the following administrative regulation will not take effect.

Note: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sexual harassment, and mandates that the district adopt and publish complaint procedures.

The following administrative regulation reflects the Title IX complaint procedure detailed in 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, which must be used, effective August 14, 2020, to address any complaint of sexual harassment that meets the definition in 34 CFR 106.30. Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment in employment that does not meet this definition should be addressed through the district's complaint procedures described in AR 4030 - Nondiscrimination in Employment.

34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment, to respond promptly in a manner that is not deliberately indifferent. 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school. A district is deliberately indifferent only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. Districts with questions about specific complaints are strongly encouraged to consult legal counsel.

Also see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sexual harassment.

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

- 1. A district employee conditioning the provision of a district aid, benefit, or service on a person's participation in unwelcome sexual conduct**
- 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity**
- 3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291**

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

All other sexual harassment complaints shall be investigated and responded to pursuant to AR 4030 - Nondiscrimination in Employment.

(cf. 4030 - Nondiscrimination in Employment)

A report of sexual harassment shall be submitted directly to or forwarded to the district's Title IX Coordinator using the contact information listed in AR 4119.11/4219.11/4319.11 - Sexual Harassment.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the process for filing a formal complaint.

Note: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator should file a complaint in certain situations even when the victim chooses not to do so, including, but not limited to, when a safety threat exists. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations in which a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

The Superintendent or designee shall ensure that the Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such persons receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures which are nondisciplinary, nonpunitive, and do not unreasonably burden the other party. Such measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work schedules, mutual restrictions on contact, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures. (34 CFR 106.30, 106.44)

Emergency Removal

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

Note: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student should not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, districts are advised to consult legal counsel as to the manner of imposing an emergency removal.

If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint that did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly, and simultaneously to the parties, send written notice of the dismissal and the reasons for the dismissal. (34 CFR 106.45)

If a complaint is dismissed on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30, the conduct may still be addressed pursuant to AR 4030 - Nondiscrimination in Employment as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

Formal Complaint Process

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

- 1. The district's complaint process, including any informal resolution process**
- 2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.**

If, during the course of the investigation, the district investigates allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

- 3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process**
- 4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence**
- 5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process**

Note: The following paragraph is optional. Although not required by law, a best practice is to provide notice to the parties of the name of the investigator, facilitator, and decision-maker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall provide either party with no less than three calendar days to raise concerns of conflict of interest or bias regarding any of these persons.

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

Note: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

34 CFR 106.45 authorizes, but does not require, the district to conduct a live hearing at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions. If the district chooses to include such a hearing as a component of its complaint procedure, the following list should be modified to include requirements for the hearing in accordance with 34 CFR 106.45.

During the investigation process, the district shall: (34 CFR 106.45)

- 1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence**
- 2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence**
- 3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney**
- 4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties**
- 5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate**
- 6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report**
- 7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness**

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

- 8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response**

- 9. After sending the investigative report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party**

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

Note: Districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation should consult legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

Note: Pursuant to 34 CFR 106.45, the person designated as the decision-maker of the determination of responsibility cannot be the same person designated as the Title IX Coordinator, an investigator, or the person who considers appeals. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, a best practice is to designate an upper-level administrator as the decision-maker and designate the Superintendent as the person to consider appeals.

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

Note: 34 CFR 106.45 requires that the district's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. Districts may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.

The written decision shall be issued within 45 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

Note: 34 CFR 106.45 mandates that the district's complaint procedures state whether the district's determination of responsibility will be based on a "preponderance of evidence" standard or "clear and convincing evidence" standard. The following paragraph reflects the "preponderance of evidence" standard, which is a less stringent standard to prove misconduct, and should be revised if the district chooses to use a "clear and convincing evidence" standard. The standard selected by the district must be applied uniformly for all Title IX sexual harassment complaints. The district should consult with legal counsel in determining which standard to use.

In making this determination, the district shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

- 1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30**
- 2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process**
- 3. Findings of fact supporting the determination**
- 4. Conclusions regarding the application of the district's code of conduct to the facts**

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

- 5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant**
- 6. The district's procedures and permissible bases for the complainant and respondent to appeal**

Appeals

Note: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision. The district may revise the following section to reflect applicable timelines established by the district.

The following section should also be revised to identify the person who has been designated as the decision-maker(s) for the appeal. Pursuant to 34 CFR 106.45, the decision-maker for the appeal cannot be the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

- 1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties**
- 2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator**
- 3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome**
- 4. Issue a written decision describing the result of the appeal and the rationale for the result**
- 5. Provide the written decision simultaneously to both parties**

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

An appeal must be filed in writing within 10 calendar days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. Either party has the right to file a complaint with the U.S. Equal Employment Opportunity Commission.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Remedies

Note: 34 CFR 106.45 mandates that the district's Title IX complaint process list, or describe the range of, possible remedies that the district may implement following any determination of responsibility. The following section may be revised to reflect district practice.

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Disciplinary Actions

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Report)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Record-Keeping

The Superintendent or designee shall maintain for a period of seven years a record of all reported cases and Title IX investigations of sexual harassment, any determinations

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, any appeal or informal resolution and the results therefrom, and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)

The Superintendent or designee shall also maintain for a period of seven years all materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public. (34 CFR 106.45)

(cf. 3580 - District Records)

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*

48985 *Notices, report, statements and records in primary language*

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

4600-4670 *Uniform complaint procedures*

4900-4965 *Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

1092 *Definition of sexual assault*

1221 *Application of laws*

1232g *Family Educational Rights and Privacy Act*

1681-1688 *Title IX of the Education Amendments of 1972*

UNITED STATES CODE, TITLE 34

12291 *Definition of dating violence, domestic violence, and stalking*

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*

Legal Reference continued: (see next page)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.82 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, (2000, 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:

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>

CSBA Sample Board Policy

Students

BP 5141.22(a)

INFECTIOUS DISEASES

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

In order to help protect the safety of students and staff, the Centers for Disease Control and Prevention recommend that districts develop contingency plans for dealing with an infectious disease outbreaks, such as a pandemic influenza **including influenza or coronavirus pandemics**. These contingency plans should be incorporated into the district's emergency and disaster preparedness plan. See AR 3516 - Emergencies and Disaster Preparedness Plan. **Also see the U.S. Department of Health and Human Services' School District (K-12) Pandemic Influenza Planning Checklist for components districts may want to consider when developing and updating emergency and disaster preparedness plans.**

The Governing Board desires to protect students from risks posed by exposure to infectious diseases while providing **an appropriate a high-quality** education for all students. **The Board recognizes that prevention and education are the most effective means of limiting the spread of infectious diseases.** The Superintendent or designee shall collaborate with **parents/guardians and local and state health agencies and organizations officials** to develop **and regularly update** a comprehensive approach to **plan for** disease prevention that promotes preventative measures, **mitigation, and education, communication, and training** of students and staff. **All measures to limit the spread of infectious diseases shall be nondiscriminatory and ensure that equity is promoted.**

Infectious Disease Prevention

Note: ~~In order to help protect the safety of students and staff, the Centers for Disease Control and Prevention recommend that districts develop contingency plans for dealing with an infectious disease outbreaks, such as a pandemic influenza. These contingency plans should be incorporated into the district's emergency and disaster preparedness plan. See AR 3516 - Emergencies and Disaster Preparedness Plan.~~

~~The Superintendent or designee shall collaborate with parents/guardians and local health agencies and organizations to develop a comprehensive approach to disease prevention that promotes preventative measures, and education of students and staff.~~

(cf. 0400 - Comprehensive Plans)

(cf. 0450 - Comprehensive Safety Plan)

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

(cf. 0415 - Equity)

(cf. 1312.3 - Uniform Complaint Procedures)

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

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.3 - Health Examinations)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Health Screening for School Entry)

INFECTIOUS DISEASES (continued)

(cf. 5141.6 - School Health Services)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6020 - Parent Involvement)

The Superintendent or designee shall regularly review resources available from health experts to ensure that district programs **and operations** are based on the most up-to-date information.

The **Superintendent or designee shall ensure that the** district's comprehensive health education program **shall provides age-appropriate** information about the **prevention of infectious diseases, including the nature of bloodborne pathogens and their transmission, as well as information to help prevent the spread of contagious diseases, such as a pandemic influenza.** He/she shall also ensure that each school has sufficient infection prevention supplies that are easily accessible to staff. **nature and symptoms of communicable diseases, their transmission, and how to help prevent the spread of contagious diseases.**

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

(cf. 6142.8 - Comprehensive Health Education)

Note: Pursuant to Health and Safety Code 120175.5, as added by AB 262 (Ch. 798, Statutes of 2019), local health officers are required to promptly notify and update districts during an outbreak of a communicable disease, or upon the imminent and proximate threat of a communicable disease outbreak or epidemic that threatens the public's health, if, in the opinion of the local health officer, action or inaction on the part of the district might affect the outbreak response efforts. Local health officers are also required to make any relevant information available to districts, including, but not limited to, the locations of concentrations of cases, the number of residents affected, and the measures that districts should take to assist with outbreak response efforts. The local health officers may issue orders to districts to take any action that the health officers deem necessary to control the spread of the communicable disease.

If the local health officer notifies the district of an outbreak of a communicable disease, or the imminent and proximate threat of a communicable disease outbreak or epidemic that threatens the public's health, the district shall take any action that the health officer deems necessary to control the spread of the disease. The district shall comply with all applicable state and federal privacy laws in regard to any such information received from the local health officer. (Health and Safety Code 120175.5)

Universal Precautions

Note: Pursuant to 8 CCR 5193, employers with one or more employees having occupational exposure to bloodborne pathogens must enforce universal precautions to prevent contact with blood or other potentially infectious materials; see BP/AR 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens for a detailed exposure control plan and BP/AR 4119.43/4219.43/4319.43 - Universal Precautions. The following **optional section paragraph** addresses the need for students to follow similar procedures.

INFECTIOUS DISEASES (continued)

Students and staff shall observe universal precautions in order to prevent exposure to bloodborne pathogens and to prevent the spread of infectious diseases.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

The Superintendent or designee shall inform students of the precautions to be used in cases of exposure to blood or other body fluids through injury, accident, or classroom instruction.

(cf. 5141 - Health Care and Emergencies)

(cf. 6145.2 - Athletic Competition)

Students with Infectious Diseases

Note: In *Thomas v. Atascadero Unified School District*, a federal court held that **acquired immunodeficiency syndrome (AIDS)** is a disability under Section 504 of the Rehabilitation Act (29 USC 794) and that a student with AIDS cannot be excluded from school without evidence that the student poses a risk of transmission of the **human immunodeficiency virus (HIV)** ~~HIV virus~~ to classmates or teachers. The following paragraph extends this protection to students with any bloodborne pathogen infection. 8 CCR 5193 defines bloodborne pathogens to include the hepatitis C virus in addition to hepatitis B virus and HIV.

See AR ~~5111.2~~ **5112.2** - Exclusion from Attendance for information regarding exclusions, including notification of parents/guardians.

The Superintendent or designee shall exclude students **from on-campus instruction** only in accordance with law, Board policy, and administrative regulation. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV) are not casually transmitted, the presence of infectious conditions of this type is not, by itself, sufficient reason to exclude students from attending school.

(cf. 5112.2 - Exclusions from Attendance)

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

Note: The following **optional** paragraph encourages parents/guardians to notify the school if their child has an infectious disease so that staff can assist in maintaining the child's health. However, **it's important to note that** the law does **not** require parents/guardians to inform school officials of a student's **HIV/AIDS status medical condition**; thus, a student cannot be penalized because the parent/guardian did not provide such notification.

Both **state and** federal **and state** law (**20 USC 1232g and** Education Code 49060-49069.7; **20 USC 1232g**) require that student health information remain confidential. In the event that a parent/guardian authorizes the district to disclose the fact that the student has an infectious disease, **such as the student's HIV status**, it is recommended that any decision to inform staff should be made by the Superintendent or designee, the student, and ~~his/her family~~ **the student's parent/guardian**, in consultation with district legal counsel.

INFECTIOUS DISEASES (continued)

Parents/guardians are encouraged to inform the Superintendent or designee if their child has an infectious disease so that school staff may work cooperatively with the student's parents/guardians to minimize the child's exposure to other diseases in the school setting. **If necessary, the Superintendent or designee shall inform the local health official of any potential outbreak.** The Superintendent or designee shall ensure that student confidentiality **and privacy** rights are strictly observed in accordance with law.

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

*Legal Reference:*EDUCATION CODE48210-48216 *Persons excluded***49060-49069.7 Student records**49073-49079 *Privacy of pupil records*49403 *Cooperation in control of communicable disease and immunization of pupils*49405 *Smallpox control*49406 *Examination for tuberculosis (employees)*49408 **Student emergency information of use in emergencies**49602 **Counseling and c**Confidentiality of student information51202 *Instruction in personal and public health and safety*CALIFORNIA CONSTITUTION**Article 1, Section 1 Right to Privacy**CIVIL CODE56-56.37 *Confidentiality of Medical Information Act*1798-~~1798.76~~ **1798.78** *Information Practices Act*HEALTH AND SAFETY CODE**120175.5 Local health officers and communicable diseases**120230 *Exclusion for communicable disease*120325-120380 *Immunization against communicable diseases*120875-120895 *AIDS information*120975-~~121022~~ **121023** *Mandated blood testing and confidentiality to protect public health*121475-121520 *Tuberculosis tests for pupils students*CALIFORNIA CONSTITUTION**Article 1, Section 1 Right to Privacy**CODE OF REGULATIONS, TITLE 85193 ~~California bB~~ **bloodborne pathogens standard**CODE OF REGULATIONS, TITLE 172500-2511 *Communicable disease reporting requirements*UNITED STATES CODE, TITLE 201232g *Family Educational and Privacy Rights Act*1400-1482 *Individuals with Disabilities Education Act*

Legal Reference: (see next page)

INFECTIOUS DISEASES (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 29

794 *Section 504 of the Rehabilitation Act of 1973*

CODE OF FEDERAL REGULATIONS, TITLE 45

164.500-164.534 ~~Health Insurance Portability and Accountability Act (HIPAA)~~ **Privacy of individually identifiable health information**

COURT DECISIONS

Thomas v. Atascadero Unified School District, (1987 1986) 662 F.Supp. 376

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Science Safety Handbook for California Public Schools, 2014

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

School District (K-12) Pandemic Influenza Planning Checklist

WEB SITES

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

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

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

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

~~U.S. Government Pandemic Flu Information: <http://www.pandemicflu.gov>~~

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Students

AR 5141.22(a)

INFECTIOUS DISEASES

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

Prevention and Mitigation Plan

The Superintendent or designee shall work with state and local health officials to develop and regularly update a plan to prevent and mitigate the spread of infectious diseases. Components of the plan may include, but are not necessarily limited to:

1. A communication strategy for informing students, parents/guardians, staff, and the community about the disease(s), including symptoms, complications, transmission, and current recommendations from state and local departments of public health
2. Protocols for assessing when campus closures are necessary and when campus(es) may reopen
3. Alternative means of instruction, schedules, and attendance, including the provision of instruction to students with disabilities, English learners, and foster or homeless youth, in the event of campus closures or partial closures

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 6111 - School Calendar)

(cf. 6112 - School Day)

(cf. 6157 - Distance Learning)

(cf. 6158 - Independent Study)

(cf. 6159 - Individualized Education Program)

(cf. 6164.5 - Student Success Teams)

(cf. 6173 - Education for Homeless Youth)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6183 - Home and Hospital Instruction)

4. Guidelines regarding preventative measures such as social distancing, personal protective equipment, temperature checks, and/or any other health screening allowed by law
5. Protocols regarding the acquisition and provision of personal protective equipment and other supplies

INFECTIOUS DISEASES (continued)

6. Procedures for the cancellation or alteration of extracurricular activities and field trips

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

7. Protocols for transportation of students using district vehicles

(cf. 3540 - Transportation)

(cf. 3543 - Transportation Safety and Emergencies)

8. Information on effective hygiene practices

9. Provisions for continuing free and reduced-price meal services

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3553 - Free and Reduced Price Meals)

10. Processes for protecting students who are at higher risk from the disease

11. Programs that enhance a positive school climate and foster the emotional well-being of all students

(cf. 5141.5 - Mental Health)

(cf. 5141.52 - Suicide Prevention)

(cf. 6164.2 - Guidance/Counseling Services)

12. Guidelines for cleaning and sanitization of district facilities and equipment

(cf. 3510 - Green School Operations)

(cf. 3514.1 - Hazardous Substances)

13. Protocols for visitors and outside groups that utilize district facilities

14. Staff training

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable disease. (17 CCR 2508)

Universal Precautions in the Classroom

Note: The following standards are based upon the universal precautions required for use by employees

INFECTIOUS DISEASES (continued)

pursuant to 8 CCR 5193 and should be modified to reflect district practice. **See also the California Department of Education's (CDE) Science Safety Handbook for more information about laboratory safety and universal precautions.**

Before students work with blood, blood products, or other body fluids, the teacher shall explain the potentially hazardous nature of blood and body fluids in the transmission of various agents from one person to another and the specific procedures and safety precautions to be used in the lesson.

The following precautions shall be used when students are working with blood or other body fluids:

1. Before and after exposure to blood or other body fluids, students shall wash their hands with soap and water and cover any existing cut, wound, or open sore with a sterile dressing.
2. Students shall wear gloves or other personal protective equipment as appropriate.

(cf. 5142 - Safety)

Note: CDE's Science Safety Handbook recommends that alternatives to fresh human blood, such as blood that is acquired from a local blood bank that has been tested and found to be free of hepatitis B and human immunodeficiency virus, be utilized for experiments that require blood samples. If the district permits fresh human blood samples from students to be utilized for such purposes, CDE's Science Safety Handbook states that human blood sampling may only occur on a voluntary basis, that the blood draw should be self-administered and performed in a manner consistent with the district's exposure control plan, and that goggles and gloves should be utilized. As students with specified known medical conditions are not permitted to participate, districts should have a process in place which ensures that students with such medical conditions need not share that information with their teacher(s) or other students.

3. Blood typing or similar experiments may be conducted by teacher demonstrations. When being performed individually, students shall work with their own blood or use prepackaged ABO/Rh blood cell kits that have vials of blood previously tested for transmissible agents.
 - a. For finger punctures, students shall use individual sterile lancets **that have engineered sharps injury protection** for finger punctures and shall not reuse them.
 - b. Before the finger is punctured, it shall be wiped with a piece of cotton that has been immersed in alcohol.
 - c. If bleeding persists after the finger is punctured, the student shall apply a sterile bandage using moderate pressure.

INFECTIOUS DISEASES (continued)

4. Lancets and any other materials contaminated with blood or body fluids shall be discarded into a solution consisting of one part bleach to 10 parts water (1:10), made fresh daily.
5. At the end of the class, surfaces shall be wiped with alcohol or a solution of one part bleach to 10 parts water.

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 5022 - Student and Family Privacy Rights)

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

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.93 - Science Instruction)

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CSBA Sample Administrative Regulation

Students

AR 5145.3(a)

NONDISCRIMINATION/HARASSMENT

Cautionary Notice: The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, portions of the following administrative regulation will not take effect.

Note: The following **mandated** administrative regulation provides measures that may be implemented by a district to comply with state and federal laws and regulations prohibiting unlawful discrimination at school or in school-sponsored or school-related activities, including discriminatory harassment, intimidation, and bullying, of any student based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected category or association with a person or group with one or more of these actual or perceived characteristics. Federal and state law also prohibit retaliation against those who engage in activity to protect civil rights.

5 CCR 4621 **mandates** the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying. In addition, 34 CFR 106.8 and other federal regulations **mandate** districts that receive federal financial assistance to adopt procedures for the "prompt and equitable" resolution of student and employee discrimination complaints, including the designation of one or more responsible employees to ensure district compliance with federal laws and regulations governing the district's educational programs.

During the Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for investigating complaints. The U.S. Department of Education's (USDOE) Office for Civil Rights (OCR) is the agency responsible for the administrative enforcement of federal antidiscrimination laws and regulations in programs and activities that receive federal financial assistance from the department. In reviewing a district's discrimination policies and procedures, OCR will examine whether the district has identified the employee(s) responsible for coordinating compliance with federal civil rights laws, including the investigation of complaints.

The following paragraphs ~~identifies~~ the employee(s) designated to coordinate the district's efforts to comply with state and federal civil rights laws (e.g. Title IX and Section 504 coordinators), ~~including the investigation and resolution of~~ **as the same person designated to investigate and resolve** discrimination complaints under AR 1312.3 - Uniform Complaint Procedures. **Districts may modify the following paragraph to designate separate district employees to serve these functions.** Note also that a district may designate more than one employee to coordinate compliance and/or receive and investigate complaints, although each employee designated as a coordinator/compliance officer must be properly trained.

NONDISCRIMINATION/HARASSMENT (continued)

34 CFR 106.8, as amended by 85 Fed. Reg. 30026, requires that the employee designated by the district to coordinate its responsibilities under Title IX be referred to as the Title IX Coordinator. The Title IX Coordinator is responsible for receiving complaints of sexual harassment and determining whether the complaint should be appropriately addressed through AR 1312.3 or the federal Title IX complaint procedures pursuant to 34 CFR 106.44-106.45. The Title IX Coordinator may be the same person designated below and in AR 1312.3. See AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, **medical condition**, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Director of Student Services

(title or position)

201 Sixth Street, Coronado, CA 92118

(address)

(619) 522-8900 x-1032

(telephone number)

nfoley@coronadousd.net

(email)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

NONDISCRIMINATION/HARASSMENT (continued)

Note: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, CDE is required to ensure that the district posts its nondiscrimination policies in all schools, offices, staff lounges, and student government meeting rooms.

In addition, federal regulations enforced by OCR require the district to notify students, parents/guardians, and employees of its policies prohibiting discrimination on the basis of sex (34 CFR 106.8, 106.9), disability (34 CFR 104.8 and 28 CFR 35.107), and age (34 CFR 110.25) and of related complaint procedures. **For notification requirements specifically pertaining to sexual harassment, see BP/AR 5145.7 - Sexual Harassment.**

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through district-supported communications

Note: Education Code 234.6, as added by AB 34 (Ch. 282, Statutes of 2019), requires a district, starting with the 2020-21 school year, to post its nondiscrimination policies on its web site as specified below. In addition to the policies listed below, if the district has a policy in regard to the prevention and response to hate violence, it is also required to be posted, and the following item should be modified accordingly. See BP 5145.9 - Hate-Motivated Behavior.

2. Post the district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

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

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

Note: Education Code 234.6, as added by AB 34, requires a district, starting in the 2020-21 school year, to post the definitions specified below.

3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

NONDISCRIMINATION/HARASSMENT (continued)

Note: Education Code 221.61 requires districts and public schools to post on their web sites information related to Title IX (20 USC 1681-1688). Education Code 234.6, as added by AB 34, requires districts, beginning in the 2020-21 school year, to post the Title IX information required pursuant to 221.61 in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. Additionally, districts are required to provide a link to the Title IX information included on CDE's website pursuant to Education Code 221.6, in the same manner. A comprehensive list of rights based on the federal regulations implementing Title IX can be found in Education Code 221.8. A district that does not maintain a web site may comply by posting the information below on the web site of its county office of education. A school without a web site may comply by posting the information on the web site of the district or county office of education.

4. Post in a prominent location on the district web site in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.6, 221.61, 234.6)
 - a. The name and contact information of the district's Title IX **e**Coordinator, including the phone number and email address
 - b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)
 - c. A description of how to file a complaint of noncompliance under Title IX **in accordance with AR 1312.3 – Uniform Complaint Procedures**, which shall include:
 - (1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations
 - (2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site
 - (3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office
 - d. A link to the Title IX information included on the California Department of Education's (CDE) web site

NONDISCRIMINATION/HARASSMENT (continued)

Note: Education Code 234.6, as added by AB 34, requires a district, starting in the 2020-21 school year, to post a link to statewide resources as specified below.

5. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)
6. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior.
7. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

(cf. 5145.6 - Parental Notifications)

Note: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires school districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. OCR has interpreted this to require that, whenever information is provided to parents/guardians, districts must notify limited-English-proficient (LEP) parents/guardians in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's 2003 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. Under the Guidance, a recipient of federal funds has an obligation to provide language assistance to LEP individuals based on balancing four factors: (1) the number or proportion of LEP individuals likely to encounter or be served by the program, (2) the frequency with which LEP individuals come in contact with the program, (3) the nature and importance of the services provided by the program, and (4) the resources available to the recipient and costs. State law is more specific than federal law. Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

NONDISCRIMINATION/HARASSMENT (continued)

8. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

9. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students, including transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

10. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)

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

Note: Item #11 below may be revised to reflect district practice. In some situations, the district may need to provide assistance to a student to protect the student from harassment or bullying. Each situation will need to be analyzed to determine the most appropriate course of action to meet the needs of the student, based on the circumstances involved.

11. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.

NONDISCRIMINATION/HARASSMENT (continued)**Enforcement of District Policy**

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

(cf. 5131.5 - Vandalism and Graffiti)

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond

3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination

4. Consistent with laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment

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

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

(cf. 5125 - Student Records)

5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that the student knew was not true

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

(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. 6159.4 - Behavioral Interventions for Special Education Students)

Process for Initiating and Responding to Complaints

Note: Education Code 234.1 requires that districts adopt a process for receiving and investigating complaints of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying. Such a process, which is required to be consistent with the uniform complaint procedures (UCP) specified in 5 CCR 4600-4670, must include (1) a requirement that school personnel who witness an act take immediate steps to intervene when safe to do so, (2) a timeline for investigating and resolving complaints, (3) an appeal process, and (4) translation of forms when required by Education Code 48985. In addition, federal regulations require districts to adopt procedures providing for the prompt and equitable resolution of complaints of discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.7 and 28 CFR

NONDISCRIMINATION/HARASSMENT (continued)

35.107), and age (34 CFR 110.25). OCR guidance on federal civil rights requirements notes that districts may have a responsibility to respond to notice of discrimination whether or not a formal complaint is filed. In addition, districts may have an obligation to respond to notice of sexual harassment of students which occurs off school grounds or outside school sponsored or school related programs or activities, since the sexual harassment may still create a hostile environment at school. This principle would also apply to harassment on other bases, such as race, gender, or disability.

Complaints of sexual harassment must be addressed through the federal Title IX complaint procedures established pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, if the alleged conduct meets the federal definition of sexual harassment. Pursuant to 34 CFR 106.30, sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Allegations that do not meet this definition should be addressed through the district's UCP. See BP/AR 5145.7 - Sexual Harassment and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Students who feel that they have been subjected to unlawful discrimination described above or in district policy are strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, students who observe any such incident are strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

Note: Though a formal complaint must be in writing pursuant to 5 CCR 4600, the district's obligation to provide a safe school environment for its students overrides the need to comply with formalities. Thus, once the district receives notice of an incident, whether verbally or in writing, it is good practice to begin the investigation of the report and to take steps to stop any prohibited conduct and address any effect on students. The following paragraph reflects such practice and is consistent with OCR recommendation.

When a verbal report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, the principal or compliance officer shall make a note of the report and encourage notify the student or parent/guardian of the right to file a formal complaint in accordance with to file the complaint in writing, pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title

NONDISCRIMINATION/HARASSMENT (continued)

IX definition, AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the **principal or** compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Transgender and Gender-Nonconforming Students

Note: The term "gender identity" is not specifically defined in the Education Code. The following definition is consistent with case law and generally accepted terms within academia, as well as the Resolution Agreement between the Arcadia Unified School District, the U.S. Department of Education Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division, which defines "gender identity" as "one's internal sense of gender, which may be different from one's assigned sex, and which is consistently and uniformly asserted, or for which there is other evidence that the gender identity is sincerely held as part of the student's core identity."

Gender identity of a student means the student's gender-related identity, appearance, or behavior as determined from the student's internal sense, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity is different from the gender assigned at birth.

NONDISCRIMINATION/HARASSMENT (continued)

The district prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature. Examples of the types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity
2. Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the restroom that corresponds to the student's gender identity
4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent
6. Using gender-specific slurs
7. Physically assaulting a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) **or Title IX sexual harassment procedures (AR 5145.71), as applicable**, shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

NONDISCRIMINATION/HARASSMENT (continued)

Note: Timelines included in items #1-2 below may be modified to reflect district practice.

1. **Right to privacy:** A student's transgender or gender-nonconforming status is the student's private information and the district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student's transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to the student's status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

2. **Determining a Student's Gender Identity:** The compliance officer shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.
3. **Addressing a Student's Transition Needs:** The compliance officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be

NONDISCRIMINATION/HARASSMENT (continued)

affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as a transgender or gender-nonconforming individual, so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

Note: Pursuant to Education Code 221.5, a district is required to permit a student to use facilities and participate in sex-segregated school programs and activities consistent with the student's gender identity, regardless of the gender listed on the student's educational records. Because Education Code 221.5 affords transgender students these rights, districts in California are not impacted by the February 22, 2017 action of the USDOE and U.S. Department of Justice to rescind earlier federal guidance which had indicated that, under Title IX, students must be allowed to use sex-segregated facilities in accordance with their gender identity. In implementing state law, districts may review recommended practices in the USDOE's Office of Elementary and Secondary Education's Examples of Policies and Emerging Practices for Supporting Transgender Students. For more information on the rights of transgender students, see CSBA's Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination.

4. **Accessibility to Sex-Segregated Facilities, Programs, and Activities:** When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because the student is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

(cf. 7110 - Facilities Master Plan)

NONDISCRIMINATION/HARASSMENT (continued)

Note: Education Code 49062.5 and 49070, as added and amended by AB 711 (Ch. 179, Statutes of 2019), respectively, require districts to update a former student's records to change the student's name and/or gender as specified below. See AR 5125 - Student Records.

5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. When a student presents government-issued documentation of a name and/or gender change or submits a request for a name and/or gender change through the process specified in Education Code 49070, the district shall update the student's records. (Education Code 49062.5, 49070)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 5125.3 - Challenging Student Records)

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronoun(s) consistent with the student's gender identity, without the necessity of a court order or a change to the student's official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying district policy.
7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site.

(cf. 5132 - Dress and Grooming)

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CSBA Sample Board Policy

Students

BP 5145.6(a)

PARENTAL NOTIFICATIONS

The Governing Board desires to promote effective communication between the school and the home and to keep parents/guardians informed regarding educational programs, school operations, and the legal rights of students and their parents/guardians. The Superintendent or designee shall send parents/guardians ~~and students~~ all notifications required by law and any other notifications ~~he/she~~ **the Superintendent or designee** believes will promote parental understanding and involvement.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5022 - Student and Family Privacy Rights)
(cf. 6020 - Parent Involvement)

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless ~~his/her~~ **the student's** parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

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

Whenever a student enrolls in a district school during the school year, ~~his/her~~ **the student's** parents/guardians shall be given all required parental notifications at that time.

Note: The following paragraph applies to notices required for certain federal programs, including, but not necessarily limited to, Title I notices pursuant to 20 USC 6311 and 6312, notices regarding the rights of parents/guardians of students with disabilities pursuant to 34 CFR 300.503 and 300.504, and notices of the educational rights of homeless students pursuant to 42 USC 11432. The following paragraph may be revised to reflect district practice.

PARENTAL NOTIFICATIONS (continued)

Notifications shall be presented in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

Note: Pursuant to Education Code 48985, when 15 percent or more of students enrolled in a school speak a single primary language other than English, all notices and reports sent to the parents/guardians of these students must also be written in the primary language and may be answered by the parent/guardian in either language. Education Code 48985 requires the California Department of Education (CDE) to notify districts, by August 1 of each year, of the schools and the languages for which the translation of notices is required based on census data submitted to the CDE in the preceding fiscal year.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, **he/she the employee** shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

*Legal Reference:*EDUCATION CODE

- 221.5 Prohibited sex discrimination
- 231.5 Sexual harassment policy
- 234.7 Student protections relating to immigration and citizenship status
- 262.3 Appeals for discrimination complaints; information regarding availability of civil remedies
- 310 Language acquisition programs
- 313 Reclassification of English learners, parental consultation
- 313.2 Long-term English learner, notification
- 440 English language proficiency assessment; instruction in English language development
- 8483 Before/after school program; enrollment priorities
- 17288 Building standards for university campuses
- 17611.5-17612 Notification of pesticide use
- 32221.5 Insurance for athletic team members
- 32255-32255.6 Right to refuse harmful or destructive use of animals
- 32390 Fingerprint program; contracts; funding; consent of parent/guardian
- 33479.3 The Eric Paredes Sudden Cardiac Arrest Prevention Act
- 35160.5 Extracurricular and cocurricular activities
- 35178.4 Notice of accreditation status
- 35182.5 Advertising in the classroom
- 35183 School dress codes; uniforms
- 35186 Complaints concerning deficiencies in instructional materials and facilities
- 35211 Driver training; district insurance, parent/guardian liability

Legal Reference continued: (see next page)

PARENTAL NOTIFICATIONS (continued)*Legal Reference: (continued)**EDUCATION CODE (continued)*

- 35256 School Accountability Report Card*
- 35258 School Accountability Report Card*
- 35291 Rules for student discipline*
- 37616 Consultation regarding year-round schedule*
- 39831.5 School bus rider rules and information*
- 44050 Employee codes of conduct, employee interactions with students*
- 44808.5 Permission to leave school grounds*
- 46010.1 Notice regarding excuse to obtain confidential medical services*
- 46014 Regulations regarding absences for religious purposes*
- 46600-46611 Interdistrict attendance agreements*
- 48000 Minimum age of admission*
- 48070.5 Promotion or retention of students*
- 48204 Residency requirements*
- 48205 Absence for personal reasons*
- 48206.3 Students with temporary disabilities; individual instruction; definitions*
- 48207-48208 Students with temporary disabilities in hospitals*
- 48213 Prior notice of exclusion from attendance*
- 48216 Immunization*
- 48260.5 Notice regarding truancy*
- 48262 Need for parent conference regarding truancy*
- 48263 Referral to school attendance review board or probation department*
- 48301 Interdistrict transfers*
- ~~48350-48361 Open Enrollment Act~~*
- ~~48354 Option to transfer from school identified under Open Enrollment Act~~*
- ~~48357 Status of application for transfer from school identified under Open Enrollment Act~~*
- 48412 Certificate of proficiency*
- 48432.3 Voluntary enrollment in continuation education*
- 48432.5 Involuntary transfers of students*
- 48850-48859 Education of foster youth and homeless students*
- 48900.1 Parental attendance required after suspension*
- 48904 Liability of parent/guardian for willful student misconduct*
- 48904.3 Withholding grades, diplomas, or transcripts*
- 48906 Notification of release of student to peace officer*
- 48911 Notification in case of suspension*
- 48911.1 Assignment to supervised suspension classroom*
- 48912 Closed sessions; consideration of suspension*
- 48915.1 Expelled students; enrollment in another district*
- 48916 Readmission procedures*
- 48918 Rules governing expulsion procedures*
- 48929 Transfer of student convicted of violent felony or misdemeanor*
- 48980 Required notification at beginning of term*
- 48980.3 Notification of pesticide use*
- 48981 Time and means of notification*
- 48982 Parent signature acknowledging receipt of notice*
- 48983 Contents of notice*
- 48984 Activities prohibited unless notice given*
- 48985 Notices to parents in language other than English*

Legal Reference continued: (see next page)

PARENTAL NOTIFICATIONS (continued)*Legal Reference: (continued)*EDUCATION CODE (continued)

- 48987 Child abuse information
- 49013 Use of uniform complaint procedures for complaints regarding student fees
- 49063 Notification of parental rights
- 49067 Student evaluation; student in danger of failing course
- 49068 Transfer of permanent enrollment and scholarship record
- 49069 Absolute right to access
- 49070 Challenging content of student record
- 49073 Release of directory information
- 49073.6 Student records, social media
- 49076 Access to student records
- 49077 Access to information concerning a student in compliance with court order
- 49403 Cooperation in control of communicable disease and immunization
- 49423 Administration of prescribed medication for student
- 49451 Physical examinations: parent's refusal to consent
- 49452.5 Screening for scoliosis
- 49452.7 Information on type 2 diabetes
- 49452.8 Oral health assessment
- 49456 Results of vision or hearing test
- 49471-49472 Insurance
- 49475 Student athletes; concussions and head injuries
- 49476 Student athletes; opioid fact sheet**
- 49480 Continuing medication regimen for nonepisodic conditions
- 49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
- 49557.5 Child Hunger Prevention and Fair Treatment Act of 2017; notice of negative balance in meal account
- 51225.1 Exemption from district graduation requirements
- 51225.2 Course credits; ~~foster youth, homeless youth, former juvenile court school students and military-connected students~~
- 51225.3 Graduation requirements; courses that satisfy college entrance criteria
- 51229 Course of study for grades 7-12
- 51513 Personal beliefs; privacy
- 51938 HIV/AIDS and sexual health instruction
- 52164 Language census
- 52164.1 Census-taking methods; determination of primary language; assessment of language skills
- 52164.3 Reassessment of English learners; notification of results
- 54444.2 Migrant education programs; parent involvement
- 56301 Child-find system; policies regarding written notification rights
- 56321 Special education: proposed assessment plan
- 56321.5-56321.6 Notice of parent rights pertaining to special education
- 56329 Written notice of right to findings; independent assessment
- 56341.1 Development of individualized education program; right to audio record meeting
- 56341.5 Individualized education program team meetings
- 56343.5 Individualized education program meetings
- 56521.1 Behavioral intervention
- 58501 Alternative schools; notice required prior to establishment
- 60615 Exemption from state assessment
- 60641 California Assessment of Student Performance and Progress
- 69432.9 Submission of grade point average to Cal Grant program

Legal Reference continued: (see next page)

PARENTAL NOTIFICATIONS (continued)*Legal Reference: (continued)*CIVIL CODE

1798.29 District records, breach of security

HEALTH AND SAFETY CODE

1596.857 Right to enter child care facility

1597.16 Licensed child care centers, lead testing

104420 Tobacco use prevention

104855 Availability of topical fluoride treatment

116277 Lead testing of school drinking water

120365-120375 Immunizations

120440 Sharing immunization information

124100-124105 Health screening and immunizations

PENAL CODE

626.81 Notice of permission granted to sex offender to volunteer on campus

627.5 Hearing request following denial or revocation of registration

CODE OF REGULATIONS, TITLE 5

852 Exemptions from state assessments

863 Reports of state assessment results

3052 Behavioral intervention

4622 Notification of uniform complaint procedures

4631 Uniform complaint procedures; notification of decision and right to appeal

~~4702 Student transfer from school identified under Open Enrollment Act~~

4917 Notification of sexual harassment policy

11303 Reclassification of English learners

11511.5 English language proficiency assessment; test results

11523 Notice of proficiency examinations

18066 Child care policies regarding excused and unexcused absences

18094-18095 Notice of Action; child care services

18114 Notice of delinquent fees; child care services

18118-18119 Notice of Action; child care services

CODE OF REGULATIONS, TITLE 17

2951 Hearing tests

6040 Time period to obtain needed immunizations

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1232h Privacy rights

1415 Procedural safeguards

6311 State plan

6312 Local educational agency plans

6318 Parent and family engagement

7704 Impact Aid; policies and procedures related to children residing on Indian lands

7908 Armed forces recruiter access to students

UNITED STATES CODE, TITLE 42

1758 Child nutrition programs

11431-11435 McKinney-Vento Homeless Assistance Act

CODE OF FEDERAL REGULATIONS, TITLE 7

245.5 Eligibility criteria for free and reduced-price meals

245.6a Verification of eligibility for free and reduced-price meals

Legal Reference continued: (see next page)

PARENTAL NOTIFICATIONS (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34

99.7 Student records, annual notification

99.30 Disclosure of personally identifiable information

99.34 Student records, disclosure to other educational agencies

99.37 Disclosure of directory information

104.32 District responsibility to provide free appropriate public education

104.36 Procedural safeguards

104.8 Nondiscrimination

106.8 Notification of contact information for Title IX coordinator

106.9 Dissemination of policy, nondiscrimination on basis of sex

200.48 Teacher qualifications

222.94 Impact Aid; district responsibilities

300.300 Parent consent for special education evaluation

300.322 Parent participation in IEP team meetings

300.502 Independent educational evaluation of student with disability

300.503 Prior written notice regarding identification, evaluation, or placement of student with disability

300.504 Procedural safeguards notice for students with disabilities

300.508 Due process complaint

300.530 Discipline procedures

CODE OF FEDERAL REGULATIONS, TITLE 40

763.84 Asbestos inspections, response actions and post-response actions

763.93 Asbestos management plans

Management Resources:

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Unpaid Meal Charges: Guidance and Q&A, SP 23 2017, March 2017

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

WEB SITES

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

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CSBA Sample Exhibit

Students

E 5145.6(a)

PARENTAL NOTIFICATIONS

Cautionary Notice: Government Code 17581.5 releases districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of ~~2018 (SB 840, Ch. 29, Statutes of 2018)~~ **2019 2020 (SB 74, Ch. 6, Statutes of 2020)** extends the suspension of these requirements through the ~~2018-19~~ **2020-21** fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

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

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

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

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 44050	BP 4119.21 4219.21 4319.21	Code of conduct addressing employee interactions with students
Beginning of each school year	Education Code 46010.1	AR 5113	Absence for confidential medical services
Beginning of each school year, if district has adopted policy on involuntary transfer of students convicted of certain crimes when victim is enrolled at same school	Education Code 48929, 48980	BP 5116.2	District policy authorizing transfer
Beginning of each school year	Education Code 48980	BP 6111	Schedule of minimum days and student-free staff development days
Beginning of each school year	Education Code 48980, 231.5; 5 CCR 4917; 34 CFR 106.8	AR 5145.7	Copy of sexual harassment policy as related to students; contact information for Title IX coordinator
Beginning of each school year	Education Code 48980, 32255-32255.6	AR 5145.8	Right to refrain from harmful or destructive use of animals
Beginning of each school year	Education Code 48980, 35160.5, 46600-46611, 48204, 48301, 48350-48361	BP 5111.1 AR 5116.1 AR 5117	All statutory attendance options, available local attendance options, options for meeting residency, form for changing attendance, appeals process
Beginning of each school year, if Board allows such absence	Education Code 48980, 46014	AR 5113	Absence for religious exercises or purposes
Beginning of each school year	Education Code 48980, 48205	AR 5113 BP 6154	Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205

PARENTAL NOTIFICATIONS (continued)

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

PARENTAL NOTIFICATIONS (continued)

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

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	USDA SP-23-2017	AR 3551	District policy on meal payments
II. At Specific Times During the Student's Academic Career			
Beginning in grade 7, at least once prior to course selection and career counseling	Education Code 221.5, 48980	BP 6164.2	Course selection and career counseling
Upon a student's enrollment	Education Code 310	BP 6142.2 AR 6174	Information on the district's language acquisition programs
When child first enrolls in a public school, if school offers a fingerprinting program	Education Code 32390, 48980	AR 5142.1	Fingerprinting program
When participating in driver training courses under the jurisdiction of the district	Education Code 35211	None	Civil liability, insurance coverage
Upon registration in K-6, if students have not previously been transported	Education Code 39831.5	AR 3543	School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops
Beginning of each school year for high school students, if high school is open campus	Education Code 44808.5, 48980	BP 5112.5	Open campus
Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement	Education Code 48980, 51225.3	AR 6146.1	How each graduation requirement does or does not satisfy college entrance a-g course criteria; district CTE courses that satisfy a-g criteria
Upon a student's enrollment	Education Code 49063	AR 5125 AR 5125.3	Specified rights related to student records
When students enter grade 7	Education Code 49452.7	AR 5141.3	Specified information on type 2 diabetes

PARENTAL NOTIFICATIONS (continued)

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

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. At Specific Times During the Student's Academic Career (continued)			
To secondary students, if district receives Title I funds	20 USC 7908	AR 5125.1	Request that district not release student's name, address, and phone number of child to military recruiters without prior written consent
III. When Special Circumstances Occur			
In the event of a breach of security of district records, to affected persons	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, contact information for credit reporting agencies
Upon receipt of a complaint alleging discrimination	Education Code 262.3	AR 1312.3	Civil law remedies available to complainants
When determining whether an English learner should be reclassified as fluent English proficient	Education Code 313; 5 CCR 11303	AR 6174	Description of reclassification process, opportunity for parent/guardian to participate
When student is identified as English learner and district receives Title I or Title III funds for English learner programs, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year	Education Code 313.2, 440; 20 USC 6312	AR 6174	Reason for classification, level of English proficiency, identification as long-term English learner, description of program(s), option to decline program or choose alternate, option to remove student from program at any time, exit requirements of program
When homeless or foster youth applies for enrollment in before/after school program	Education Code 8483	AR 5148.2	Right to priority enrollment; how to request priority enrollment
Before high school student attends specialized secondary program on a university campus	Education Code 17288	None	University campus buildings may not meet Education Code requirements for structural safety
At least 72 hours before use of pesticide product not included in annual list	Education Code 17612	AR 3514.2	Intended use of pesticide product
To members of athletic teams	Education Code 32221.5	AR 5143	Offer of insurance; no-cost and low-cost program options

PARENTAL NOTIFICATIONS (continued)

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

PARENTAL NOTIFICATIONS (continued)

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

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Before holding a closed session re: suspension	Education Code 48912	AR 5144.1	Intent to hold a closed session re: suspension
When student expelled from another district for certain acts seeks admission	Education Code 48915.1, 48918	BP 5119	Hearing re: possible danger presented by expelled student
When readmission is denied	Education Code 48916	AR 5144.1	Reasons for denial; determination of assigned program
When expulsion occurs	Education Code 48916	AR 5144.1	Readmission procedures
At least 10 calendar days before expulsion hearing	Education Code 48918	AR 5144.1	Notice of expulsion hearing
When expulsion or suspension of expulsion occurs	Education Code 48918	AR 5144.1	Decision to expel; right to appeal to county board; obligation to inform new district of status
Before involuntary transfer of student convicted of certain crime when victim is enrolled at same school	Education Code 48929, 48980	BP 5116.2	Right to request a meeting with principal or designee
One month before the scheduled minimum day	Education Code 48980	BP 6111	When minimum days are scheduled after beginning of the school year
When parents/guardians request guidelines for filing complaint of child abuse at a school site	Education Code 48987	AR 5141.4	Guidelines for filing complaint of child abuse at a school site with local child protective agencies
When student in danger of failing a course	Education Code 49067	AR 5121	Student in danger of failing a course
When student transfers from another district or private school	Education Code 49068	AR 5125	Right to receive copy of student's record and to challenge its content

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When parent/guardian's challenge of student record is denied and parent/guardian appeals	Education Code 49070	AR 5125.3	If board sustains allegations, the correction or destruction of record; if denied, right to submit written objection
When district is considering program to gather safety-related information from students' social media activity	Education Code 49073.6	BP 5125	Opportunity for input on proposed program
When district adopts program to gather information from students' social media activity, and annually thereafter	Education Code 49073.6	AR 5125	Information is being gathered, access to records, process for removal or corrections, destruction of records
Within 24 hours of release of information to a judge or probation officer	Education Code 49076	AR 5125	Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition
Before release of information pursuant to court order or subpoena	Education Code 49077	AR 5125	Release of information pursuant to court order or subpoena
When screening results in suspicion that student has scoliosis	Education Code 49452.5	AR 5141.3	Scoliosis screening
When test results in discovery of visual or hearing defects	Education Code 49456; 17 CCR 2951	AR 5141.3	Vision or hearing test results
Within 10 days of negative balance in meal account	Education Code 49557.5	AR 3551	Negative balance in meal account; encouragement to apply for free or reduced-price meals
Annually to parents/guardians of student athletes before their first practice or competition	Education Code 49475	AR 6145.2	Information on concussions and head injuries
Annually to parents/guardians of student athletes	Education Code 49476	AR 6145.2	Opioid fact sheet

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
Within 30 days of foster youth, homeless youth, former juvenile court school student, child of military family, or migrant student being transferred after second year of high school, or immigrant student enrolled in newcomer program in grades 11-12	Education Code 51225.1	BP 6146.1 AR 6173 AR 6173.1 AR 6173.3 AR 6175	Exemption from local graduation requirements, effect on college admission, option for fifth year of high school
Before any test/survey questioning personal beliefs	Education Code 51513	AR 5022	Permission for test, survey questioning personal beliefs
At least 14 days before HIV prevention or sexual health instruction, if arrangement made for guest speaker after beginning of school year	Education Code 51938	AR 6142.1	Instruction in HIV prevention or sexual health by guest speaker or outside consultant
Prior to administering survey regarding health risks and behaviors to students in 7-12	Education Code 51938	AR 5022	Notice that the survey will be administered
Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency	Education Code 52164.1, 52164.3; 5 CCR 11511.5	AR 6174	Results of state test of English proficiency
When migrant education program is established	Education Code 54444.2	BP 6175 AR 6175	Parent advisory council membership composition
When child participates in licensed child care and development program	Health and Safety Code 1596.857	AR 5148	Parent/guardian right to enter facility
When a licensed child care center has a building constructed before January 1, 2010 and has drinking water tested for lead	Health and Safety Code 1597.16	AR 5148	The requirement to test the facility, and the results of the test
When district receives Tobacco-Use Prevention Education Funds	Health and Safety Code 104420	AR 3513.3	The district's tobacco-free schools policy and enforcement procedures

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When testing by community water system finds presence of lead exceeding specified level	Health and Safety Code 116277	AR 3514	Elevated lead level at school
When sharing student immunization information with an immunization system	Health and Safety Code 120440	AR 5125	Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share
At least 14 days prior to sex offender coming on campus as volunteer	Penal Code 626.81	AR 1240 BP 1250	Dates and times permission granted; obtaining information from law enforcement
When hearing is requested by person asked to leave school premises	Penal Code 627.5	AR 3515.2	Notice of hearing
When responding to complaint re: discrimination, special education, or noncompliance with law	5 CCR 4631	AR 1312.3	Findings, disposition of complaint, any corrective actions, appeal rights and procedures
When child participates in licensed child care and development program	5 CCR 18066	AR 5148	Policies re: regarding excused and unexcused absences
Within 30 days of application for subsidized child care or preschool services	5 CCR 18094, 18118	AR 5148 AR 5148.3	Approval or denial of services
Upon recertification or update of application for child care or preschool services	5 CCR 18095, 18119	AR 5148 AR 5148.3	Any change in service, such as in fees, amount of service, termination of service
Upon child's enrollment in child care program	5 CCR 18114	AR 5148	Policy on fee collection
When payment of child care fees is seven days late	5 CCR 18114	AR 5148	Notice of delinquent fees
When district substantively changes policy on student privacy rights	20 USC 1232h	AR 5022	Notice of any substantive change in policy or regulation

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
For districts receiving Title I funds, when child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet state certification requirements for the grade level/subject taught	20 USC 6312	AR 4112.2	Timely notice to parent/guardian of child's assignment
For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners	20 USC 6312	AR 6174	Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose other program
For schools receiving Title I funds, upon development of parent involvement policy	20 USC 6318	AR 6020	Notice of policy
When district receives Impact Aid funds for students residing on Indian lands, to parents/guardians of Indian children	20 USC 7704; 34 CFR 222.94	AR 3231	Relevant applications, evaluations, program plans, information about district's general educational program; opportunity to submit comments
When household is selected for verification of eligibility for free or reduced-price meals	42 USC 1758; 7 CFR 245.6a	AR 3553	Need to submit verification information; any subsequent change in benefits; appeals
When student is homeless or unaccompanied minor	42 USC 11432; Education Code 48852.5	AR 6173	Educational and related opportunities; transportation services; placement decision and right to appeal
When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30	34 CFR 99.34	AR 5125	Right to review records
When student complains of sexual harassment	34 CFR 106.44, 106.45	AR 5145.7	Right to file formal complaint, availability of supportive measures, notice of process, reason for dismissal of complaint if applicable

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur (continued)			
When district receives federal funding assistance for nutrition program	USDA FNS Instruction 113-1	BP 3555	Rights and responsibilities, nondiscrimination policy, complaint procedures
IV. Special Education Notices			
Prior to conducting initial evaluation	Education Code 56301, 56321, 56321.5, 56321.6, 56329; 20 USC 1415(d); 34 CFR 300.502, 300.503	BP 6159.1 AR 6159.1 AR 6164.4	Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards
Before functional behavioral assessment begins	Education Code 56321	AR 6159.4	Notification and consent
24 hours before IEP when district intending to record	Education Code 56341.1	AR 6159	Intention to audio-record IEP meeting
Early enough to ensure opportunity for parent/guardian to attend IEP meeting	Education Code 56341.5; 34 CFR 300.322	AR 6159	Time, purpose, location, who will attend, participation of others with special knowledge, transition statements if appropriate
When parent/guardian orally requests review of IEP	Education Code 56343.5	AR 6159	Need for written request
Within one school day of emergency intervention or serious property damage	Education Code 56521.1	AR 6159.4	Emergency intervention
Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services	20 USC 1415(c); 34 CFR 300.300, 300.503	AR 6159 AR 6159.1	Prior written notice
Upon filing of state complaint	20 USC 1415(d); 34 CFR 300.504	AR 6159.1	Procedural safeguards notice
When disciplinary measures are taken or change in placement	20 USC 1415(k); 34 CFR 300.530	AR 5144.2	Decision and procedural safeguards notice

PARENTAL NOTIFICATIONS (continued)

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
IV. Special Education Notices (continued)			
Upon requesting a due process hearing	20 USC 1415(k); 34 CFR 300.508	AR 6159.1	Student's name, address, school, description of problem, proposed resolution
Eligibility for services under Section 504	34 CFR 104.32, 104.36	AR 6164.6	District responsibilities, district actions, procedural safeguards
V. Classroom Notices			
In each classroom used for license-exempt California State Preschool Program	Education Code 8235.5	AR 1312.3 E 1312.3	Health and safety requirements for preschool programs; where to get complaint form
In each classroom in each school	Education Code 8235.5 , 35186	AR 1312.4 E 1312.4	Complaints subject to Williams uniform complaint procedures

(3/18 3/19) 7/20

CSBA Sample Board Policy

Students

BP 5145.7(a)

SEXUAL HARASSMENT

Cautionary Notice: The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, portions of the following administrative regulation will not take effect.

Note: Education Code 231.5 and 34 CFR 106.8 mandates the district to have written policies on sexual harassment. The following policy addresses harassment by and of students in the school setting. **As part of this mandate, the district should also adopt a sexual harassment policy related to employees; see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment.**

~~Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex by recipients of federal financial assistance. School districts are responsible under Title IX and the regulations for the issuance of a policy against sex discrimination (34 CFR 106.8). Sexual harassment is a form of sex discrimination under Title IX and can deny or limit a student's ability to participate in or receive education benefits, services, or opportunities on the basis of that student's sex.~~

Both federal law (Title IX of the Education Amendments of 1972) (20 USC 1681-1688; 34 CFR 106.1-106.82) and state law (Education Code 220, 231.5) prohibit sexual harassment and require districts to establish procedures for the prompt and equitable resolution of sexual harassment complaints. Whether a complaint is addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, or the state uniform complaint procedures adopted pursuant to 5 CCR 4600-4670 is dependent on whether the alleged conduct meets the more stringent federal definition or the state definition of sexual harassment. See the accompanying administrative regulation, BP/AR 1312.3 - Uniform Complaint Procedures, and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

~~A district can be held liable for civil damages for the sexual harassment of students pursuant to Title IX and/or Education Code 220, if the district is found to have been "deliberately indifferent" in its response to known sexual harassment. In Davis v. Monroe County Board of Education the U.S. Supreme Court held that a district would be deliberately indifferent if (1) the harasser and the context in which the sexual harassment occurred were within the district's control; (2) the harassment was so severe, pervasive, and objectively offensive that it deprived a student of access to educational opportunities or benefits provided by the district; (3) the district had actual knowledge of the harassment; and (4) the district's conduct was unreasonable considering the surrounding circumstances. This standard was applied by an appellate court in Donovan v. Poway Unified School District based on Education Code 220. Pursuant to 34 CFR 106.30, a district is deliberately indifferent if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.~~

In addition to filing a private civil lawsuit, an alleged victim of sexual harassment may file a complaint with

SEXUAL HARASSMENT (continued)

the California Department of Education (CDE) and/or the U.S. Department of Education's Office for Civil Rights (OCR), the federal agency responsible for administrative enforcement of federal laws and regulations that prohibit discrimination in programs and activities that receive federal financial assistance from the U.S. Department of Education. OCR applies a different standard than the "deliberate indifference" standard when addressing complaints against a district. Under OCR's enforcement standards, a district may be held to be in violation when a student is subjected to harassing conduct by another student, an employee, or a third party, and (1) the district knows or should know about the harassment, (2) the harassment is sufficiently serious as to create a hostile educational environment for the student, and (3) the district failed to take appropriate responsive actions. In other words, while a district is not responsible for the conduct of the other student or the third party, it may be liable for failing to respond adequately once it has notice. However, if a student is sexually harassed by an employee who was acting in the context of his/her job responsibilities, the district may be in violation of Title IX whether or not it has notice.

CSBA staff met with representatives from CDE and OCR to discuss this policy and the accompanying regulation as they relate to the uniform complaint procedure (UCP) requirements. As a result, the sample policy and regulation have been drafted to go beyond the minimal requirements under California's UCP laws and regulations in an attempt to address issues and concerns raised by CDE and OCR. While CDE and OCR have not approved or signed off on them, CSBA believes that the additional details provided herein may help school districts and county offices of education during any compliance check by CDE or in the event that a CDE or OCR investigation occurs.

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

Note: OCR's January 2001 Revised Sexual Harassment Guidance notes that, regardless of whether a harassed student, his/her parent/guardian, or a third party files a complaint under the district procedures or otherwise requests action on the student's behalf, a school that knows, or reasonably should know, about possible harassment must promptly take action to determine what occurred and then take appropriate steps to resolve the situation. Even where a parent/guardian or student does not wish to disclose the student's identity, there are steps a school can take to limit the effects of alleged harassment and prevent its recurrence without initiating formal action. Such steps may include limited investigative activities and actions to protect the complainant and the school community and prevent recurrence while keeping the identity of the complainant confidential. These actions may include providing services to the complainant, such as counseling services; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; or changing and publicizing the school's policies on sexual violence. OCR has indicated that the principles in its Revised Sexual Harassment Guidance also apply to harassment based on race, color, national origin, disability, or age.

SEXUAL HARASSMENT (continued)

34 CFR 106.44, as added by 85 Fed. Reg. 30026, requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not unreasonable in light of the known circumstances. 34 CFR 106.30, as added, defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school.

It is **also** important to note that a referral to law enforcement does not relieve a school district of its responsibility to investigate the complaint as a matter of sex discrimination.

The district strongly encourages **any** students who feels that **he/she is they are** being or **has have** been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who **has have** experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact **his/her their** teacher, the principal, **the district's Title IX Coordinator**, 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 Title IX Coordinator**.

Once notified, the **principal or compliance officer Title IX Coordinator** shall **take the steps to investigate and address the allegation, ensure the complaint is addressed through Title IX complaint procedures or uniform complaint procedures, as applicable, and shall offer supportive measures to the complainant as specified in the accompanying administrative regulation.**

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(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. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

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

Note: Government Code 12950.1 requires any district with 50 or more employees to provide two hours of sexual harassment training and education to supervisory employees once every two years. See AR 4119.11/4219.11/4319.11 - Sexual Harassment. Education Code 234.6, as added by AB 34 (Ch. 282, Statutes of 2019), requires districts, beginning in the 2020-21 school year, to post the district's written policy on sexual harassment in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students.

Education Code 231.6, as added by AB 543 (Ch. 428, Statutes of 2019), requires districts serving students in grades 9-12 to create a poster that notifies students of the district's sexual harassment policy, and to display it prominently and conspicuously in each bathroom and locker room on campus.

SEXUAL HARASSMENT (continued)

Education Code 231.5, as amended by AB 543, requires the district to provide a copy of the district's sexual harassment policy as part of any orientation program conducted for new and continuing students.

Pursuant to 34 CFR 106.8, the district is required to notify students, parents/guardians, employees, and bargaining units of its policy to not discriminate on the basis of sex as well as its complaint procedures and processes, and to post this information in a prominent location on the district's web site and in student and staff handbooks.

Requirements related to the dissemination of the district's sexual harassment policy and procedures and best practices for reinforcing the policy are addressed in the accompanying administrative regulation.

The Superintendent or designee shall ~~take appropriate actions to reinforce~~ **inform students and parents/guardians of** the district's sexual harassment policy **by disseminating it through parent/guardian notifications, publishing it on the district's web site, and including it in student and staff handbooks. All district staff shall be trained regarding the policy.**

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate 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 incidents of sexual harassment even **where when** the alleged victim of the harassment has not complained

Note: Where sexual harassment or violence occurs in the context of other possible rule violations, students may be reluctant to report sexual harassment or violence. For example, a student who is sexually harassed while **he/she is** away from school without permission may be reluctant to file a complaint if **he/she the student** believes ~~that he/she may be~~ **disciplined will be imposed** for the violation. As such, item #4 below clarifies that any other rule violation will be addressed separately from the sexual harassment complaint in order to encourage students to report the harassment.

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, investigated, or resolved

SEXUAL HARASSMENT (continued)

5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and **prompt** action shall be taken to **stop any respond to** harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will **take interim implement supportive** measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation **and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment**

Complaint Process and Disciplinary Actions

Note: Pursuant to Education Code 231.5, the district's policy must contain information on where to obtain the specific procedures for reporting incidents of sexual harassment and pursuing available remedies. In addition, 34 CFR 106.8 requires a district to adopt and publish a complaint procedure providing for a prompt and equitable resolution of student complaints alleging sexual harassment. To avoid confusion that may arise from having a multiplicity of complaint processes for resolving a variety of student complaints, it is recommended that districts use the UCP to investigate and resolve sexual harassment complaints involving students. See AR 1312.3 Uniform Complaint Procedures for details of these procedures.

Sexual harassment complaints by and against students 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)

Note: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Education Code 48900.2 also requires the sexual harassment, when considered from the perspective of a reasonable person of the same gender as the alleged victim, to be sufficiently severe or pervasive as to have a negative impact upon the alleged victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the alleged victim. Under OCR's 2001 Revised Sexual Harassment Guidance interpreting Title IX, a hostile environment is created when the conduct is sufficiently serious that it denies or limits a student's ability to

SEXUAL HARASSMENT (continued)

participate in or benefit from the school's program based on sex. OCR considers the conduct from both the subjective perspective of the individual who was harassed and from the perspective of a reasonable person with the same characteristics as the alleged victim. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

Upon **completion of an** investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, 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))

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall ~~have his/her employment terminated~~ **be subject to disciplinary action, up to and including dismissal**, in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Report)

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

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

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

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

Record-Keeping

In accordance with law, 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 district schools.

(cf. 3580 - District Records)

Legal Reference: (see next page)

SEXUAL HARASSMENT (continued)*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

48985 Notices, report, statements and records in primary languageCIVIL 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

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20**1092 Definition of sexual assault**

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX, ~~discrimination~~ **of the Education Amendments of 1972****UNITED STATES CODE, TITLE 34****12291 Definition of dating violence, domestic violence, and stalking**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~~ **106.82** Nondiscrimination on the basis of sex in education programsCOURT DECISIONSDonovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130Reese v. Jefferson School District, (~~2001~~ **2000**, 9th Cir.) 208 F.3d 736Davis v. Monroe County Board of Education, (1999) 526 U.S. 629Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447*Management Resources continued: (see next page)*

SEXUAL HARASSMENT (continued)

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

Q&A on Campus Sexual Misconduct, September 2017

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

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>

CSBA Sample Administrative Regulation

Students

AR 5145.7(a)

SEXUAL HARASSMENT

Cautionary Notice: The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. However, in June 2020, two motions for a preliminary injunction were filed seeking to postpone the effective date of the regulations and prohibit their enforcement. If the court issues an injunction, portions of this administrative regulation reflecting the Title IX regulations will not be in effect. CSBA will notify districts when the court issues its decision.

Districts are also cautioned that the federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions arise.

Note: Education Code 231.5 and Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibit discrimination based on sex, including sexual harassment, and mandate that the district adopt and publish complaint procedures. Also see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Title IX Coordinator

Note: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are **mandated** to designate an employee to ensure district compliance with Title IX of the Education Amendments of 1972 and its implementing regulations, including the investigation of complaints alleging sex discrimination. The following paragraph specifies the position designated as the district's Title IX Coordinator and compliance officer for purposes of complaints alleging sex discrimination, including sexual harassment, filed under that **the Title IX Coordinator will be the same person(s) designated to serve as the compliance officer(s) for the district's uniform complaint procedures pursuant to AR 1312.3 - Uniform Complaint Procedures. Districts may modify this regulation to designate separate district employees to serve these functions; the district should modify the following paragraph accordingly.**

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 ~~and California Education Code 234.1~~, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The ~~coordinator/compliance officer(s)~~ **Title IX Coordinator(s)** may be contacted at:

Director of Student Services

(title or position)

201 Sixth Street, Coronado, CA 92118

(address)

(619) 522-8900 x-1032

(telephone number)

nfoley@coronadousd.net

(email)

SEXUAL HARASSMENT (continued)*(cf. 1312.3 - Uniform Complaint Procedures)**(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)*

The district shall notify students, parents/guardians, employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

Prohibited Conduct

Note: Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. For purposes of suspension and expulsion, Education Code 48900.2 defines sexual harassment as conduct, when considered from the perspective of a reasonable person of the same gender as the victim, that is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the victim; see AR 5144.1 - Suspension and Expulsion/Due Process. **Conduct that meets the federal definition of sexual harassment in 34 CFR 106.30 (i.e., (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291) requires investigation and resolution through Title IX regulations; see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.**

Under the U.S. Department of Education's Office for Civil Rights (OCR) 2001 Revised Sexual Harassment Guidance interpreting Title IX, sexual harassment is unwelcome conduct of a sexual nature. A hostile environment is created when the conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the school's program based on sex. OCR considers the conduct from both the subjective perspective of the individual who was harassed and from the perspective of a reasonable person with the same characteristics as the victim.

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.

SEXUAL HARASSMENT (continued)

4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

(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)

Note: The following list contains common examples of sexual harassment from the OCR January 2001 Revised Sexual Harassment Guidance, and definitions specified in 5 CCR 4916.

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

SEXUAL HARASSMENT (continued)

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

Notifications

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

Note: Education Code 231.6, as added by AB 543 (Ch. 428, Statutes of 2019), requires districts serving students in grades 9-12 to create a poster that notifies students of the district's sexual harassment policy, and to display it, as specified below. The district may partner with local, state, or federal agencies, or nonprofit organizations, for the purposes of the design and content of the poster.

3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)

Note: Education Code 234.6, as added by AB 34 (Ch. 282, Statutes of 2019), requires districts, beginning in the 2020-21 school year, to post on the district's web site the district's written policy on sexual harassment as well as other state and federal law requirements, in the manner specified below. 34 CFR 106.8 also requires districts that have web sites to prominently display the contact information for the Title IX Coordinator and the district's nondiscrimination policy on its web site.

4. Be posted in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. This shall include the name or title, office address, email address, and telephone number of the employee(s) designated as the district's Title IX Coordinator. (Education Code 234.6; 34 CFR 106.8)

SEXUAL HARASSMENT (continued)*(cf. 1113 - District and School Web Sites)**(cf. 1114 - District-Sponsored Social Media)*

Note: Education Code 231.5, as amended by AB 543, requires the district to provide a copy of the district's sexual harassment policy as part of any orientation program conducted for new and continuing students.

3.5. Be provided as part of any orientation program conducted for new **and continuing** students at the beginning of each quarter, semester, or summer session (Education Code 231.5)

4.6. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

Note: Items #5 and #6 #7 8 below are optional.

5.7. Be included in the student **any handbook provided to students, parents/guardians, employees, or employee organizations (34 CFR 106.8)**

6. Be provided to employees and employee organizations

Reporting Complaints Process and Complaint Investigation and Resolution

~~Note: The following reporting process details site level steps to be taken by students and others for reporting sexual harassment incidents. In its January 2001 Revised Sexual Harassment Guidance, OCR acknowledges that procedures adopted by districts to address student harassment complaints will vary considerably depending on a number of factors, including the size of the district.~~

Pursuant to Education Code 231.5, the district's policy must contain information on where to obtain the specific procedure for reporting incidents of sexual harassment and pursuing available remedies. In addition, 34 CFR 106.8 requires a district to adopt and publish a complaint procedure providing for a "prompt and equitable" resolution of student complaints alleging sexual harassment. To avoid confusion that may arise from having a multiplicity of complaint processes for resolving a variety of student complaints, it is recommended that districts use their uniform complaint procedures (UCP) to investigate and resolve sexual harassment complaints involving students and to track complaints through a districtwide system. See AR 1312.3 Uniform Complaint Procedures for details of these procedures.

Any student **or parent/guardian** who believes that **he/she the student** has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to **his/her a** teacher, the principal, **the district's Title IX Coordinator**, or any other available school employee. Within one school day of receiving such a report, the **principal or other** school employee shall forward the report to the **principal or the district's compliance officer identified in AR 1312.3 Title IX Coordinator**. ~~In addition, any~~ **Any** school employee who observes an

SEXUAL HARASSMENT (continued)

incident of sexual harassment involving a student shall, within one school day, report ~~his/her~~ **the** observation to the principal or ~~a district compliance officer~~ **Title IX Coordinator, regardless of**. ~~The employee shall take these actions,~~ whether ~~or not~~ the alleged victim files a **formal** complaint.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

When a report or complaint of sexual harassment involves off-campus conduct, the ~~principal~~ **Title IX Coordinator** shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If ~~he/she~~ **the Title IX Coordinator** determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the ~~principal or compliance officer~~ **Title IX Coordinator** shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with ~~the applicable~~ district's **uniform** complaint procedures. ~~Regardless of whether a formal complaint is filed, the principal or compliance officer shall take steps to investigate the allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects.~~

Complaint Procedures

All complaints of sexual harassment by and against students shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to AR 1312.3 - Uniform Complaint Procedures.

~~If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.~~

~~In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.~~

~~In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be~~

SEXUAL HARASSMENT (continued)

submitted to the Superintendent or designee who shall determine who will investigate the complaint.

(cf. 5141.4 – Child Abuse Prevention and Reporting)

Confidentiality

Note: Pursuant to 5 CCR 4964, districts are required to keep complaints and allegations of sexual harassment confidential, except when disclosure is necessary to further the investigation, other needed remedial action, or ongoing monitoring.

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)

Note: The Family Educational Rights and Privacy Act (FERPA) (20 USC 1232g; 34 CFR 99.1 99.67) protects student privacy, including student records such as the description of the corrective actions taken in response to a complaint of sexual harassment. Thus, districts are advised to consult legal counsel in determining what information must be included in the final written decision sent to the complainant and what information must not be included.

In determining what information to include and not include in the final written decision for complaints regarding sexual harassment, districts should be aware that current law (20 USC 1221) states that nothing in FERPA is to "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program." OCR has interpreted these provisions to mean that FERPA permits a district to disclose to a student, who was subjected to sexual harassment, certain information about the sanctions imposed upon the offender when the sanctions directly relate to the student. For instance, if properly remedying the impact of sexual harassment would require disclosing to the alleged victim certain information on how the district disciplined the alleged student offender (e.g., a stay away order), OCR would require the district to disclose that information.

OCR's Revised Sexual Harassment Guidance indicates that if a complainant in a sexual harassment case requests that his/her name or that of the victim not be revealed to the alleged perpetrator or asks that the complaint not be pursued, the district should first inform the complainant that honoring the request may limit its ability to respond and pursue disciplinary action against the alleged perpetrator. However, in all instances, the district must continue to ensure that it provides a safe and nondiscriminatory environment for all students. If there is a high risk of harm to the complainant or others (e.g., if the district has information that the alleged perpetrator is a repeat offender) and the district cannot respond adequately to the risk without disclosing the complainant's identity, then in such limited circumstances the district may be required to investigate the incident and disclose the complainant's identity. If the district determines that it will respect the confidentiality request, it should nevertheless take all reasonable steps to investigate and respond to the complaint. Such steps may include limited investigative activities that do not require the district to reveal the complainant's identity; providing services to the complainant, such as counseling services; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; or changing and publicizing the district's policies on sexual violence.

SEXUAL HARASSMENT (continued)

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

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

Response Pending Investigation

Note: The following reporting process may be revised to reflect district practice. In its Q&A on Campus Sexual Misconduct, OCR cautions that schools are responsible for redressing a hostile environment that occurs on campus even if it relates to off-campus activities.

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment. Interim measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

Notifications

Note: In its January 2001 Revised Sexual Harassment Guidance, OCR states that a procedure for sexual harassment complaints cannot be prompt or equitable unless it is widely disseminated and written in language appropriate to the age of the school's students. Examples include having a copy of the procedures available throughout the school, publishing the procedures in the student handbook, and identifying individuals who can explain the procedure.

SEXUAL HARASSMENT (continued)

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 – Parental Notifications)

Note: In its April 2015 Dear Colleague Letter: Title IX Coordinators, OCR recommends that districts use web posting and social media to disseminate their nondiscrimination notices, policies, and procedures and communicate the contact information for current compliance officer(s) to students, parents/guardians, and employees. Item #2 below may be modified to reflect the means used by the district to disseminate its sexual harassment policy and regulation.

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

A copy of the district's sexual harassment policy and regulation shall be posted on district and school web sites and, when available, on district-supported social media.

(cf. 1113 – District and School Web Sites)

(cf. 1114 – District Sponsored Social Media)

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

Note: Items #5 and #6 below are **optional**.

5. Be included in the student handbook
6. Be provided to employees and employee organizations

(7/15 9/16) 7/20

CSBA Sample Administrative Regulation

Students

AR 5145.71(a)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

Cautionary Notice: The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, the following administrative regulation will not take effect.

Note: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sexual harassment, and mandates that the district adopt and publish complaint procedures.

The following administrative regulation reflects the Title IX complaint procedure detailed in 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, which must be used, effective August 14, 2020, to address any complaint of sexual harassment that meets the definition in 34 CFR 106.30. Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment that does not meet this definition should be addressed through the district's uniform complaint procedures (UCP); see BP/AR 1312.3 - Uniform Complaint Procedures.

34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not deliberately indifferent. 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of the district. A district is deliberately indifferent only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. Districts with questions about specific complaints are strongly encouraged to consult legal counsel.

See BP/AR 5145.7 - Sexual Harassment for information about prohibited conduct, student instruction, required notifications, and processes for reporting sexual harassment.

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30)

- 1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct**
- 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity**
- 3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291**

All other sexual harassment complaints shall be investigated and responded to pursuant to AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

A report of sexual harassment shall be submitted directly to or forwarded to the district's Title IX Coordinator using the contact information listed in AR 5145.7 - Sexual Harassment.

(cf. 5145.7 - Sexual Harassment)

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the process for filing a formal complaint.

<p>Note: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator should file a complaint in certain situations even when the victim chooses not to do so, including, but not limited to, when a safety threat exists. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.</p>
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Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations in which a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

The Superintendent or designee shall ensure that the Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such persons receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures which are nondisciplinary, nonpunitive, and do not unreasonably burden the other party. Such measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures. (34 CFR 106.30, 106.44)

Emergency Removal from School

Note: Pursuant to Education Code 48900.2, a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code 48915(c) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR 5144.1 - Suspension and Expulsion/Due Process.

34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student should not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, districts are advised to consult legal counsel as to the manner of imposing an emergency removal.

On an emergency basis, the district may remove a student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)**Dismissal of Complaint**

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint that did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly, and simultaneously to the parties, send written notice of the dismissal and the reasons for the dismissal. (34 CFR 106.45)

If a complaint is dismissed on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30, the conduct may still be addressed pursuant to BP/AR 1312.3 - Uniform Complaint Procedures as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

Formal Complaint Process

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

- 1. The district's complaint process, including any informal resolution process**
- 2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.**

If, during the course of the investigation, the district investigates allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

- 3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process**
- 4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence**
- 5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process**

Note: The following paragraph is optional. Although not required by law, a best practice is to provide notice to the parties of the name of the investigator, facilitator, and decision-maker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall provide either party with no less than three calendar days to raise concerns of conflict of interest or bias regarding any of these persons.

Note: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

34 CFR 106.45 authorizes, but does not require, the district to conduct a live hearing at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions. If the district chooses to include such a hearing as a component of its complaint procedure, the following list should be modified to include requirements for the hearing in accordance with 34 CFR 106.45.

During the investigation process, the district shall: (34 CFR 106.45)

- 1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence**
- 2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence**
- 3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney**
- 4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties**
- 5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate**
- 6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report**
- 7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness**
- 8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response**

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

9. After sending the investigative report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

Note: Districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation should consult legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

Note: Pursuant to 34 CFR 106.45, the person designated as the decision-maker of the determination of responsibility cannot be the same person designated as the Title IX Coordinator, an investigator, or the person who considers appeals. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, a best practice is to designate an upper-level administrator as the decision-maker and designate the Superintendent as the person to consider appeals.

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

Note: 34 CFR 106.45 requires that the district's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. The following paragraph specifies a 45-day period so that, in

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

the event it is determined that the alleged conduct does not meet the definition of sexual harassment pursuant to Title IX regulations, there will be time for the district to complete the resolution of the complaint through uniform complaint procedures within the required 60-day period for that process. Districts may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.

The written decision shall be issued within 45 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

Note: 34 CFR 106.45 mandates that the district's complaint procedures state whether the district's determination of responsibility will be based on a "preponderance of evidence" standard or "clear and convincing evidence" standard. The following paragraph reflects the "preponderance of evidence" standard, which is a less stringent standard to prove misconduct, and should be revised if the district chooses to use a "clear and convincing evidence" standard. The standard selected by the district must be applied uniformly for all Title IX sexual harassment complaints. The district should consult with legal counsel in determining which standard to use.

In making this determination, the district shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant

6. The district's procedures and permissible bases for the complainant and respondent to appeal

Appeals

Note: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision. The district may revise the following section to reflect applicable timelines established by the district.

The following section should also be revised to identify the person who has been designated as the decision-maker(s) for the appeal. Pursuant to 34 CFR 106.45, the decision-maker for the appeal cannot be the same person as the decision maker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Remedies

Note: 34 CFR 106.45 mandates that the district's Title IX complaint process list, or describe the range of, possible remedies that the district may implement following any determination of responsibility. The following section may be revised to reflect district practice.

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Corrective/Disciplinary Actions

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

(cf. 5144 - Discipline)

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

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

- 1. Transfer from a class or school as permitted by law**
- 2. Parent/guardian conference**
- 3. Education of the student regarding the impact of the conduct on others**
- 4. Positive behavior support**
- 5. Referral of the student to a student success team**

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

(cf. 6164.5 - Student Success Teams)

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

(cf. 6145 - Extracurricular and Cocurricular Activities)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Report)

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

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

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

Record-Keeping

The Superintendent or designee shall maintain for a period of seven years a record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, any appeal or informal resolution and the results therefrom, and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)

The Superintendent or designee shall also maintain for a period of seven years all materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public. (34 CFR 106.45)

(cf. 3580 - District Records)

Legal Reference: (see next page)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

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

48985 Notices, report, statements and records in primary language

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

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 Definition of sexual assault

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking

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

106.1-106.82 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, (2000, 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: (see next page)

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES (continued)

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

O&A on Campus Sexual Misconduct, September 2017

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

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>

CSBA Sample Board Policy

Instruction

BP 6142.7(a)

PHYSICAL EDUCATION AND ACTIVITY

Note: The following ~~optional~~ policy may be revised to reflect district practice and the grade levels offered by the district. See the accompanying administrative regulation for definitions of "physical education" and "physical activity" based on the California Department of Education's (CDE) 2009 Physical Education Framework for California Public Schools.

The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1758b) mandates each district participating in federal meals programs to adopt a districtwide student wellness policy, including goals for physical activity. See BP 5030 - Student Wellness for language fulfilling this mandate. The following policy also ~~may~~ incorporate goals for physical activity.

Education Code 33352 requires ~~the~~ CDE, as part of the Federal Program Monitoring (FPM) process, to monitor districts' compliance with specified state physical education requirements which are reflected in the following policy and the accompanying administrative regulation. **During the FPM process, CDE will request a link to this policy as evidence of specified components of compliance.**

The Governing Board recognizes the positive benefits of physical activity on student health, **well-being**, and academic achievement. The district shall provide all students the opportunity to be physically active on a regular basis through high-quality physical education instruction and may provide additional opportunities for physical activity throughout the school day. The district's physical education and activity programs shall support the district's coordinated student wellness program and encourage students' lifelong fitness.

(cf. 5030 - Student Wellness)

(cf. 6142.8 - Comprehensive Health Education)

Note: During the FPM monitoring process, CDE will check the district's compliance with laws requiring that physical education classes be conducted in a coeducational, inclusive manner.

Physical education classes shall be conducted in the coeducational, inclusive manner prescribed by law. The district shall provide instruction in physical education that provides equal access and equal opportunities for participation for all students in grades 1-12 regardless of gender, sexual orientation, and mental or physical disability. (Education Code 220, 221.5, 33352; 5 CCR 4900, 4930, 4931, 4940, 4960; 34 CFR 106.33, 106.34, 300.108)

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

Note: Education Code 51210 and 51220 require the district's course of study for grades 1-12 to include physical education, with an emphasis on physical activities conducive to health and vigor of body and mind; see AR 6143 - Courses of Study. ~~The CDE's 2009 Physical Education Framework for California Public Schools~~ **The state curriculum framework** describes components of a comprehensive physical education program based on the voluntary Physical Education Model Content Standards adopted by the State Board of Education (SBE).

PHYSICAL EDUCATION AND ACTIVITY (continued)

The district's physical education program shall provide a developmentally appropriate sequence of instruction aligned with the state's model content standards and curriculum framework.

(cf. 6011 - Academic Standards)

(cf. 6143 - Courses of Study)

Note: The following **optional** paragraph is for use by all districts and may be revised to reflect district practice. The U.S. Department of Health and Human Services' (HHS) **Healthy People 2020 - Physical Activity Guidelines for Americans** recommends that children and adolescents participate in at least 60 minutes of **age-appropriate** moderate to vigorous physical activity per day, which can be accrued in smaller increments throughout the day. **To help reach this goal, HHS recommends that students be engaged in moderate to vigorous physical activity for at least 50 percent of physical education class time. It is recommended that the majority of the 60 minutes or more of daily physical activity be aerobic exercise, which includes vigorous physical activity at least three days a week, and that muscle and bone strengthening exercise be included at least three days a week. To help students reach these goals, the state curriculum framework recommends that students be engaged in moderate to vigorous physical activity for at least 50 percent of physical education class time.** See the accompanying administrative regulation for definitions of "moderate physical activity" and "vigorous physical activity." Also see CSBA's Fact Sheet on **Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes.**

The district's physical education program shall engage students in **age-appropriate** moderate to vigorous physical activity, as defined in the accompanying administrative regulation, **for at least 50 percent of class or session time including aerobic, muscle-strengthening, and bone-strengthening activities.** The Superintendent or designee shall develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.

Note: The following two **optional** paragraphs are for use by districts that maintain high schools.

According to the **CDE's Physical Education Framework for California Public Schools state curriculum framework**, it is the obligation of the Governing Board to determine whether to grant physical education credit for a particular course, including, but not limited to, junior ROTC, marching band, cheerleading, or drill team. In making this determination, the Board must determine how the particular course supports an overall course of study for grades 9-12 that includes the eight content areas specified in Education Code 33352 and 5 CCR 10060 for physical education programs. While it is not necessary that each individual course include all eight content areas, the course offerings must be structured so that all students receive opportunities for instruction in each of the eight areas across grades 9-12. **The CDE's Physical Education FAQs** add that any course for which physical education credit is granted must also meet requirements in Education Code 33352 pertaining to minimum instructional minutes, various reporting requirements, and the assignment of an appropriately credentialed teacher.

For grades 9-12, the overall course of study shall include the effects of physical activity upon dynamic health, the mechanics of body movement, aquatics, gymnastics and tumbling, individual and dual sports, rhythms and dance, team sports, and combatives. (Education Code 33352; 5 CCR 10060)

PHYSICAL EDUCATION AND ACTIVITY (continued)

The Board shall approve the courses in grades 9-12 for which physical education credit may be granted.

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.11 - Alternative Credits Toward Graduation)

Note: The following paragraph is **optional**. See the accompanying administrative regulation for sample strategies for physical activity opportunities outside the physical education program. Also see CSBA's Fact Sheet on Maximizing Opportunities for Physical Activity During the School Day.

The Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.

(cf. 1330.1 - Joint Use Agreements)
(cf. 5142.2 - Safe Routes to School Program)
(cf. 5148 - Child Care and Development Program)
(cf. 5148.2 - Before/After School Programs)
(cf. 6145 - Extracurricular and Cocurricular Activities)

Note: The following **optional** paragraph is for use by all districts and may be revised to reflect district practice. The U.S. Department of Health and Human Services' (HHS) Healthy People 2020 recommends that children and adolescents participate in at least 60 minutes of moderate to vigorous physical activity per day, which can be accrued in smaller increments throughout the day. To help reach this goal, HHS recommends that students be engaged in moderate to vigorous physical activity for at least 50 percent of physical education class time. See the accompanying administrative regulation for definitions of 'moderate physical activity' and 'vigorous physical activity.' Also see CSBA's Fact Sheet on Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes.

The district's physical education program shall engage students in moderate to vigorous physical activity, as defined in the accompanying administrative regulation, for at least 50 percent of class or session time. The Superintendent or designee shall develop strategies to monitor the amount of moderate to vigorous physical activity that takes place in the physical education instructional program.

The Superintendent or designee shall ensure that the district's program provides students with equal opportunities for instruction and participation regardless of gender in accordance with law.

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

Students with disabilities shall be provided instruction in physical education in accordance with their individualized education program or Section 504 accommodation plan.

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

PHYSICAL EDUCATION AND ACTIVITY (continued)

During air pollution episodes, extreme weather, or other inclement conditions, physical education staff shall make appropriate adjustments to the program or shall seek alternative indoor space to enable students to participate in active physical education.

(cf. 3514 - Environmental Safety)

(cf. 5141.7 - Sun Safety)

(cf. 5141.23 - Asthma Management)

(cf. 6145.2 - Athletic Competition)

~~The Superintendent or designee shall develop strategies to supplement physical education instruction with additional opportunities for students to be physically active before, during, and after the school day.~~

~~*(cf. 1330.1 - Joint Use Agreements)*~~

~~*(cf. 5142.2 - Safe Routes to School Program)*~~

~~*(cf. 5148 - Child Care and Development Program)*~~

~~*(cf. 5148.2 - Before/After School Programs)*~~

~~*(cf. 6145 - Extracurricular and Co-curricular Activities)*~~

Staffing

Note: A departmentalized class in physical education may be taught by a teacher with a single subject credential that authorizes instruction in physical education. Pursuant to Education Code 44256, the holder of a multiple subject credential may teach a departmentalized class in grades K-9 if the credential holder has completed 20 semester hours of coursework or 10 semester hours of upper division or graduate coursework in the subject of his/her major or minor pursuant to 5-CCR-80020 to be taught. In addition, Education Code 44256 authorizes allows the Board by resolution to assign-authorize a multiple subject credentialed teacher to teach a departmentalized class below grade 9 if he/she the credential holder has 20 hours completed at least 12 semester units or six upper division or graduate units of coursework or 10 hours of upper division coursework in the subject to be taught. Education Code 44258.3 authorizes the Board to assign any credentialed teacher to a departmentalized class in grades K-12 if he/she the teacher has adequate knowledge of the subject to be taught based on criteria specified in Education Code 44258.3 and specific district-adopted criteria and standards-policies and procedures. Pursuant to 5 CCR 80046.1, a credentialed teacher may seek an added authorization to teach adapted physical education to students who are precluded from participating in a general education physical education program or a specially designed physical education program.

CDE's Physical Education FAQs clarify that a teacher credentialed in a subject other than physical education may teach physical education if approved by the committee on assignments.

The CDE's Physical Education FAQs also clarify that an instructional aide or noncredentialed volunteer may assist the credentialed teacher, but may not provide the physical education instruction.

For further information about staffing of physical education classes, see the CTC's web site and its Administrator's Assignment Manual.

Physical education instruction shall be delivered by appropriately credentialed teachers who may be assisted by instructional aides, paraprofessionals, and/or volunteers.

PHYSICAL EDUCATION AND ACTIVITY (continued)

(cf. 1240 - Volunteer Assistance)
(cf. 4112.2 - Certification)
(cf. 4112.21 - Interns)
(cf. 4113 - Assignment)
(cf. 4222 - Teacher Aides/Paraprofessionals)

The district shall provide physical education teachers with continuing professional development, including classroom management and instructional strategies designed to keep students engaged and active and to enhance the quality of physical education instruction and assessment.

(cf. 4131 - Staff Development)
(cf. 5121 - Grades/Evaluation of Student Achievement)

Physical Fitness Testing

Note: The following section may be revised to reflect grade levels offered by the district. Education Code 60800 requires districts to administer a physical fitness test to students in grades 5, 7, and 9. The SBE has designated the FITNESSGRAM as the required physical fitness test. See the accompanying administrative regulation for testing requirements.

The Superintendent or designee shall annually administer the physical fitness test designated by the State Board of Education (FITNESSGRAM) to students in grades 5, 7, and 9. (Education Code 60800; 5 CCR 1041)

Temporary Exemptions

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

Education Code 51241 authorizes, but does not require, the district to grant temporary exemptions from physical education under the conditions described in items #1-2 below. **During the FPM process, the district may provide a link to the district's policy as evidence of any physical education exemptions offered by the district. The following section is optional and should be revised to reflect district practice.**

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

1. The student is ill or injured and a modified program to meet **his/her the student's** needs cannot be provided.
2. The student is enrolled for one-half time or less.

PHYSICAL EDUCATION AND ACTIVITY (continued)**Two-Year Exemptions**

Note: The following **optional** section is for use by districts that maintain grades 10-12. Education Code 51241 authorizes, but does not require, the district to grant a two-year exemption from physical education to eligible students in grades 10-12.

Pursuant to Education Code 51241, in order to be eligible for the two-year exemption, students are required to satisfactorily meet at least five of the six standards of the FITNESSGRAM administered in grade 9. Students are considered to have satisfactorily met a standard on the FITNESSGRAM if they score in the "healthy fitness zone" on that standard. The six fitness areas measured by FITNESSGRAM are aerobic capacity, body composition, abdominal strength and endurance, trunk extensor strength and flexibility, upper body strength and endurance, and flexibility.

With the student's consent, the Superintendent or designee may exempt a student from physical education courses for any two years during grades 10-12 provided that the student has satisfactorily met at least five of the six standards of the FITNESSGRAM in grade 9. (Education Code 51241)

Note: In addition to administering the physical fitness test to students in grade 9, Education Code 51241 authorizes districts to administer the test to students in grades 10-12 so that such students may qualify for the two-year exemption. The following paragraph is **optional**.

Upon request by students and/or their parents/guardians, the Superintendent or designee may administer the FITNESSGRAM to students in grades 10-12 who need to pass the test in order to qualify for a two-year exemption from physical education courses.

Students in grades 10-12 who have been granted a two-year exemption shall be offered a variety of elective physical education courses of not less than 400 minutes each 10 school days. (Education Code 51222)

Such students shall not be permitted to attend fewer total hours of courses and classes than they would have attended if enrolled in a physical education course. (Education Code 51241)

(cf. 6112 - School Day)

Permanent Exemptions

Note: The following section is **optional** and should be revised to reflect district practice. Education Code 51241 authorizes, but does not require, the district to grant permanent exemptions from physical education to an individual student under the conditions described in items #1-3 below.

The Superintendent or designee may grant a student a permanent exemption from physical education under any of the following conditions: (Education Code 51241)

PHYSICAL EDUCATION AND ACTIVITY (continued)

1. The student is age 16 years or older and has been enrolled in grade 10 for one or more academic years. However, such a student shall not be permitted to attend fewer total hours of courses and classes than ~~he/she~~ **the student** would have attended if enrolled in a physical education course.
2. The student is enrolled as a postgraduate student.
3. The student is enrolled in a juvenile home, ranch, camp, or forestry camp school with scheduled recreation and exercise.

Other Exemptions

Note: The following **optional** section is for use by districts that maintain high schools and should be revised to reflect district practice. Education Code 51222, 51242, and 52316 authorize, but do not require, the following exemptions from physical education courses.

The Superintendent or designee may grant a student an exemption from physical education under the following special circumstances:

1. When the student is in any of grades 10-12 and is excused for up to 24 clock hours in order to participate in automobile driver training. However, any such student shall attend a minimum of 7,000 minutes of physical education instruction during the school year. (Education Code 51222)
2. When the student is in any of grades 10-12, attends a regional occupational center or program, and, because of the travel time involved, would experience hardship to attend physical education courses. Any such student shall have a minimum school day of 180 minutes. (Education Code 52316)

(cf. 6178.2 - Regional Occupational Center/Program)

3. When the student is in high school and is engaged in a regular school-sponsored interscholastic athletic program carried on wholly or partially after regular school hours. (Education Code 51242)

(cf. 6145.2 - Athletic Competition)

Program Evaluation

Note: The following **optional** section should be revised to reflect district practice. Districts that do not maintain high schools or do not offer any of the exemptions described in the sections above on "Two-Year Exemptions" or "Permanent Exemptions" should modify the following paragraph to delete reports of two-year and permanent exemptions.

PHYSICAL EDUCATION AND ACTIVITY (continued)

The Superintendent or designee shall annually report to the Board each school's FITNESSGRAM results for each applicable grade level. ~~He/she~~ **The Superintendent or designee** shall also report to the Board regarding the number of instructional minutes offered in physical education for each grade level, the number of two-year and permanent exemptions granted pursuant to Education Code 51241, and any other data agreed upon by the Board and the Superintendent or designee to evaluate program quality and the effectiveness of the district's program in meeting goals for physical activity **and student well-being**.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference: (see next page)

PHYSICAL EDUCATION AND ACTIVITY (continued)*Legal Reference:*EDUCATION CODE**220 Prohibition of discrimination****221.5 Sex equity in education**

33126 School accountability report card

33350-33354 CDE responsibilities re: physical education

35256 School accountability report card

44250-44277 Credential types

49066 Grades; physical education class

51210 Course of study, grades 1-6

51220 Course of study, grades 7-12

51222 Physical education

51223 Physical education, elementary schools

51241 Temporary, two-year or permanent exemption from physical education

51242 Exemption from physical education for athletic program participants

52316 Excuse from attending physical education classes; **regional occupational center/program**

60800 Physical performance test

CODE OF REGULATIONS, TITLE 5~~1040-1048~~ **1044** Physical performance test**1047-1048 Testing variations and accommodations**

3051.5 Adapted physical education for individuals with exceptional needs

~~4600-4687~~ **4670** Uniform complaint procedures**4900-4965 Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance**

10060 Criteria for high school physical education programs

80020 Additional assignment authorizations for specific credentials

80037 Designated subjects teaching credential; special teaching authorization in physical education

80046.1 Added authorization to teach adapted physical education

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

1758b Local wellness policy

CODE OF FEDERAL REGULATIONS, TITLE 34**106.33 Nondiscrimination on the basis of sex; comparable facilities****106.34 Nondiscrimination on the basis of sex; access to classes and schools****300.108 Assistance to states for the education of children with disabilities; physical education**ATTORNEY GENERAL OPINIONS53 *Ops. Cal. Atty. Gen.* 230 (1970)COURT DECISIONS*Doe v. Albany Unified School District* (2010) 190 Cal.App.4th 668*Cal200 et al. v. San Francisco Unified School District et al.* (2013), San Francisco Superior Court,

Case No. CGC-13-534975

Cal200 et al. v. Oakland Unified School District et al. (San Francisco Superior Court, Case No. CPF-14-513959)*Management Resources: (see next page)*

PHYSICAL EDUCATION AND ACTIVITY (continued)*Management Resources:*CSBA PUBLICATIONS*Districts at Risk from Lawsuits Regarding PE Instructional Minute Requirement, Legal Alert, May 2015**Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, 2012**Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012**Active Bodies, Active Minds: Physical Activity and Academic Achievement, Fact Sheet, February 2010**Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, rev. February 2010**Maximizing Opportunities for Physical Activity During the School Day, Fact Sheet, November 2009**Moderate to Vigorous Physical Activity in Physical Education to Improve Health and Academic Outcomes, Fact Sheet, November 2009**Physical Education and California Schools, Policy Brief, rev. October 2007*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*Physical Education Framework for California Public Schools: Kindergarten Through Grade 12, 2009**Physical Education Model Content Standards for California Public Schools: Kindergarten Through Grade 12, January 2005**Adapted Physical Education Guidelines for California Schools, 2003*CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS*School Health Index (SHI): A Self-Assessment and Planning Guide, Elementary School, 2014-2017**School Health Index (SHI): A Self-Assessment and Planning Guide, Middle/High School, 2017*COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS*The Administrator's Assignment Manual, 2007 2019*U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS*2008 Physical Activity Guidelines for Americans, 2nd Edition, October 2008 2018*WEB SITESCSBA: <http://www.csba.org>California Department of Education Physical Fitness Testing: <http://www.cde.ca.gov/ta/tg/pf>
<http://www.cde.ca.gov>California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>Centers for Disease Control and Prevention: <http://www.cdc.gov>Commission on Teacher Credentialing: <http://www.ctc.ca.gov>*Educational Data System, California physical fitness: http://www.eddata.com/projects/current/epf*Healthy People 2010: <http://www.healthypeople.gov>National Association for Sport and Physical Education: <http://www.aahperd.org/naspe><https://www.pgpedia.com/n/national-association-sport-and-physical-education>President's Council on Physical Fitness and Sports **Sports, Fitness and Nutrition:**<http://www.fitness.gov>U.S. Department of Health and Human Services: <http://www.health.gov>

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CSBA Sample Administrative Regulation

Instruction

AR 6142.7(a)

PHYSICAL EDUCATION AND ACTIVITY

Definitions

Note: The following **optional** section reflects definitions provided in the California Department of Education's (CDE) 2009 Physical Education Framework for California Public Schools.

Physical education is a sequential educational program that teaches students to understand and participate in regular physical activity **for that assists in** developing and maintaining physical fitness throughout their lifetime, understand and improve their motor skills, enjoy using their skills and knowledge to establish a healthy lifestyle, and understand how their bodies work.

Physical activity is bodily movement that is produced by the contraction of skeletal muscle and that substantially increases energy expenditure, including exercise, sport, dance, and other movement forms.

Moderate physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, walking briskly, dancing, swimming, or bicycling on level terrain. A person should feel some exertion but should be able to carry on a conversation comfortably during the activity.

Vigorous physical activity is any activity which generally requires sustained, rhythmic movements and refers to a level of effort a healthy individual might expend while, for example, jogging, participating in high-impact aerobic dancing, swimming continuous laps, or bicycling uphill. Vigorous physical activity may be intense enough to result in a significant increase in heart and respiration rate.

Instructional Time

Note: The district should revise the following section to reflect the grade levels and grade configurations offered by the district. Education Code 51210 requires the adopted course of study for grades 1-6 to include instruction in physical education for at least 200 minutes each 10 school days, exclusive of recess and the lunch period. For grades 7-12, Education Code 51222 requires that all students, except students excused or exempted pursuant to Education Code 51241, attend courses of physical education for at least 400 minutes each 10 school days. However, pursuant to Education Code 51223, an elementary school maintaining grades 1-8 **must is required to** provide instruction in physical education for students in grades 7-8 that matches the requirement for grades 1-6 of not less than 200 minutes each 10 school days, exclusive of recess and the lunch period.

When determining the number of instructional minutes, it is recommended that districts exclude time spent walking to and from class or engaging in other physical activity conducted outside the physical education instructional program, such as in regular classroom activities or before/after school programs.

PHYSICAL EDUCATION AND ACTIVITY (continued)

CDE's Federal Program Monitoring (FPM) process reviews district compliance with legal requirements pertaining to minimum instructional minutes of physical education. ~~In addition, a number of recent legal actions (e.g., Cal200 v. San Francisco Unified School District, Cal200 v. Oakland Unified School District) have examined districts' compliance with the instructional time requirements.~~

Instruction in physical education shall be provided for at least the following minimum period of time: (Education Code 51210, 51222, 51223)

1. For students in grades 1-6, 200 minutes each 10 school days, exclusive of recesses and the lunch period
2. For students in grades 7-8 attending an elementary school, 200 minutes each 10 school days, exclusive of recesses and the lunch period
3. For students in grades 7-8 attending a middle school or junior high school, 400 minutes each 10 school days
4. For students in grades 9-12, 400 minutes each 10 school days

Note: Districts are cautioned to schedule physical education classes in a manner that takes into consideration circumstances that may occasionally interfere with the provision of physical education. Under a settlement reached in Cal200 et al. v. San Francisco Unified School District, schools that skip minutes of physical education instruction for any reason are required to make up those minutes on another day so that the instructional minutes requirement is satisfied.

If the instructional minute requirement cannot be met during any 10-day period due to inclement weather, a school assembly, field trip, student assessment, or other circumstance, the school shall make up those minutes on another day in order to satisfy the instructional minute requirement.

Note: The following **optional** paragraph may be revised to reflect district practice. In order to demonstrate compliance with instructional minute requirements, it is recommended that the district determine the method(s) of documentation it will use and ensure consistent implementation. For examples of such methods, see ~~the CDE's FPM instrument, and CSBA's Legal Alert Districts at Risk from Lawsuits Regarding PE Instructional Minute Requirement~~ **Physical Education Guidelines Elementary Schools, and Physical Education Guidelines Middle and High School.**

The Superintendent or designee shall determine a method to document compliance with the required number of instructional minutes. Such documentation may include, but not be limited to, a master schedule, **bell schedule, weekly schedule for each teacher providing physical education instruction, district calendar,** teacher roster, or log for staff or students to record the number of physical education minutes completed.

PHYSICAL EDUCATION AND ACTIVITY (continued)

Note: ~~The following paragraph is for use by districts maintaining elementary schools. As amended by AB 1391 (Ch. 706, Statutes of 2015), Education Code 51210 and 51223 authorize the use of uniform complaint procedures (5 CCR 4600-4687 4670) for any complaint that an elementary school has not complied with the physical education instructional minute requirement. Education Code 51222, as amended by SB 75 (Ch. 51, Statutes of 2019), extends such use of uniform complaint procedures to grades 7-12.~~ See BP/AR 1312.3 - Uniform Complaint Procedures.

Any complaint alleging noncompliance with the instructional minute requirement ~~for elementary schools~~ may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. A complainant not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or ~~the~~ CDE finds merit in a complaint, the district shall provide a remedy to all affected students and parents/guardians. (Education Code 51210, **51222**, 51223; 5 CCR 4600-~~4687 4670~~)

(cf. 1312.3 - Uniform Complaint Procedures)

Monitoring Moderate to Vigorous Physical Activity

Note: The following **optional** section may be revised to reflect district practice. See the accompanying Board policy for language establishing ~~an expectation for students to be engaged in moderate to vigorous physical activity for 50 percent of physical education class/session time~~ **goals for moderate to vigorous physical activity in physical education classes.**

To monitor ~~whether~~ **the amount of time** students are engaged in moderate to vigorous physical activity ~~for at least 50 percent of physical education class or session time~~, the Superintendent or designee may:

1. Develop methods to estimate the amount of time students spend in moderate to vigorous physical activity ~~or the number of students who~~ **and the amount of time students** are inactive during physical education classes
2. Provide physical education teachers with staff development, self-monitoring tools, stopwatches, and/or heart rate monitors to assist them in planning and assessing the level of activity in their classes

(cf. 4115 - Evaluation/Supervision)

Physical Fitness Testing

Note: Education Code 60800 requires districts to administer a physical fitness test to students in grades 5, 7, and 9. The State Board of Education has designated FITNESSGRAM as the required physical fitness test. Pursuant to 5 CCR 1041, this requirement also applies to students who attend schools that are on a block schedule and students who may not be enrolled in physical education classes during the annual assessment window.

PHYSICAL EDUCATION AND ACTIVITY (continued)

The following paragraph should be modified to reflect grade levels offered by the district. In addition, if the district has chosen to administer the test in any of grades 10-12 (see accompanying Board policy), the following paragraph should be modified accordingly.

During the annual assessment window between the months of February through May, students in grades 5, 7, and 9 shall be administered the physical fitness test designated by the State Board of Education (FITNESSGRAM). (Education Code 60800; 5 CCR 1041)

(cf. 6162.5 - Student Assessment)

The Superintendent or designee may provide a make-up date for students who are unable to take the test based on absence or temporary physical restriction or limitations, such as students recovering from illness or injury. (5 CCR 1043)

Note: The following paragraph is **optional**. 5 CCR 1043.4 authorizes, but does not require, the district to designate a physical fitness test coordinator. If the district chooses to designate a test coordinator, **his/her the** duties must include those described in 5 CCR 1043.4.

On or before November 1 of each school year, the Superintendent may designate an employee to serve as the district's physical fitness test coordinator and so notify the test contractor. The test coordinator shall serve as the liaison between the district and **California Department of Education CDE** for all matters related to the physical fitness test. **His/her The** duties shall be those specified in 5 CCR 1043.4, including, but not limited to, **overseeing the administration of the test and the collection and return of all test data to the test contractor.:** (5 CCR 1043.4)

- 1. Responding to correspondence and inquiries from the contractor in a timely manner and as provided in the contractor's instructions**
- 2. Determining district and school site test and test material needs**
- 3. Overseeing the administration of the physical fitness test to students**
- 4. Overseeing the collection and return of all test data to the contractor**
- 5. Ensuring that all test data are received from school test sites in sufficient time to satisfy the reporting requirements**
- 6. Ensuring that all test data are sent to the test contractor by June 30 of each year**

Students shall be provided with their individual results after completing the FITNESSGRAM. The test results may be provided in writing or orally as the student completes the testing and shall be included in **his/her the student's** cumulative record. (Education Code 60800; 5 CCR 1043.10, 1044)

PHYSICAL EDUCATION AND ACTIVITY (continued)

(cf. 5125 - Student Records)

Note: The following paragraph is optional .
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Each student's test results shall also be provided to **his/her the student's** parents/guardians.

The Superintendent or designee shall report the aggregate results of the FITNESSGRAM in the annual school accountability report card required by Education Code 33126 and 35256. (Education Code 60800)

(cf. 0510 - School Accountability Report Card)

Testing Variations

All students may be administered the FITNESSGRAM with the following test variations: (5 CCR 1047)

1. Extra time within a testing day
2. Test directions that are simplified or clarified

All students may have the following test variations if they are regularly used in the classroom: (5 CCR 1047)

1. Audio amplification equipment
2. Separate testing for individual students provided that **they the student(s)** are directly supervised by the test examiner
3. Manually Coded English or American Sign Language to present directions for test administration

Students with a physical disability and students who are physically unable to take all of the test shall undergo as much of the test as their physical condition will permit. (Education Code 60800; 5 CCR 1047)

Students with disabilities may be provided the following accommodations if specified in their individualized education program (IEP) or Section 504 plan: (5 CCR 1047)

1. Administration of the test at the most beneficial time of day to the student after consultation with the test contractor
2. Administration of the test by a test examiner to the student at home or in the hospital

PHYSICAL EDUCATION AND ACTIVITY (continued)

3. Any other accommodation specified in the student's IEP or Section 504 plan for the physical fitness test

(cf. 6159 - Individualized Education Program)

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

Identified English learners may be allowed the following additional test variations if regularly used in the classroom: (5 CCR 1048)

1. Separate testing with other English learners, provided that **they the student(s)** are directly supervised by the test examiner
2. Test directions translated into their primary language, and the opportunity to ask clarifying questions about the test directions in their primary language

Additional Opportunities for Physical Activity

Note: The following **optional** section may be revised to reflect district practice. Item #1 below should be modified or deleted by districts that do not maintain elementary schools.

The Superintendent or designee shall implement strategies for increasing opportunities for physical activity outside the physical education program, which may include, but not be limited to:

1. Training recess, **and** lunch, **and before- and after-school** supervisors on methods to engage students in moderate to vigorous physical activity

(cf. 1240 - Volunteer Assistance)

(cf. 4231 - Staff Development)

(cf. 5030 - Student Wellness)

2. Encouraging teachers to incorporate physical activity into the classroom
3. Establishing extracurricular activities that promote physical activity, such as school clubs, intramural athletic programs, dance performances, **community service**, special events, and competitions

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

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.5 - Student Organizations and Equal Access)

4. Incorporating opportunities for physical activity into before- or after-school programs and/or child care and development programs

*(cf. 5148 - Child Care and Development **Program**)*

PHYSICAL EDUCATION AND ACTIVITY (continued)

(cf. 5148.2 - Before/After School Programs)

5. Exploring opportunities for joint use of facilities or grounds in order to provide adequate space for students and community members to engage in recreational activities

(cf. 1330.1 - Joint Use Agreements)

6. Developing business partnerships to maximize resources for physical activity equipment and programs

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

7. Developing programs to encourage and facilitate walking, bicycling, or other active transport to and from school

(cf. 5142.2 - Safe Routes to School Program)

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CSBA Sample Board Policy

Instruction

BP 6159(a)

INDIVIDUALIZED EDUCATION PROGRAM

Note: ~~This~~ **The following Board** policy and the accompanying administrative regulation should be revised for consistency with the policies and regulations of the Special Education Local Plan Area (~~SELPA~~) in which the district participates.

The Governing Board desires to provide ~~educational alternatives that afford students with disabilities~~ full educational opportunities **to all students with disabilities**. Students with disabilities shall receive a free appropriate public education (**FAPE**) and, **to the maximum extent possible, shall be placed—educated** in the least restrictive environment **with nondisabled students** ~~which meets their needs to the extent provided by law.~~

(cf. 0430 - Comprehensive Local Plan for Special Education)

~~*(cf. 1312.3 - Uniform Complaint Procedures)*~~

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 4112.23 - Special Education Staff)

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

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

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

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

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

For each student with disabilities, an individualized education program (IEP) shall be developed which identifies the special education instruction and related services to be provided to the student. The Superintendent or designee shall develop administrative regulations regarding the ~~appointment of the individualized education program membership of the (IEP) team, the team's responsibility to develop and regularly review the IEP,~~ the contents of the IEP, and the development, review, and revision ~~of the IEP processes.~~

The district shall make FAPE available to individuals with disabilities ages 3-21 who reside in the district, including: (Education Code 56040; 20 USC 1412; 34 CFR 300.17, 300.101, 300.104)

- 1. Students who have been suspended or expelled from school**
- 2. Students who are placed by the district in a nonpublic, nonsectarian school**
- 3. Individuals age 18-21 years who are incarcerated in an adult correctional facility and were identified as being an individual with disabilities or had an IEP in their prior educational placement**

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Note: Education Code 56055 provides that a foster parent, to the extent permitted by federal law, shall have the same rights relative to his/her foster child's education as a parent/guardian. Education Code 56055 clarifies that this right applies only when the juvenile court has limited the right of a parent/guardian to make educational decisions on behalf of his/her child and the child has been placed in a planned permanent living arrangement. Education Code 56055 defines "foster parent" as a licensed person, relative caretaker, or nonrelative extended family member.

Because the rights granted to parents/guardians under the Individuals with Disabilities Education Act (IDEA) are often complex, legal counsel should be consulted as appropriate.

To the extent permitted by federal law, a foster parent shall have the same rights relative to his/her foster child's IEP as a parent/guardian. (Education Code 56055)

*Legal Reference:*EDUCATION CODE**46392 Emergencies**

51225.3 Requirements for high school graduation and diploma

56040.3 Assistive technology

56055 Rights of foster parents pertaining to foster child's education

56136 Guidelines for low incidence disabilities areas

56195.8 Adoption of policies

56321 Development or revision of IEP

56321.5 Notice to include right to electronically record

56340.1-56347 Instructional planning and individualized education program

56350-~~56352~~ **56354** IEP for visually impaired students

56380 IEP reviews; notice of right to request

56390-56392 Certificate of completion, special education

56500-56509 Procedural safeguards

60640-60649 California Assessment of Student Performance and Progress

FAMILY CODE

6500-6502 Age of majority

GOVERNMENT CODE

7572.5 Seriously emotionally disturbed child, expanded IEP team

WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction

601 Minors habitually disobedient

602 Minors violating law defined as crime

CODE OF REGULATIONS, TITLE 5

853-853.5 State assessments, accommodations

1215.5 1218 High School Exit Examination, accommodations for students with disabilities

3021-3029 Identification, referral and assessment

3040-3043 Instructional planning and the individualized education program

3051-3053 Implementation of the individualized education programUNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

Legal Reference continued: (see next page)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Legal Reference: (continued)

CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 *Individuals with Disabilities Education Act*

COURT DECISIONS

Marshall v. Monrovia Unified School District, (9th Circuit, 2010) 627 F.3d 773

Schaffer v. Weast (2005) 125 S. Ct. 528

Shapiro v. Paradise Valley Unified School District, No. 69 (9th Circuit, 2003) 317 F.3d 1072

Sacramento City School District v. Rachel H. (9th Cir. 1994) 14 F.3d 1398

***Andrew F. v. Douglas County School District Re-1*, 137 S. Ct. 988**

ATTORNEY GENERAL OPINIONS

85 *Ops. Cal. Atty. Gen.* 157 (2002)

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Frequently Asked Questions: Promotion, Retention, and Grading (Students with Disabilities)

California Practitioners' Guide for Educating English Learners with Disabilities, July 2019

WEB SITES

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

U.S. Department of Education, Office of Special Education and Rehabilitative Services:

<http://www.ed.gov/about/offices/list/osep>

(11/03 3/06) 7/20

CSBA Sample Administrative Regulation

Instruction

AR 6159(a)

INDIVIDUALIZED EDUCATION PROGRAM

Note: The following **mandated** administrative regulation reflects the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818), and conforming state legislation. Note that in cases where state law provides greater protections, state law supersedes federal law.

Pursuant to Education Code 56302.5, the term "assessment" as used in state law has the same meaning as "evaluation" provided in 20 USC 1414. The following administrative regulation uses the terms interchangeably.

At the beginning of each school year, the district shall have an individualized education program (IEP) in effect for each student with a disability within district jurisdiction. The IEP shall be a written statement **designed that is developed, reviewed, and revised** by the IEP team to meet the unique educational needs of a student with a disability. (Education Code 56344, **56345**; 34 CFR 300.**320, 300.323**)

Members of the IEP Team

Unless excused by written agreement in accordance with Education Code 56341, the IEP team for any student with a disability shall include the following members: (Education Code 56341, 56341.5; 20 USC 1414(~~d~~)(1); 34 CFR 300.321)

1. One or both of the student's parents/guardians and/or a representative selected by them

Note: Education Code 56055 provides that a foster parent, to the extent permitted by federal law, shall have the same rights relative to ~~his/her~~ **the** foster child's education as a parent/guardian. Education Code 56055 clarifies that this right applies only when the juvenile court has limited the right of a parent/guardian to make educational decisions on **the student's** behalf of ~~his/her child and the child~~ **and the student** has been placed in a planned permanent living arrangement. Education Code 56055 defines "foster parent" as a licensed person, relative caretaker, or nonrelative extended family member.

Because the rights granted to parents/guardians under the ~~Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482)~~ are often complex, legal counsel should be consulted as appropriate.

To the extent permitted by federal law, a foster parent shall have the same rights relative to ~~his/her~~ **a** foster child's IEP as a parent/guardian. (Education Code 56055)

2. If the student is or may be participating in the ~~regular~~ **general** education program, at least one of the student's ~~regular~~ **general** education teachers designated by the Superintendent or designee to represent the student's **general education** teachers

INDIVIDUALIZED EDUCATION PROGRAM (continued)

The **regular general** education teacher shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including assisting in the determination of appropriate positive behavioral interventions, supports, and other strategies for the student, and supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student, consistent with 34 CFR 300.320. (Education Code 56341; 20 USC 1414(d)(3)(C); 34 CFR 300.324)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

3. At least one of the student's special education teachers or, where appropriate, special education providers
4. A representative of the district who is:
 - a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities
 - b. Knowledgeable about the general education curriculum
 - c. Knowledgeable about the availability of district **and/or special education local plan area (SELPA)** resources

(cf. 0430 - Comprehensive Local Plan for Special Education)

5. An individual who can interpret the instructional implications of assessment results

This individual may already be a member of the team as described in items #2-4 above or in item #6 below.

Note: Pursuant to Education Code 56341 and 34 CFR 300.321, the determination as to whether an individual identified in item #6 below has "knowledge or special expertise" must be made by the party (either the district or parent/guardian) who invites the individual to the IEP team meeting.

The Analysis of Comments to the federal regulations, 71 Fed. Reg. 156, pg. 46670, explains that a person who does not have knowledge and special expertise regarding the student, and who is not requested to be present at the IEP team meeting by the parent/guardian or district, would not be permitted to be a member of the team or attend the meeting as an observer. This comment is consistent with an **An** Attorney General opinion (85 Ops.Cal.Atty.Gen. 157 (2002)) **which stated concluded** that members of the media may not attend an IEP team meeting as observers even though the parents/guardians have consented to such attendance. The Attorney General based this decision on the fact that the media would be "observers," not a "person with knowledge or expertise," as detailed below.

INDIVIDUALIZED EDUCATION PROGRAM (continued)

6. At the discretion of the parent/guardian or the Superintendent or designee, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate

The determination of whether the individual has knowledge or special expertise regarding the student shall be made by the party who invites the individual to be a member of the IEP team.

7. Whenever appropriate, the student with a disability

In the development, review, or revision of **his/her the** IEP, the student shall be allowed to provide confidential input to any representative of **his/her the** IEP team. (Education Code 56341.5)

8. When the student is suspected of having a specific learning disability, at least one individual who is qualified to conduct individual diagnostic examinations of the student such as a school psychologist, speech language pathologist, or remedial reading teacher

In accordance with 34 CFR 300.310, at least one team member other than the student's **regular general** education teacher shall observe the student's academic performance and behavior in the areas of difficulty in **his/her the student's** learning environment, including in the regular classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age.

Note: The requirement for a district to request the participation of a county mental health agency in the IEP team before it refers a student to the county mental health agency has been eliminated due to the repeal of Education Code 56331 by AB 114 (Ch. 43, Statutes of 2011), effective January 1, 2012.

In the following circumstances, the Superintendent or designee shall invite other specified individuals to an IEP team meeting:

1. When the student has been placed in a group home by the juvenile court, a representative of the group home shall be invited to attend IEP team meetings. (Education Code 56341.2)
2. Whenever the IEP team is meeting to consider the student's postsecondary goals and the transition services needed to assist **him/her the student** in reaching the goals **as stated in Education Code 56345(a)(8)**, the following individuals shall be invited to attend: (34 CFR 300.321)
 - a. The student, regardless of **his/her the student's** age

INDIVIDUALIZED EDUCATION PROGRAM (continued)

If the student does not attend the IEP team meeting, the Superintendent or designee shall take other steps to ensure that the student's preferences and interests are considered.

- b. To the extent appropriate, and with the consent of the parent/guardian **or adult student**, a representative of any other agency that is likely to be responsible for providing or paying for the transition services
3. If the student was previously served under the Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004), and upon request of the student's parent/guardian, the Superintendent or designee shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services. (Education Code 56341; 20 USC 1414(d)(1)(D); 34 CFR 300.321)

A member of the IEP team shall not be required to attend an IEP team meeting, in whole or in part, if the parent/guardian and the district agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. Even if the meeting involves a discussion of the IEP team member's area of the curriculum or related service, the member may be excused from the meeting if the parent/guardian, in writing, and the district consent to the excusal after conferring with the member and the member submits to the parent/guardian and team written input into the development of the IEP prior to the meeting. (Education Code 56341; 20 USC 1414(d)(1)(C); 34 CFR 300.321)

Contents of the IEP

The IEP shall include, but not be limited to, all of the following: (Education Code 56345, 56345.1; 20 USC 1414(d)(1)(A); 34 CFR 300.320)

1. A statement of the present levels of the student's academic achievement and functional performance, including:
 - a. The manner in which the **student's** disability affects **his/her the student's** involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students)
 - b. For a preschool **child student**, as appropriate, the manner in which the disability affects **his/her the student's** participation in appropriate activities

INDIVIDUALIZED EDUCATION PROGRAM (continued)

- c. For a student with a disability who takes alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives

Note: Education Code 56345 requires a statement of a student's academic and functional goals, as specified below, and expresses legislative recognition that, although some students with disabilities may not meet the growth projected in the annual goals and objectives, districts must make a good faith effort to assist them in achieving the goals in their IEP.

- 2. A statement of measurable annual goals, including academic and functional goals, designed to:
 - a. Meet the student's needs that result from **his/her the** disability in order to enable the student to be involved in and **make** progress in the general education curriculum
 - b. Meet each of the student's other educational needs that result from **his/her the** disability
- 3. A description of the manner in which the student's progress toward meeting the annual goals described in item #2 above will be measured and when the district will provide periodic reports on the progress the student is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards
- 4. A statement of the special education instruction and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to:
 - a. Advance appropriately toward attaining the annual goals
 - b. Be involved and make progress in the general education curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities
 - c. Be educated and participate with other students with disabilities and nondisabled students in the activities described in the IEP

(cf. 3541.2 - Transportation for Students with Disabilities)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities described in the IEP

Note: Pursuant to 20 USC 1412(a), students with disabilities must be included in state and district assessments, with appropriate accommodations. However, with respect to such assessments, exceptions exist. For example, pursuant to Education Code 60640, a student with disabilities who is unable to participate in state achievement tests even with accommodations shall be given an alternate assessment in accordance with ~~his/her~~ **the student's** IEP. For specific program requirements, exceptions, waivers, and permitted accommodations concerning such state or districtwide assessments, see AR 6162.51 - State Academic Achievement Tests.

Education Code 56345 and 34 CFR 300.320 ~~and Education Code 56345~~ require a description of the individual accommodations that will be used by the student and, if the student will not participate in the regular assessment, a statement as to the reason for that determination and what alternate assessment will be provided.

6. A statement of any appropriate individual accommodations necessary to measure the academic achievement and functional performance of the student on state and districtwide assessments

If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or districtwide assessment, the student's IEP also shall include a statement of the reason that ~~he/she~~ **the student** cannot participate in the regular assessment and the reason that the particular alternate assessment selected is appropriate ~~for him/her~~.

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)
(cf. 6162.51 - State Academic Achievement Tests)

7. The projected date for the beginning of the services and modifications described in item #4 above and the anticipated frequency, location, and duration of those services and modifications
8. Beginning not later than the first IEP to be in effect when the student is 16 years of age, or younger if determined appropriate by the IEP team, and updated annually thereafter, the following:
- Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills
 - The transition services, including courses of study, needed to assist the student in reaching those goals

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Note: Education Code 56345, as amended by SB 98 (Ch. 24, Statutes of 2020), requires that the following component be addressed in the development of a new IEP or at the next regularly scheduled review of an existing IEP.

9. A description of the means by which the IEP will be provided under emergency conditions, as described in Education Code 46392, in which instruction and/or services cannot be provided to the student either at the school or in person for more than 10 school days. The description shall take into account public health orders and shall include special education and related services, supplementary aids and services, transition services, and extended school year services.

9.10. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of ~~his/her~~ **the** rights, if any, that will transfer to ~~him/her~~ **the student** upon reaching age 18, pursuant to Education Code 56041.5

~~Where appropriate, the IEP shall also include: (Education Code 56345)~~

~~1.11.~~ For a student in grades 7-12, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards required for graduation

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.11 - Alternative Credits Toward Graduation)

~~2.12.~~ For a student whose native language is not English, ~~L~~linguistically appropriate goals, objectives, programs, and services ~~for a student whose native language is not English~~

(cf. 6174 - Education for English Learners)

~~3.13.~~ Extended school year services when the IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education (FAPE)

(cf. 5148.2 - Before/After School Programs)
(cf. 6177 - Summer Learning Programs)

~~4.14.~~ ~~Provision for transition into the regular education program~~ if the student is to be transferred from a special class ~~or center~~ or nonpublic, nonsectarian school into a ~~regular~~ **general** education program in a public school for any part of the school day, ~~provision for transition into the regular~~ **general** education program including descriptions of activities intended to:

INDIVIDUALIZED EDUCATION PROGRAM (continued)

- a. Integrate the student into the **regular general** education program, including **indications of** the nature of each activity and the time spent on the activity each day or week
- b. Support the transition of the student from the special education program into the **regular general** education program

(cf. 6176 - Weekend/Saturday Classes)

(cf. 6178 - Career Technical Education)

(cf. 6181 - Alternative Schools/Programs of Choice)

5-15. For a student with low incidence disabilities, ~~specialized services, materials, and equipment for a student with low incidence disabilities,~~ specialized services, materials, and equipment consistent with the guidelines pursuant to Education Code 56136

Note: Education Code 56353, as added by AB 947 (Ch. 778, Statutes of 2019), authorizes, but does not require, districts to consider elements of the expanded core curriculum, as defined, when developing an IEP for a student who is blind, has low vision, or is visually impaired.

To assist a student who is blind, has low vision, or is visually impaired to achieve the student's maximum potential, the IEP team may consider instruction in the expanded core curriculum, including compensatory skills such as Braille, concept development, or other skills needed to access the core curriculum; orientation and mobility; social interaction skills; career technical education; assistive technology, including optical devices; independent living skills; recreation and leisure; self-determination; and sensory efficiency. When appropriate, such services may be offered before or after school. (Education Code 56353)

Development of the IEP

Within 30 days of a determination that a student needs special education and related services, the Superintendent or designee shall ensure that a meeting to develop an initial IEP is conducted. (**Education Code 56043**; 34 CFR 300.323)

Any IEP required as a result of an assessment of a student shall be developed within 60 days from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension. Days between the student's regular school sessions, terms, or vacation of more than five school days shall not be counted. In the case of school vacations, the 60-day time limit shall recommence on the date that the student's school days reconvene. (Education Code **56043**, 56344)

However, when the IEP is required as a result of an assessment of a student for whom a referral

INDIVIDUALIZED EDUCATION PROGRAM (continued)

has been made 30 days or less prior to the end of the preceding regular school year, the IEP shall be developed within 30 days after the commencement of the subsequent regular school year. (Education Code 56344)

In developing the IEP, the IEP team shall consider all of the following: (Education Code 56341.1, 56345; 20 USC 1414(d)(3)(A); 34 CFR 300.324)

1. The strengths of the student
2. The concerns of the parents/guardians for enhancing the education of their child
3. The results of the initial or most recent assessment of the student
4. The academic, developmental, and functional needs of the student
5. In the case of a student whose behavior impedes **his/her the student's** learning or that of others, the use of positive behavioral interventions and supports and other strategies to address that behavior
6. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP
7. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and instruction in the use of Braille

However, such instruction need not be included in the IEP if the IEP team determines that instruction in Braille or the use of Braille is not appropriate for the student. This determination shall be based upon an assessment of the student's reading and writing skills, **needs, and appropriate reading and writing media, including an assessment of his/her** future needs for instruction in Braille or the use of Braille, ~~and other appropriate reading and writing media.~~

8. The communication needs of the student and, in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode

The team shall also consider the related services and program options that provide the student with an equal opportunity for communication access, as described in Education Code 56345.

INDIVIDUALIZED EDUCATION PROGRAM (continued)

9. Whether the student requires assistive technology devices and services

If, in considering the special factors in items #1-9 above, the IEP team determines that the student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive FAPE, the team shall include a statement to that effect in the student's IEP. (Education Code 56341.1)

Provision of Special Education and Related Services

Note: Effective January 1, 2012, AB 114 (Ch. 43, Statutes of 2011) repealed Education Code 56331 which required county mental health agencies to be responsible for providing mental health services (AB 3632 services) if required in a student's IEP. Thus, districts are solely responsible for ensuring that students with disabilities receive special education and related services to meet their needs. The CDE web site clarifies that districts may contract with county mental health agencies for the provision of some services and/or may employ their own professionals or contract with organizations or professionals in the community.

The district shall ensure that, as soon as possible following development of the IEP, special education services and related services are made available to the student in accordance with ~~his/her~~ **the** IEP. (Education Code 56344; 34 CFR 300.323)

The Superintendent or designee shall ensure that the student's IEP is accessible to each ~~regular~~ **general** education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. The Superintendent or designee also shall ensure that such teachers and providers are informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP. (34 CFR 300.323)

Note: Education Code 56354, as added by AB 947, establishes requirements for orientation and mobility evaluations conducted for students who are blind, have low vision, or are visually impaired. Such services are used to teach individuals how to navigate around their home, school, and community. If the district chooses to prohibit orientation and mobility specialists from using their vehicles to transport students to and from orientation and mobility instruction, the district must provide transportation for that purpose.

If an orientation and mobility evaluation is determined to be needed for a student who is blind, has low vision, or is visually impaired, the evaluation shall be conducted by a person who is appropriately certified as an orientation and mobility specialist and shall occur in familiar and unfamiliar environments, in varying lighting conditions, and in the home, school, and community, as appropriate. The Superintendent or designee may require annual written parent/guardian consent to provide orientation and mobility services when such services are provided before or after school and when they are provided away from the school site. (Education Code 56354; 5 CCR 3051.3)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Note: Pursuant to Education Code 56041.1, an IEP team must consider whether a student with disabilities needs assistive technology devices or services, defined in 20 USC 1401 as any item, piece of equipment, or product system that is used to increase, maintain, or improve functional capabilities of a student with a disability. See the section on "Development of the IEP" above.

As added by AB 605 (Ch. 228, Statutes of 2019), Education Code 56040.3 requires a district to provide the use of school-purchased assistive technology devices in a student's home or other settings if the student's IEP team determines that the student needs access to the devices in order to receive FAPE, consistent with 34 CFR 300.105. It also requires the district to provide continued access to assistive technology devices, for two months or until alternative arrangements can be made, whichever comes first, to a student who transfers out of the district.

If a student's IEP requires the provision of assistive technology devices or services, the district shall provide such devices or services and shall, on a case-by-case basis, provide for the use of school-purchased devices in the student's home or other settings if the IEP team determines that the student needs access to those devices in order to receive FAPE. If a student who requires the use of an assistive technology device transfers to another local educational agency, the district shall provide the student with continued access to that device or a comparable device for two months from the date the student ceased to be enrolled in the district or until alternative arrangements can be made to provide access to the device, whichever occurs first. (Education Code 56040.3; 34 CFR 300.105)

Review and Revision of the IEP

Note: Education Code 56043 and 56380 **mandate** the district to maintain procedures to ensure that the IEP team reviews the IEP periodically, but at least annually, to determine whether the annual goals for the student are being achieved and, as appropriate, revises the IEP to address the conditions specified below.

The Superintendent or designee shall ensure that the IEP team reviews the IEP periodically, but at least annually, in order to: (Education Code 56043, 56341.1, 56380; 20 USC 1414(d)(4); 34 CFR 300.324)

1. Determine whether the annual goals for the student are being achieved
2. Revise the IEP, as appropriate, to address:
 - a. Any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate
 - b. The results of any reassessment conducted pursuant to Education Code 56381
 - c. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 34 CFR 300.305(a)(2) and Education Code 56381(b)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

- d. The student's anticipated needs
 - e. Any other relevant matter
3. Consider the special factors listed in items #5-9 above under "Development of the IEP;" when reviewing the IEP of any student with a disability to whom one of those factors may apply

The IEP team shall also meet at any other time upon request by the student's parent/guardian or teacher to review or revise the IEP. (Education Code 56343)

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days between the student's regular school sessions or terms or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, the district shall notify the parent/guardian of the need for a written request and the procedure for filing such a request. (Education Code 56043, 56343.5)

Note: Education Code 56195.8 **mandates** that the district's policy set forth procedures and timelines for the review of a classroom assignment of a student with a disability when so requested by a **regular general education** or special education teacher. Education Code 56195.8 does not state a specific deadline for the review. The following paragraph provides a timeline of 20 days for reviewing the request and 30 days for convening an IEP team meeting. **The district should revise this timeline to be consistent with district practice and the policies and regulations of the Special Education Local Plan Area (SELPA) in which the district participates and should specify the title of the individual responsible for the review, rather than "Superintendent or designee."**

A regular education or special education teacher may request a review of the classroom assignment of a student with a disability by submitting a written request to the Superintendent or designee. The Superintendent or designee shall consider the request within 20 days of receiving it, not counting days when school is not in session or, for year-round schools, days when the school is off track. If the review indicates a need for change in the student's placement, instruction, and/or related services, the Superintendent or designee shall convene an IEP team meeting, which shall be held within 30 days of the Superintendent or designee's review, not counting days when school is not in session or days when school is off track, unless the student's parent/guardian consents in writing to an extension of time.

If a participating agency other than the district fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service objectives set out for the student in the IEP. (Education Code 56345.1; 20 USC 1414(d); 34 CFR 300.324)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Note: Education Code 56157 specifies that when the district has placed a foster student in a nonpublic, nonsectarian school, the district must conduct an annual evaluation, as specified below. In addition, Education Code 56157 requires the nonpublic, nonsectarian school to report to the district regarding the educational progress made by the student.

If a student with a disability residing in a licensed children's institution or foster family home has been placed by the district in a nonpublic, nonsectarian school, the Superintendent or designee shall conduct an annual evaluation as part of the IEP process of whether the placement is the least restrictive environment that is appropriate to meet the student's needs. (Education Code 56157)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)
(cf. 6173.1 - Education for Foster Youth)

To the extent possible, the Superintendent or designee shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student. (20 USC 1414(d)(3)(A); 34 CFR 300.324)

When a change is necessary to a student's IEP after the annual IEP team meeting for the school year has been held, the parent/guardian and the Superintendent or designee may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student's current IEP. The IEP team shall be informed of any such changes. Upon request, the Superintendent or designee shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (**Education Code 56380.1**; 20 USC 1414(d)(3)(D); 34 CFR 300.324)

Audio Recording of IEP Team Meetings

Note: Pursuant to Education Code 56341.1, parents/guardians and the district may audio record an IEP team meeting subject to certain requirements as specified in the following section. Audio recordings made by a district, SELPA, or county office of education are subject to the federal Family Educational Rights and Privacy Act (20 USC 1232g) and the confidentiality requirements of 34 CFR 300.610-300.626.

Parents/guardians and the Superintendent or designee shall have the right to audio record the proceedings of IEP team meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the Superintendent or designee gives notice of intent to audio record a meeting and the parent/guardian objects or refuses to attend because the meeting would be audio recorded, the meeting shall not be audio recorded. Parents/guardians also have the right to: (Education Code 56341.1)

1. Inspect and review the audio recordings

INDIVIDUALIZED EDUCATION PROGRAM (continued)

2. Request that an audio recording be amended if they believe it contains information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights
3. Challenge, in a hearing, information that the parents/guardians believe is inaccurate, misleading, or in violation of the student's privacy rights or other rights

Parent/Guardian Participation and Other Rights

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall send parents/guardians notices of IEP team meetings that: (Education Code 56341.5; 34 CFR 300.322)

1. Indicate the purpose, time, and location of the meeting
2. Indicate who will be in attendance at the meeting
3. Inform them of:
 - a. Their right to bring to the meeting other individuals who have knowledge or special expertise about the student, pursuant to Education Code 56341(b)(6)
 - b. The provision of Education Code 56341(i) relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting, if the student was previously served under Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004)

In addition, when the IEP team meeting is to consider the development, review, or revision of the IEP of a student with a disability who is 16 years of age or older, or younger than 16 if deemed appropriate by the IEP team, the Superintendent or designee's notice to the student's parents/guardians shall include the following: (Education Code 56341.5)

1. An indication that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student pursuant to Education Code 56345.1, 20 USC 1414(d)(1)(A)(i)(VIII), and 34 CFR 300.320(b)
2. An indication that the student is invited to the IEP team meeting

INDIVIDUALIZED EDUCATION PROGRAM (continued)**3. Identification of any other agency that will be invited to send a representative**

(cf. 5145.6 - Parental Notifications)

At each IEP team meeting convened by the district, the district administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code 56321. (Education Code 56500.1)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

The parent/guardian shall have the right and opportunity to examine all of **his/her child's the student's** school records upon request, before any IEP meeting, and in connection with any hearing or resolution session on matters affecting **his/her child the student**, including, but not limited to, initial formal assessment, procedural safeguards, and due process. Upon receipt of an oral or written request, the Superintendent or designee shall provide complete copies of the records within five business days. (Education Code 56043, 56504)

(cf. 5125 - Student Records)

The parent/guardian shall have the right to present information to the IEP team in person or through a representative and the right to participate in meetings that relate to eligibility for special education and related services, recommendations, and program planning. (Education Code 56341.1)

If neither parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including video conferences or individual or conference telephone calls. (Education Code 56341.5; 20 USC 1414(f); 34 CFR 300.322)

An IEP team meeting may be conducted without a parent/guardian in attendance if the Superintendent or designee is unable to convince the parent/guardian **that he/she should to** attend. In such a case, the Superintendent or designee shall maintain a record of the attempts to arrange a mutually agreed upon time and place for the meeting, including: (Education Code 56341.5; 34 CFR 300.322)

1. Detailed records of telephone calls made or attempted and the results of those calls
2. Copies of correspondence sent to the parent/guardian and any responses received
3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits

INDIVIDUALIZED EDUCATION PROGRAM (continued)

The Superintendent or designee shall take any action necessary to ensure that the parents/guardians understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall give the parents/guardians of a student with a disability a copy of ~~his/her child's~~ **the** IEP at no cost. (Education Code 56341.5; 34 CFR 300.322)

Parent/Guardian Consent for Provision of Special Education and Services

Before providing special education and related services to any student ~~pursuant to 20 USC 1414(a)(1)~~, the Superintendent or designee shall seek to obtain informed consent of the student's parent/guardian ~~pursuant to 20 USC 1414(a)(1)~~. **(Education Code 56346)**

~~The district shall not provide services by utilizing the due process hearing procedures pursuant to 20 USC 1415(f) if~~ **If the parent/guardian fails to respond or refuses to consent to the initiation of services, the district shall not use the due process hearing procedures pursuant to 20 USC 1415 to obtain agreement or a ruling that the services may be provided to the student. In such circumstances, the district shall not be required to convene an IEP team or develop an IEP for the student. (Education Code 56346)**

If the parent/guardian **consents in writing to the receipt of special education and related services for the student but** does not consent to all of the components of the IEP, then those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. ~~(Education Code 56346)~~ If the Superintendent or designee determines that a part of a proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student with FAPE, a due process hearing shall be initiated in accordance with 20 USC 1415(f). While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the Superintendent or designee agree otherwise. (Education Code 56346)

Note: 34 CFR 300.300 authorizes a parent/guardian to revoke, at any time and in writing, ~~his/her~~ consent for the continued provision of special education and related services to ~~his/her child~~ **the student**. Once this revocation has been received, the district need not convene an IEP team meeting or develop an IEP, but rather must promptly provide "prior written notice" and, within a reasonable period of time, discontinue all services to the ~~child~~ **student**. For details regarding the contents of the prior written notice, see AR 6159.1 - Procedural Safeguards and Complaints for Special Education.

In addition, 34 CFR 300.300 and Education Code 56346 specify that a district may not override the parent/guardian's revocation by filing for a due process hearing or requesting mediation in order to require that services be provided. In such a situation, the district shall be deemed to be in compliance with the requirement to make free appropriate public education (FAPE) available to the student and is under no obligation to convene an IEP team meeting or to develop an IEP for further provision of special education and related services to the student.

INDIVIDUALIZED EDUCATION PROGRAM (continued)

If at any time subsequent to the initial provision of services, the student's parent/guardian, in writing, revokes consent for the continued provision of special education services, the Superintendent or designee shall provide prior written notice within a reasonable time before ceasing to provide services to the student. The Superintendent or designee shall not request a due process hearing or pursue mediation in order to require an agreement or ruling that services be provided to the student. (Education Code 56346; 34 CFR 300.300, 300.503)

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

Prior to the discontinuation of services, the Superintendent or designee may offer to meet with the parents/guardians to discuss concerns for the student's education. However, this meeting shall be voluntary on the part of the parent/guardian and shall not delay the implementation of the parent/guardian's request for discontinuation of services. ~~In addition, the Superintendent or designee shall send a letter to the parent/guardian confirming the parent/guardian's decision to discontinue all services.~~

Note: Pursuant to 34 CFR 300.9, when a parent/guardian revokes ~~his/her~~ consent for provision of special education services, the district is not required to amend the student's records to remove any reference to the student's prior receipt of special education services. In some circumstances, a student who is no longer receiving special education services may be eligible for accommodation under Section 504 of the Rehabilitation Act of 1973; see BP/AR 6164.6 - Identification and Education under Section 504. However, because the law is unclear, districts with questions should consult legal counsel, as appropriate.

When the district ceases to provide special education services in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.

Transfer Students

Note: Education Code 56325 details the requirements for students transferring from districts within and outside of California, as specified below. Districts should be careful to comply with the time requirements, though in Marshall v. Monrovia Unified School District, the Ninth Circuit Court of Appeals ruled in favor of defendant school district on the question of whether the district denied FAPE to a student with a disability by not developing a valid IEP within 30 days of the student's transfer into the district. The court reasoned that the delay in developing the IEP was minimal and that the student did not suffer any deprivation of educational benefit.

To facilitate the transition of a student with a disability who is transferring into the district, the Superintendent or designee shall take reasonable steps to promptly obtain the student's records, including ~~his/her~~ **the** IEP and the supporting documents related to the provision of special education services. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from another school district within the same **Special**

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Education Local Plan Area (SELPA) during the school year, the district shall continue to provide services comparable to those described in the student's existing IEP, unless **his/her the student's** parent/guardian and the district agree to develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from a school district outside of the district's SELPA during the school year, the district shall provide the student with FAPE, including services comparable to those described in the previous district's IEP **in consultation with the student's parent/guardian, for a period not to exceed 30 days. Within 30 days, By the end of that period, the district** ~~the Superintendent or designee~~ shall **either**, ~~in consultation with the student's parents/guardians,~~ adopt the previous district's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from an out-of-state district during the school year, the district shall provide the student with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parent/guardian, until such time as the Superintendent or designee conducts an assessment, if it determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate. (Education Code 56325; 34 CFR 300.323)

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Policy Reference UPDATE Service

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CSBA Sample Board Policy

Instruction

BP 6159.1(a)

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

Note: The following **mandated** policy ~~and mandated administrative regulation~~ reflects the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818, ~~as amended by 73 Fed. Reg. 231~~), and conforming state legislation. Note that in cases where state law provides greater protections to students, state law supersedes federal law.

Education Code 56195.8 **and 20 USC 1415** **mandates** all entities providing special education to adopt policy on procedural safeguards, and Education Code 56500.1 requires entities providing special education to establish and maintain all procedural safeguards granted by federal law. For California law related to due process rights and due process hearing rights and procedures, see Education Code 56501-56509 and 5 CCR 3082. For federal due process procedure requirements, see 34 CFR 300.500-300.520.

This policy and accompanying administrative regulation should be revised for consistency with the policy and regulations of the **Special Education Local Plan Area (SELPA)** in which the district participates.

The Governing Board ~~desires to protect the rights of students with disabilities in accordance with the procedural safeguards set forth in state and federal law.~~ **recognizes its obligation to provide a free appropriate public education (FAPE) to students with disabilities and to uphold the rights of parents/guardians to be involved in educational decisions regarding their child.** Parents/guardians of students with disabilities shall receive written notice of their rights **under the federal Individuals with Disabilities Education Act.** ~~in accordance with law, Board policy, and administrative regulation.~~

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

(cf. 5145.6 - Parental Notifications)

(cf. 6159 - Individualized Education Program)

*(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education **Students**)*

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

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

Whenever there is a dispute between the district and the parent/guardian of a student with disabilities regarding the identification, assessment, or educational placement of the student or the provision of FAPE to the student, the Superintendent or designee shall encourage the early, informal resolution of the dispute at the school level to the extent possible. The district or parent/guardian may also request mediation and/or a due process hearing in accordance with law, Board policy, and administrative regulation.

Note: Education Code 56195.8 authorizes the ~~policy to include provisions~~ **Governing Board to adopt policy** for ~~involving district~~ **the involvement** of Board members in any due process hearing procedure activities. **However, a best practice is to designate the Superintendent or designee to serve as the district representative at the hearing.** The following **optional** paragraph ~~designates the Superintendent or designee as the district representative at the hearing.~~ **may be revised to reflect district practice.**

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

The Superintendent or designee shall represent the district in any due process hearing conducted with regard to district students and shall inform the Board about the result of the hearing.

Note: A compliance complaint, which can be made by anyone, is an allegation of a violation of state or federal law. A complainant may also file such complaints directly with the California Department of Education. These compliance complaints are different from the due process complaint detailed in the accompanying administrative regulation, which is a legal document that must be filed in order to initiate a due process hearing. **5 CCR 3200-3205, as added by Register 2020, No. 21, require complaints alleging a violation of federal or state law or regulation related to the provision of FAPE to students with disabilities to be submitted to the California Department of Education rather than being addressed through the district's uniform complaint procedures as described in BP/AR 1312.3 - Uniform Complaint Procedures. For further information regarding state compliance complaints, see the accompanying administrative regulation.**

~~The Superintendent or designee shall address a complaint concerning compliance with state or federal law regarding special education in accordance with the district's uniform complaint procedures.~~ **Any complaint alleging the district's noncompliance with federal or state laws or regulations related to the provision of a free appropriate public education to students with disabilities shall be filed in accordance with 5 CCR 3200-3205.**

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

Legal Reference: (see next page)

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

Legal Reference:

EDUCATION CODE

56000 Education for individuals with disabilities

56001 Provision of the special education programs

56020-56035 Definitions

56195.7 Written agreements

56195.8 Adoption of policies for programs and services

56300-56385 Identification and referral, assessment

56440-56447.1 Programs for individuals between the ages of three and five years

56500-56509 Procedural safeguards, including due process rights

56600-56606 Evaluation, audits and information

CODE OF REGULATIONS, TITLE 5

3000-3100 Regulations governing special education, **especially:**

3080-3089 Procedural safeguards

3200-3205 Special education compliance complaints

~~4600-4670 Uniform complaint procedures~~

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act

UNITED STATES CODE, TITLE 42

11434 Homeless assistance

CODE OF FEDERAL REGULATIONS, TITLE 34

99.10-99.22 Inspection, review and procedures for amending education records

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.150-300.153 State compliance complaints

300.500-300.520 Procedural safeguards and due process for parents and students

COURT DECISIONS

Winkelman v. Parma City School District, (2007) 550 U.S. 516

Management Resources:

FEDERAL REGISTER

Final Regulations, December 1, 2008, Vol. 73, No. 231, pages 73006-73029

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

Office of Administrative Hearings, Special Education Division:

<https://www.dgs.ca.gov/OAH/Case-Types/Special-Education>

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/about/offices/list/osers/osep>

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Instruction

AR 6159.1(a)

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION

Note: The following **mandated** administrative regulation reflects the federal Individuals with Disabilities Education Act (**IDEA**) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818, ~~as amended by 73 Fed. Reg. 231~~), and conforming state legislation. Note that in cases where state law provides greater protections to students, state law supersedes federal law.

Both federal and state law give parents/guardians **of students with disabilities** the right to due process and require the district to provide procedural safeguards, as specified below. Education Code 56501 extends these rights to the student only if **he/she the student** is an emancipated minor or a ward or dependent of the court with no available parent/guardian or surrogate parent. See AR 6159.3 - Appointment of Surrogate Parent for Special Education Students. As part of these rights, districts must provide two different notices, the prior written notice and the procedural safeguards notice, to parents/guardians at specified times detailed below.

Prior Written Notice

Note: Pursuant to 20 USC 1415(b)(1), districts are **mandated** to adopt procedures **relative to the prior written notice as specified in 20 USC 1415(e)(1) and listed below, that include prior written notice to parents/guardians of students with disabilities under the circumstances described below.**

The Superintendent or designee shall send to the parents/guardians of any student with disabilities a prior written notice **within a reasonable time**: (Education Code 56346, 56500.4, 56500.5; 20 USC 1415(e); 34 CFR 300.102, 300.300, 300.503; ~~Education Code 56500.4, 56500.5~~)

1. Before the district initially refers the student for assessment
2. **Within a reasonable time bB**efore the district proposes to initiate or change the student's identification, assessment, educational placement, or the provision of a free appropriate public education (FAPE) to the student
3. **Within a reasonable time bB**efore the district refuses to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student
4. **Within a reasonable time bB**efore the student graduates from high school with a regular diploma thus resulting in a change in placement

Note: ~~As amended by 73 Fed. Reg. 231~~, 34 CFR 300.300 states that a parent/guardian may revoke consent for the continued provision of special education and related services **to his/her child** at any time. Upon receipt of this written revocation, 34 CFR 300.300 requires the district to provide prior written notice and, within a reasonable period of time, discontinue all services to the student. See AR 6159 - Individualized Education Program.

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

5. Upon receipt of the parent/guardian's written revocation of consent for the continued provision of special education and related services to **his/her child the student**

This **prior written** notice shall include: (**Education Code 56500.4**; 20 USC 1415(~~e~~); 34 CFR 300.503; **Education Code 56500.4**)

1. A description of the action proposed or refused by the district
2. An explanation as to why the district proposes or refuses to take the action
3. A description of each assessment procedure, **test, assessment,** record, or report the district used as a basis for the proposed or refused action
4. A statement that the parents/guardians of the student have protection under procedural safeguards and, if this notice is not an initial referral for assessment, the means by which a copy of the description of procedural safeguards can be obtained
5. Sources for parents/guardians to obtain assistance in understanding these provisions
6. A description of any other options that the individualized education program (IEP) team considered and why those options were rejected

(cf. 6159 - Individualized Education Program)

7. A description of any other factors relevant to the district's proposal or refusal

(cf. 5145.6 - Parental Notifications)

Procedural Safeguards Notice

Note: ~~Education Code 56301, 20 USC 1415(d)(1), 34 CFR 300.504, and Education Code 56501 specify that the procedural safeguards notice must be given to parents/guardians once per school year and upon the occurrence of any of the events specified below. A sample procedural safeguards notice is available on the California Department of Education's (CDE) web site.~~

A procedural safeguards notice shall be made available to parents/guardians of students with disabilities once each school year and: (**Education Code 56301**; 20 USC 1415(~~d~~)(1); 34 CFR 300.504; **Education Code 56301**)

1. Upon initial referral or parent/guardian request for assessment

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

Note: Pursuant to 34 CFR 300.504, the procedural safeguards notice must be provided upon receipt of the first state complaint filed against the district in a school year pursuant to 34 CFR 300.151-300.153. For complaint procedures addressing alleged violation of federal or state law or regulation related to the provision of a free appropriate public education (FAPE), see the section "State Compliance Complaints" below.

2. Upon receipt of the first state compliance complaint in a school year, **filed in accordance with the section "State Compliance Complaints" below**

(cf. 1312.3 – Uniform Complaint Procedures)

3. Upon receipt of the first due process hearing request in a school year

4. In accordance with the discipline procedures pursuant to 34 CFR 300.530(h), when **a decision is made to remove removal of** a student because of a violation of a code of conduct **constituting constitutes** a change of placement

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

5. Upon request by a parent/guardian

~~Note: 34 CFR 300.504 requires the procedural safeguards notice to include a full explanation of the safeguards available to parents/guardians under the laws listed below, including 34 CFR 300.300 regarding parent/guardian consent. 73 Fed. Reg. 231 amended 34 CFR 300.300 to authorize a parent/guardian to revoke consent to his/her child's continued receipt of special education and related services; thus, the procedural safeguards notice must include a full explanation of that right to revocation.~~

Note: 34 CFR 300.504 lists the required content of the procedural safeguards notice. A sample procedural safeguards notice is available on the California Department of Education's (CDE) web site.

The procedural safeguards notice shall include a full explanation of all of the procedural safeguards available under 34 CFR 300.148, 300.151-300.153, 300.300, 300.502-300.503, 300.505-300.518, 300.520, 300.530-300.536, and 300.610-300.625 relating to: **(Education Code 56301; 20 USC 1415(d)(2); 34 CFR 300.504; Education Code 56301)**

1. Independent educational evaluation

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

2. Prior written notice

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

3. Parental consent, including a parent/guardian's right to revoke consent, in writing, to ~~his/her child's~~ **the student's** continued receipt of special education and related services

4. Access to educational records

(cf. 5125 - Student Records)

5. Opportunity to present complaints and resolve complaints through the due process complaint and state compliance complaint procedures, including the time period in which to file a complaint, the opportunity for the district to resolve the complaint, and the difference between a due process complaint and the state compliance complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures

6. The availability of mediation

7. The student's placement during the pendency of any due process complaint

8. Procedures for students who are subject to placement in an interim alternative educational setting

9. Requirements for unilateral placement by parents/guardians of students in private schools at public expense

10. Hearings on due process complaints, including requirements for disclosure of assessment results and recommendations

11. State-level appeals

12. Civil actions, including the time period in which to file those actions

13. ~~Attorney's fees~~ **Availability of attorneys' fees pursuant to 34 CFR 300.517**

~~Note: In addition to the requirements of federal law listed in items #1-13 above, Education Code 56321 requires that the procedural safeguards notice contain the additional information specified below. Education Code 56321 also requires that the notice be attached to any assessment plan which is developed whenever an assessment is to be conducted for the development or revision of the IEP.~~

~~As added by AB 2555 (Ch. 245, Statutes of 2008), Education Code 56321.6 requires that the procedural safeguards notice also include information regarding the state special schools for students who are deaf or blind, as specified below.~~

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION (continued)

This notice shall also include the rights and procedures contained in Education Code 56500-56509, including: (Education Code 56321, 56321.5, 56321.6)

1. Information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing;
2. The timelines for completing each process;
3. Whether the process is optional;
4. The type of representative who may be invited to participate;
5. The right of the parent/guardian and/or the district to electronically record the proceedings of IEP meetings in accordance with Education Code 56341.1; and
6. Information regarding the state special schools for students who are deaf, hard of hearing, blind, visually impaired, or deaf-blind; (Education Code 56321, 56321.5, 56321.6)

A copy of this notice shall be attached to the student's assessment plan and referred to at each IEP meeting. At each IEP meeting, the Superintendent or designee shall inform the parent/guardian of the federal and state procedural safeguards that were provided in the notice. (Education Code 56321, 56321.5, 56500.1)

Format of Parent/Guardian Notices

Note: 20 USC 1415(b) mandates that districts adopt procedures to ensure that the parent/guardian notice is in the native language of the parent/guardian, unless it is clearly not feasible to do so. 34 CFR 300.29 defines "native language" as the language normally used by the individual and, for a child, the language regularly used in the home environment. Pursuant to 34 CFR 300.503 and 300.504, the notice must be in an "understandable language" as specified below. Districts that subscribe to CSBA's GAMUT Policy Plus may use the program's web-based translator to translate policy documents uploaded into the district's GAMUT web site.

The parents/guardians of a student with a disability shall be provided written notice of their rights in a language easily understood by the general public and in their native language or other mode of communication used by them, unless to do so is clearly not feasible. (Education Code 56341, 56506; 34 CFR 300.503, 300.504; Education Code 56341, 56506)

If the native language or other mode of communication of the parent/guardian is not a written language, the district shall take steps to ensure that: (34 CFR 300.503)

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION (continued)

1. ~~The notice is translated orally or by other means to the parent/guardian in his/her the parent/guardian's native language or other mode of communication, and that~~
2. ~~The parent/guardian understands the contents of the notice. (34 CFR 300.503)~~
3. ~~There is written evidence that items #1 and #2 have been satisfied.~~

The district may place a copy of the procedural safeguards notice on the district's web site. (20 USC 1415(d))

Note: The following **optional** paragraph is for use by districts that wish to grant parents/guardians the option to receive notices electronically pursuant to 34 CFR 300.505.

A parent/guardian of a student with disabilities may elect to receive the prior written notice or procedural safeguards notice by an electronic mail communication. (34 CFR 300.505)

Filing Due Process Complaints

Note: In California, due process hearings required by federal law are held only at the state level. Related rights and procedures are set forth in Education Code 56501-56506 and 5 CCR 3080-3089. Note that in cases where state law provides greater protection, state law supersedes federal law. ~~Education Code 56505 and 20 USC 1415(f)(3)(C) and Education Code 56505, effective October 9, 2006, specify that a due process complaint must be filed within two years of the date that the parent/guardian or district knew or should have known about the situation that forms the basis of the complaint. Both federal law (34 CFR 300.507 and 300.511) and state law (Education Code 56505) provide exceptions to that filing timeline and allow parents/guardians to file a complaint past the two year deadline if the district has made specific misrepresentations or withheld information.~~

When a parent/guardian has revoked consent for the continued provision of special education services to ~~his/her child the student~~, 34 CFR 300.300, as amended by 73 Fed. Reg. 231, specifies that a district may not use the due process hearing procedures to obtain an agreement or a ruling to require that services be provided. In the Analysis of Comments and Changes, 73 Fed. Reg. 231, page 73016, the U.S. Department of Education clarifies that this revocation of consent to discontinue services is different from a discontinuation of services based on the determination that the student is no longer a child with a disability. If a district believes that a student is no longer a child with a disability, then 34 CFR 300.305 requires the district to evaluate the child before making such a determination. If the parent/guardian disagrees with the eligibility determination, then he/she may challenge the decision using the due process procedures.

20 USC 1415(b) **mandates** that the district adopt procedures regarding a party's right to initiate a due process hearing concerning the issues specified in items #1-4 below.

A parent/guardian and/or the district may initiate due process hearing procedures whenever: (Education Code 56501; 20 USC 1415(b); Education Code 56501)

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

1. There is a proposal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.
2. There is a refusal to initiate or change the student's identification, assessment, or educational placement or the provision of FAPE to the student.
3. The parent/guardian refuses to consent to an assessment of ~~his/her child~~ **the student**.
4. There is a disagreement between a parent/guardian and the district regarding the availability of a program appropriate for the student, including the question of financial responsibility, as specified in 34 CFR 300.148.

Note: Pursuant to 20 USC 1415(b) and 34 CFR 300.508, the district is **mandated** to adopt procedures (1) requiring either party (the district or the parent/guardian) or their attorney to provide a due process complaint notice to the other party and (2) requiring that the party may not have a due process hearing until that complaint notice has been filed. ~~The~~ CDE has developed model forms to assist parties in filing a complaint and due process complaint notice.

Prior to having a due process hearing, the party requesting the hearing, or the party's attorney, shall provide the opposing party a due process complaint, which shall remain confidential, specifying: (Education Code 56502; 20 USC 1415(b); 34 CFR 300.508; ~~Education Code 56502~~)

1. The student's name
2. The student's address or, in the case of a student identified as homeless pursuant to 42 USC 11434, available contact information for that student

(cf. 6173 - Education for Homeless Children)

3. The name of the school the student attends
4. A description of the nature of the student's problem relating to the proposed or refused initiation or change, including facts relating to the problem
5. A proposed resolution to the problem to the extent known and available to the complaining party at the time

Note: Although Education Code 56502 states that all requests for a due process hearing must be filed with the Superintendent of Public Instruction, according to CDE's web site, due process hearing requests should be filed with the Special Education Division of the Office of Administrative Hearings.

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION (continued)

Parties filing a due process complaint shall file their request with the **state Office of Administrative Hearings, Special Education Division**. ~~Superintendent of Public Instruction or designated contracted agency. (Education Code 56502)~~

Note: 20 USC 1415 mandates that the district's procedures include an opportunity to file a complaint about an alleged violation that occurred not more than two years before the parent/guardian or district knew or should have known about the alleged violation, unless an exception specified in law applies.

The request shall be filed within two years from the date the party initiating the request knew or had reason to know of the facts underlying the basis for the request. This timeline shall not apply if the district misrepresented that it had solved the problem or withheld required information from the parent/guardian. (Education Code 56505; 20 USC 1415; 34 CFR 300.507, 300.511)

District's Response to Due Process Complaints

~~Note: 20 USC 1415(e)(1), 34 CFR 300.508, and Education Code 56502 require the district to provide the following notice upon receipt of the due process complaint.~~

If the district has sent prior written notice to the parent/guardian regarding the subject matter of the parent/guardian's due process complaint, the district shall, within 10 days of receipt of the complaint, send a response specifically addressing the issues in the complaint. (20 USC 1415~~(e)(1)~~; 34 CFR 300.508)

If the district has not sent a prior written notice to the parent/guardian regarding the subject matter contained in the parent/guardian's due process complaint, the district shall send a response to the parent/guardian within 10 days of receipt of the complaint containing: (20 USC 1415~~(e)(1)~~; 34 CFR 300.508):

1. An explanation of why the district proposed or refused to take the action raised in the complaint
2. A description of other options that the IEP team considered and the reasons that those options were rejected
3. A description of each ~~evaluation~~ **assessment** procedure, assessment, record, or report the district used as the basis for the proposed or refused action
4. A description of the factors that are relevant to the district's proposal or refusal

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION (continued)

Upon the filing of a due process complaint by either party or upon request of the parent/guardian, the district shall inform the parent/guardian of any free or low-cost legal and other relevant services available in the area. (34 CFR 300.507)

Informal Process/Pre-Hearing Mediation Conference

Note: **20 USC 1415 mandates that the district's due process procedures include an opportunity for mediation.** ~~As an alternative to a due process hearing,~~ Education Code 56500.3 ~~provides that the parties may voluntarily participate in a mediation process conducted by a person under contract with the CDE~~ **establishes a state-level mediation process.** In addition, Education Code 56502 authorizes an informal meeting process conducted at the local level, as described in the following paragraph.

Prior to or upon initiating a due process hearing, the Superintendent or designee and a parent/guardian may, if the party initiating the hearing so chooses, agree to meet informally to resolve any issue(s) relating to the identification, assessment, education and placement, or provision of FAPE for a student with disabilities. ~~The Superintendent or designee shall have the authority to resolve the issue(s).~~ ~~In addition, either party may file a request with the Superintendent of Public Instruction for a mediation conference to be conducted by a person under contract with the California Department of Education.~~ (Education Code 56502)

In addition, either party may file a request with the ~~Superintendent of Public Instruction~~ **state Office of Administrative Hearings** for a mediation conference ~~to be conducted by a person under contract with the California Department of Education.~~ **(Education Code 56500.3)**

If resolution is reached that resolves the due process issue(s), the parties shall enter into a legally binding agreement that satisfies the requirements of Education Code 56500.3. (Education Code 56500.3)

Attorneys may attend or otherwise participate only in those mediation conferences that are scheduled after the filing of a request for due process hearing. (Education Code 56500.3, 56501)

State Compliance Complaints

Note: **5 CCR 3200-3205, as added by Register 2020, No. 21, require complaints alleging violation of federal or state law or regulation related to the provision of FAPE to students with disabilities to be submitted to CDE rather than being addressed through the district's uniform complaint procedures as described in BP/AR 1312.3 - Uniform Complaint Procedures. State compliance complaints differ from the due process complaints described above and are investigated and resolved by CDE.**

Pursuant to 34 CFR 300.152, if a written complaint is the subject of both a state compliance complaint and a due process complaint, or contains multiple issues which include one or more issues that are a

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

part of a due process hearing, CDE must set aside any part of the state compliance complaint that is being addressed in the due process hearing until the conclusion of the hearing.

Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization may file with the California Department of Education (CDE) a written and signed statement alleging that, within the previous year, any of the following occurred: (5 CCR 3200, 3201)

1. The district violated Part B of the Individuals with Disabilities Education Act (20 USC 1411-1419) and its implementing regulations (34 CFR 300.1-300.818).
2. The district violated Part 30 of the Education Code (Education Code 56000-56865) and 5 CCR 3200-3205.
3. The district violated the terms of a settlement agreement related to the provision of FAPE, excluding any allegation related to an attorney fees provision in a settlement agreement.
4. The district failed or refused to implement a due process hearing order to which the district is subject.
5. Physical safety concerns interfered with the provision of FAPE.

The complaint shall include: (5 CCR 3202; 34 CFR 300.153)

1. A statement that the district has violated or failed to comply with any provision set forth in 5 CCR 3201
2. The facts on which the statement is based
3. The signature and contact information for the complainant
4. If alleging violations with respect to a specific student, the student's name and address (or other available contact information for a homeless student), the name of the school that the student is attending, a description of the nature of the student's problem and facts related to the problem, and a proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed

The complainant shall forward a copy of the complaint to the Superintendent or designee at the same time the complaint is filed with CDE. (5 CCR 3202)

PROCEDURAL SAFEGUARDS AND COMPLAINTS FOR SPECIAL EDUCATION
(continued)

Note: Pursuant to 5 CCR 3203 and 34 CFR 300.152, CDE must complete its investigation of the state compliance complaint within 60 calendar days. This time limit may be extended only if (1) exceptional circumstances exist with respect to the particular complaint or (2) the complainant and the district agree to extend the time to engage in mediation. Within 30 days of the issuance of the investigation report, either the district or the complainant may request reconsideration of the decision. Within 60 days of receiving the request for reconsideration, CDE must respond in writing to the parties by either denying the request for reconsideration or modifying the investigative report.

Within 30 days of the date of CDE's investigation report, the district or complainant may request reconsideration of the decision in accordance with 5 CCR 3204. Pending CDE's response, any corrective actions set forth in the report shall remain in effect and enforceable, unless stayed by a court. (5 CCR 3204)

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Policy Reference UPDATE Service

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CSBA Sample Board Policy

Instruction

BP 6159.2(a)

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

Note: Education Code 56195.8 mandates any entity providing special education districts to adopt policies for the special education programs and services they operate, including nonpublic, nonsectarian services provided a policy related to its authority to enter into a contract with a nonpublic, nonsectarian school or agency for the provision of education and/or special services to students with disabilities when no appropriate public education program is available to meet the students' their special education needs. The nonpublic, nonsectarian school or agency (NPS/A) must be certified as meeting state standards pursuant to Education Code 56366 and 56366.1.

The following policy and accompanying regulation should be revised to comply with the policies and regulations of the Special Education Local Plan Area in which the district operates.

The Governing Board recognizes its responsibility to provide all district students, including students with disabilities, a free appropriate public education to students with disabilities in accordance with law. When the district is unable to provide direct special education and/or related services to students with disabilities, the Board may enter into a contract with a nonpublic, nonsectarian school or agency (NPS/A) to meet the students' student needs consistent with the comprehensive local plan of the Special Education Local Plan Area.

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 4112.23 - Special Education Staff)

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

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

In selecting nonpublic, nonsectarian schools or agencies with which the district may contract for the placement of any district student with disabilities, the Superintendent or designee shall follow the procedures specified in law and accompanying administrative regulation.

Note: Pursuant to Education Code 56366 and 56366.1, a district contracting with an NPS/A must verify that the NPS/A meets certification requirements. 5 CCR 3067 allows the district to request, in writing, that the California Department of Education review the certification status of an NPS/A.

Beginning in the 2020-21 school year, Education Code 56366.1, as amended by AB 1172 (Ch. 454, Statutes of 2019), also requires districts to verify that the NPS/A provides staff training in the use of evidence-based practices and interventions specific to the unique behavioral needs of the NPS/A's student population.

Prior to entering into a contract to place any student in a nonpublic, nonsectarian school or agency an NPS/A, the Superintendent or designee shall verify that the school or agency is certified to provide special education and related services to individuals with disabilities and

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

complies with staff training requirements in accordance with Education Code 56366 **and 56366.1**. In addition, the Superintendent or designee shall monitor, on an ongoing basis, the certification of any ~~nonpublic, nonsectarian school~~ **NPS/A** with which the district has a contract to ensure that the ~~school or agency's~~ certification has not expired.

Note: ~~Education Code 56195.8 mandates that the policy adopted by the entity providing special education include the following paragraph. Education Code 56342.1, as amended by SB 121 (Ch. 571, Statutes of 2012), prohibits a student's referral to, or placement in, a nonpublic, nonsectarian school unless the student's individualized education program team specifies that the placement is appropriate.~~

No district student shall be placed in ~~a nonpublic, nonsectarian school or agency~~ **an NPS/A** unless the student's individualized education program (IEP) team has determined that an appropriate public education alternative does not exist and that the ~~nonpublic, nonsectarian school or agency~~ placement is appropriate for the student. ~~In accordance with law, any student with disabilities placed in a nonpublic, nonsectarian school or agency shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, the procedural safeguards, due process rights, and periodic review of his/her IEP.~~ (Education Code ~~56195.8, 56342.1~~)

(cf. 6159 - Individualized Education Program)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

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

Note: Pursuant to Education Code 56365, students enrolled in an NPS/A are deemed to be enrolled in public schools for state apportionment purposes. Districts then pay to the NPS/A the full amount of the school tuition or, as amended by AB 1172, the agency fees for participating students.

The district shall pay to the NPS/A the full amount of the tuition or fees, as applicable, for students with disabilities who are enrolled in programs or receiving services provided by the NPS/A. (Education Code 56365)

In accordance with law, any student with disabilities placed in ~~a nonpublic, nonsectarian school or agency~~ **an NPS/A** shall have all the rights and protections to which students with disabilities are generally entitled, including, but not limited to, ~~the~~ procedural safeguards, due process rights, and periodic review of ~~his/her~~ **the student's IEP.**

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

During the period when any student with disabilities is placed in ~~a nonpublic, nonsectarian school or agency~~ **an NPS/A**, the student's IEP team shall retain responsibility for monitoring the student's progress towards meeting the goals identified in ~~his/her~~ **the** IEP.

Note: The following **optional** paragraph may be modified to reflect district practice.

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

The Superintendent or designee shall notify the Board prior to approving an out-of-state placement for any district student.

~~In accordance with Education Code 56366.2, †~~The Superintendent or designee may apply to the Superintendent of Public Instruction to waive any of the requirements of Education Code 56365, 56366, ~~56366.3,~~ and 56366.6. **(Education Code 56366.2)**

(cf. 1431 - Waivers)

Legal Reference: (see next page)

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

Legal Reference:

EDUCATION CODE

56034-56035 *Definitions of nonpublic, nonsectarian school and agency*
56042 *Placement not to be recommended by attorney with conflict of interest*
56101 *Waivers*
56163 *Certification*
56168 *Responsibility for education of student in hospital or health facility school*
56195.8 *Adoption of policies*
56342.1 *Individualized education program; placement*
56360-56369 *Implementation of special education*
56711 *Computation of state aid*
56740-56743 *Apportionments and reports*
56760 *Annual budget plan; service proportions*
56775.5 *Reimbursement of assessment and identification costs*
56836.20-56836.21 *Special education funding; SELPA contracts with nonpublic nonsectarian schools*

FAMILY CODE

7911-7912 *Interstate compact on placement of children*

GOVERNMENT CODE

7570-7587 *Interagency responsibilities for providing services to disabled children; especially:*
7572.55 *Seriously emotionally disturbed child; out-of-state placement*

WELFARE AND INSTITUTIONS CODE

362.2 *Out-of-home placement for IEP*
727.1 *Out-of-state placement of wards of court*

CODE OF REGULATIONS, TITLE 5

3001 *Definitions*
3051-3051.24 *Special education; standards for related services and staff qualifications*

3060-3070 *Nonpublic, nonsectarian school and agency services*

UNITED STATES CODE, TITLE 20

1400-1487 *Individuals with Disabilities Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

300.129-300.148 *Children with disabilities in private schools*

COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

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

*U.S. Department of Education, Office of Special Education and Rehabilitative Services:
<http://www.ed.gov/about/offices/list/osers>*

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Policy Reference UPDATE Service

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CSBA Sample Administrative Regulation

Instruction

AR 6159.2(a)

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION

Note: The following administrative regulation is optional and may be revised to reflect district practice and the procedures of the Special Education Local Plan Area in which the district participates. It contains procedures for implementing policy mandated for entities that contract with nonpublic, nonsectarian schools or agencies for the provision of special education services to students with disabilities when no appropriate public education program is available to meet those students' special education needs.

Master Contract

Note: Education Code 56366 and 56366.3 details the provisions that must be included in a master contract with nonpublic, nonsectarian schools or agencies (NPS/As) for the purpose of special education services.

Every master contract with between the district and a nonpublic, nonsectarian school or agency (NPS/A) shall be made on forms provided by the California Department of Education and shall include an individual services agreement negotiated for each student. Each master contract shall specify the general administrative and financial agreements for providing the special education and designated instruction and services, including The master contract shall be for a term not to exceed one year and shall be renegotiated prior to June 30. Provisions of the contract shall include, but not be limited to: (Education Code 56366; 5 CCR 3062)

1. Student-teacher ratios, as well as
2. Transportation if specified in a student's individualized education program (IEP). The administrative provisions of the contract shall include

(cf. 3541.2 - Transportation for Students with Disabilities)

The contract shall not include special education transportation provided through the use of services or equipment owned, leased, or contracted by the district for students enrolled in the NPS/A unless provided directly or subcontracted by that NPS/A.

3. Procedures for recordkeeping and documentation, and
4. The maintenance of school records by the district to ensure that appropriate high school graduation credit is received by any participating student.

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

(cf. 6146.1 - High School Graduation Requirements)

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

- 5. An individual services agreement for each student, which will be negotiated for the length of time for which NPS/A special education and designated instruction and services are specified in the student's IEP**
- 6. A description of the process to be utilized by the district to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include the NPS/A, including a method for evaluating whether each student is making appropriate educational progress.**
- 7. Procedures and responsibilities for attendance and unexcused absences**
- 8. General provisions related to modifications and amendments to the contract, waivers, disputes, contractor's status, conflicts of interest, termination, inspection and audits, compliance with applicable state and federal laws and regulations, and indemnification and insurance requirements**
- 9. Payment schedules, including, but not limited to, payment amounts, payment demand, right to withhold, and audit exceptions**

The contract may allow for partial or full-time attendance at the ~~nonpublic, nonsectarian school~~ **NPS/A**. (Education Code 56366)

~~(cf. 3541.2—Transportation for Students with Disabilities)
(cf. 3580—District Records)
(cf. 5125—Student Records)
(cf. 6146.1—High School Graduation Requirements)~~

~~Note: The nonpublic school or agency must be certified as meeting state standards pursuant to Education Code 56366. Contracts may be terminated for cause with 20 days' notice; however, the availability of a public education program initiated during the period of the contract cannot give cause for termination unless the parent/guardian agrees to transfer the student to the program.~~

~~The master contract shall include a description of the process to be utilized by the district to oversee and evaluate placements in nonpublic, nonsectarian schools. This description shall include a method for evaluating whether each student is making appropriate educational progress. (Education Code 56366)~~

With mutual agreement of the district and ~~a nonpublic, nonsectarian school or agency~~ **NPS/A**, changes may be made to the administrative and financial agreements in the master contract at any time, provided the change does not alter a student's educational instruction, services, or placement as outlined in ~~his/her~~ **the student's** individual services agreement. (Education Code 56366)

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

The master contract or individual services agreement may be terminated for cause if either party gives 20 days' notice. However, the availability of a public education program initiated during the period of the contract shall not give cause for termination unless the parent/guardian agrees to transfer the student to the program. (Education Code 56366)

Placement and Services

Note: In addition to the master contract with a nonpublic, nonsectarian school or agency, Education Code 56366 requires that an individual services agreement as specified in the following section be in place for any student with a disability to be served by any such nonpublic school or agency. Education Code 56342.1, as amended by SB 121 (Ch. 571, Statutes of 2012), prohibits a student's referral to, or placement in, a nonpublic, nonsectarian school unless the student's individualized education program team specifies that the placement is appropriate.

For each any student to be placed in an NPS/A, tThe Superintendent or designee shall develop an individual services agreement for each student to be placed in a nonpublic, nonsectarian school or agency based on the student's IEP. Each individual services agreement shall specify the length of time authorized in the student's IEP for the nonpublic, nonsectarian school NPS/A services, not to exceed one year. Changes in a student's educational instruction, services, or placement shall be made only on the basis of revisions to the student's IEP. (Education Code 56366)

(cf. 6159 - Individualized Education Program)

The IEP team of a student placed in a nonpublic, nonsectarian school or agency shall annually review the student's IEP. The student's IEP and individual services agreement shall specify the review schedules. (5 CCR 3069)

At least once each year, the district shall: (Education Code 56366)

Note: Pursuant to Education Code 56366, each student placed in an NPS/A will be administered the California Assessment of Student Performance and Progress by NPS/A staff who have attended the regular testing training sessions provided by the district or another local educational agency. Student assessment results are reported in accordance with the state's alternative accountability system (Dashboard Alternative School Status). See BP 0500 - Accountability.

1. Evaluate the educational progress of each student placed in an NPS/A, including a review of state assessment results
2. During the annual meeting held to review the student's IEP pursuant to Education Code 56343, consider whether the student's needs continue to be best met at the NPS/A and whether changes to the student's IEP are necessary, including whether the student may be transitioned to a public school setting

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

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

Prior to the annual review of a student's IEP, the Superintendent or designee shall notify any high school district to which the student may transfer of the student's enrollment in a ~~nonpublic, nonsectarian school or agency~~ **an NPS/A**. (5 CCR 3069)

When a special education student meets the district requirements for completion of **the** prescribed course of study as designated in the student's IEP, the district shall award the student a diploma of graduation. (5 CCR 3070)

(cf. 6146.4 - Differential Graduation and Competency Standards for Individuals with Exceptional Needs)

Out-of-State Placements

Note: Government Code 7572.55 and Welfare and Institutions Code 362.2 and 727.1 address the out-of-state placement of children who are seriously emotionally disturbed and/or wards of the court. Such placements may be made only after in-state alternatives have been considered and found not to meet the child's needs.

Before contracting with ~~a nonpublic, nonsectarian school or agency~~ **an NPS/A** outside California, the Superintendent or designee shall document the district's efforts to **use public schools and/or to** find an appropriate program offered by ~~a nonpublic, nonsectarian school or agency~~ **an NPS/A** within California. (Education Code 56365)

Within 15 days of any decision for an out-of-state placement, the student's IEP team shall submit to the Superintendent of Public Instruction a report with information about the services provided by the out-of-state program, the ~~related~~ costs **of the special education and related services provided**, and the district's efforts to locate an appropriate public school or ~~nonpublic, nonsectarian school or agency~~ **NPS/A** within California. (Education Code 56365)

If the district decides to place a student with ~~a nonpublic, nonsectarian school or agency~~ **an NPS/A** outside the state, the district shall indicate the anticipated date of the student's return to a placement within California and shall document efforts during the previous year to return the student to California. (Education Code 56365)

On-Site Visits

Note: Beginning with the 2020-21 school year, Education Code 56366.1, as amended by AB 1172 (Ch. 454, Statutes of 2019), requires a district that enters into a master contract with an NPS/A to conduct on-site visits to the NPS/A as described in the following section. Findings from the monitoring visit must be reported to CDE using criteria published by CDE.

NONPUBLIC, NONSECTARIAN SCHOOL AND AGENCY SERVICES FOR SPECIAL EDUCATION (continued)

The Superintendent or designee shall conduct an on-site visit to an NPS/A before the placement of a student at the school or agency, if the district does not have any other students currently enrolled at the NPS/A. (Education Code 56366.1)

At least once per year, the Superintendent or designee shall conduct an on-site monitoring visit to each NPS/A at which the district has a student attending and with which it maintains a master contract. The monitoring visit shall include, but is not limited to: (Education Code 56366.1)

- 1. A review of services provided to the student through the individual services agreement**
- 2. A review of progress the student is making toward the goals set forth in the student's IEP**
- 3. A review of progress the student is making toward the goals set forth in the student's behavioral intervention plan, if applicable**
- 4. An observation of the student during instruction**
- 5. A walkthrough of the facility**

The district shall report the findings resulting from the monitoring visit to CDE within 60 calendar days of the on-site visit. (Education Code 56366.1)

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AGENDA - October 15, 2020

ORGANIZATIONAL BUSINESS (5 min.)

9.1 Proposed List of Agenda Items for Future Board Meetings

Department/Category: DISTRICT ORGANIZATION AND BOARD OPERATION

Background Information:

The Board requested that a list of topics for future Board agendas be published monthly to inform the public of proposed Board reports, items that will be discussed, and items to be voted on by the Board.

Reports:

To assist the Board in planning, the topics listed below are tentatively scheduled for the months indicated. Dates may vary due to the availability of necessary information. The reports are in addition to regular information and action items such as personnel and business items which appear on the agenda every month.

November 12, 2020: Regular Board Meeting

- Board Policy Updates - Approval
- Learning & Instruction Update
- Student Services Update
- Deputy Superintendent Report: Department Updates
- Superintendent Report: LRP

December 17, 2020: Regular/Organizational Board Meeting

- Board Policy Updates - First Read
- First Interim Report
- Learning & Instruction Update
- Student Services Update
- Deputy Superintendent Report: Department Updates
- Superintendent Report: LRP

January 2021: Regular Board Meeting

- Board Policy Updates -Approval
- Learning & Instruction Update

- Student Services Update
- Deputy Superintendent Report: Department Updates
- Superintendent Report: LRP

February 2021: Regular Board Meeting

- Board Policy Updates -First Read
- Learning & Instruction Update
- Student Services Update
- Deputy Superintendent Report: Department Updates
- Superintendent Report: LRP

Financial Impact:

There is no impact to the general fund as a result of this report.

Superintendent's Recommendation:

LCAP Goals:

Moved _____ . Seconded _____

Ayes _____ Noes _____ Absent _____ Abstain _____ Student _____

AGENDA - October 15, 2020

ORGANIZATIONAL BUSINESS (5 min.)

9.2 Upcoming Meetings

Department/Category: DISTRICT ORGANIZATION AND BOARD OPERATION

Background Information:

- Regular Board Meeting, November 12, 2020
- Regular/Organizational Board Meeting, December 17, 2020

Superintendent's Recommendation:

LCAP Goals:

Moved _____ . Seconded _____

Ayes _____ Noes _____ Absent _____ Abstain _____ Student _____